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# **RESTORATIVE JUSTICE AND STUDENT DEVELOPMENT IN HIGHER EDUCATION: EXPANDING 'OFFENDER' HORIZONS BEYOND PUNISHMENT AND REHABILITATION TO COMMUNITY ENGAGEMENT AND PERSONAL GROWTH**

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## **ABSTRACT**

Conduct administrators on colleges campuses vacillate between punitive and rehabilitative responses to student misconduct. This chapter explores this tension and the emergence of restorative justice as a meaningful alternative to both. Restorative responses to misconduct express the moral disapproval that underlies the punitive approach, but do so with the social support that characterizes rehabilitation.

The chapter outlines how restorative justice has been implemented on the college campus, describing various models and the philosophies behind them, integrating theoretical perspectives from sociology, criminology and education.

It provides an overview of the STARR (STudent Accountability and Restorative Research) Project with evidence from 18 campuses that restorative practices enhance student development.

## **INTRODUCTION**

Francis Cummins, a college student, was suspended for drunk and disorderly conduct during his journey back to campus from a neighborhood bar. Soon after, his peers created a petition, signed by the majority of the student body, arguing that the penalty was too harsh. The college, they hoped, would tolerate the misconduct despite its obligations to ensure a safe learning environment and to uphold state laws and college policies. This incident and student response could easily have happened a semester ago, as the tension between student attitudes

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and administrative obligations is ongoing. However, Cummins was a student in 1807 at what is now called Princeton University [1, p. 80]. This chapter explores an alternative approach to this age-old conflict, one that focuses on dialogue and reintegration rather than authoritarian control and outcasting.

The history of discipline in American higher education institutions begins with harsh punishment. Colonial colleges made use of fines, suspension, expulsion, and various restrictions, but flogging and boxing (receiving blows to the head) were the most common sanctions [2]. A second punishment philosophy emerged in the 19<sup>th</sup> century, as the responsibility for discipline was transferred from faculty to newly-created positions called “dean of men” and “dean of women” [3]. These deans introduced psychological counseling and offered services that complemented the academic curriculum. Two centuries later, colleges and universities are still engaged in a “debate about whether sanctions for student misconduct should focus on education (helping students move to a higher stage of moral development) or on punishment (retribution)” [4, p. 43].

A third philosophy has emerged on college campuses in recent decades—restorative justice [5, 6]. This approach offers an alternative perspective that may ameliorate the tension between administrators and students and between punishment and rehabilitation. In this chapter, we will describe three models of campus discipline—punitive, rehabilitative, and restorative. We argue that restorative justice offers a coherent disciplinary philosophy that best serves students, harmed parties, and the larger community.

Restorative justice offers a response at both the individual and community level that meets the needs of community accountability while avoiding the counterproductive labeling and outcasting of offenders.

## **Dalhousie's Dilemma**

At Dalhousie University in Nova Scotia, Canada, in the fall of 2014, 13 male students in the School of Dentistry were accused of posting comments in their private Facebook group that endorsed gendered violence. “In one post, members were polled and asked, ‘Who would you hate fuck?’ They were given two [fellow students’] names to vote on... Another post shows a woman wearing a bikini. The caption says, ‘Bang until stress is relieved or unconscious (girl)...’ Their conversations also include jokes about using chloroform on women” [7]. At a time when college student sexual assault has been prominent in news headlines as well as a focus of US presidential executive orders and congressional legislation, it is not surprising that this incident generated heated debate about appropriate response [8, 9].

Campus conduct administrators are provided a set of sanctioning guidelines that incorporate an array of punishment goals. Most conduct administrators write their disciplinary policies based on model codes of student conduct published by leaders in the field [10, 11]. Dalhousie University’s Code of Student Conduct provides sanctioning guidelines that are a typical representation of these model codes [12]:

- a. Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.
- b. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary

- sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
- c. Loss of Privileges – Denial of specified privileges for a designated period of time.
  - d. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - e. Discretionary Sanctions – Work assignments, service to the University or other such discretionary assignments that are considered appropriate.
  - f. Conditions – Conditions may be imposed upon a student's continued attendance.
  - g. University Suspension – Suspension of the student from the University for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - h. University Expulsion – Permanent separation of the student from the University.

Embedded in this list are the three disciplinary philosophies. Restorative justice is reflected in the options for “restitution” and in community service as a “discretionary sanction.” Rehabilitation is not readily apparent, but is reflected in the options for “discretionary sanctions” and “conditions.” It is common for conduct administrators to refer students to counseling or participation in various mentoring or educational opportunities. Punitive justice is most visibly represented on the list and includes warnings, probation, loss of privileges, suspension and expulsion.

Though campus conduct offices hold the responsibility for punishing students who violate campus rules, they also share a goal of helping them learn from their mistakes. The Council for the Advancement of Standards in Higher Education specifies that “Student Conduct Programs in higher education must enhance overall educational experiences by incorporating student learning and development outcomes in their mission” [13]. However, this is not made explicit in the model sanctioning guidelines. The list available to Dalhousie conduct administrators seems predisposed towards punitive justice. That said, it does allow for rehabilitation and restorative justice.

Predominantly, this is a model of progressive exclusion. As the offense becomes more severe, the strategy is to further separate the student from the institution. This makes perfect sense if the goals are to express community disapproval of the behavior and to protect the campus community from further harm or risk. But this exclusion directly conflicts with the aspirations of rehabilitation and reintegration, which aim to restore the student's personal well-being and relationship to their school community. Suspension further strains this relationship, reducing the likelihood of school success while increasing student isolation.

This model also creates an implicit hierarchy of sanctions with a warning as the most merciful and expulsion as the most severe. Given these options, it is not surprising that an aggrieved community of protesters held signs that read, “ ‘Dalhousie hates women,’ ‘No more rape,’ and ‘Expel now,’ ” implying that unless the administrators expelled the students, they would be complicit with the accused students in supporting rape [14]. The protesters’ demands for expulsion were quickly endorsed by newspaper editorials, an online petition that gained over 40,000 signatures, refusals by alumni to make donations to the university, and a threat by the hacktivist group, Anonymous, to expose the names of the accused students unless they were expelled [15-18].

How should the university respond? Though expulsion is certainly tempting especially under intense public pressure, this kind of punitive justice has its costs. First, it is constrained

by due process. Each student must be found in violation of the university code of conduct. As reprehensible as the Dalhousie Facebook posts may be, it is not immediately obvious that they are conduct violations. Does posting comments—even tasteless and hateful ones—privately between friends online constitute a conduct violation or is it protected by the freedom of speech? Should a student be expelled for holding obnoxious beliefs? When does a code of conduct become a form of censorship that is anathema to liberal education? Punitive justice does not create a platform for addressing these questions. Instead it is polarizing—harmed parties resent when offenders are not found in violation of a policy even though they may have caused real harm. Under the threat of punishment, offenders resist admission of fault even when they know they have caused harm. Restorative justice provides a non-adversarial alternative to this problem.

### **The Restorative Solution**

Restorative justice operates from a different premise than punitive justice. Rather than specifying what rule was broken, the primary concern is about harm. Clearly, many people have been harmed by the dentistry students' Facebook group—not just fellow students, but alumni, university faculty and staff, perhaps even the wider community of dentists and their patients. Whether or not there is a conduct violation, restorative practices seek to identify who has been harmed and invite them to articulate exactly how and what they believe can be done to repair it. Although expulsion may still be the outcome of a restorative process, such a decision is framed differently. From a punitive perspective, the question is asked: "Should the students be expelled?" In restorative justice, we ask, "What can the students do to restore our confidence in their continued membership in the university community?" Rather than imposing authoritative decisions *on* the students, we use collective problem solving *with* the students. This approach always seeks reparation and reintegration.

Restorative practices are designed to accommodate expressions of moral disapproval—even outrage. The students do not escape the repercussions of community distrust. By having them face harmed parties who can directly articulate how they have been affected, it is more difficult for them to deny or diminish their responsibility. They do so, however, within a context of support. Indeed, it is expected that in a learning community, students will make mistakes and helping them learn from their mistakes is essential to the education of the whole person. In this way, reconciliation, reintegration and earned redemption are made possible.

Another problem with the expulsion ultimatum is that it is a conflation of needs with strategy. From a restorative perspective, expulsion is a strategy for aggrieved communities to meet a deeper need. The practice of inviting harmed parties to speak about how they have been impacted enables participants to identify underlying needs and then brainstorm ways to address them. Without this process, we cannot know what the harmed parties' needs are, or if expulsion, for example, is really the best or the only strategy to address them. It is likely that the many harmed parties have varied needs. They may want to be ensured a safe and respectful learning environment. They may want the leadership of Dalhousie University to dedicate new resources to eliminating sexual misconduct and an insidious "rape culture" [19]. They may want assurance that the students understand the seriousness of their misconduct, that they are remorseful and willing to take responsibility, and that they will do whatever it takes to regain the community's trust.

When administrators do not take a punitive perspective, they may view misbehaving students through the lens of rehabilitation. In this frame, students are perceived as somehow broken—ill-informed, immature, inconsiderate, but capable of reform. Rather than expelling the students, administrators may want them to take courses on gendered violence and receive counseling to treat their troubled, misogynistic view of women. But what is the obligation of a university to help these students? Should treatment trump the community outrage? Moreover, does treatment for these students address the broader rape culture that accepts and encourages such commentary? Many in an academic community wish to avoid the authority of punishment and the commitments of rehabilitation. But instead of withdrawing from these obligations, restorative justice is a community-centered response that focuses on the responsibilities of community membership and the natural support systems that exist within a learning community.

Dalhousie committed to a restorative justice approach. Such a process requires careful preparation and involves dialogue among the accused students, when they have admitted responsibility, and the people they have offended. A restorative process begins with meetings that allow harmed parties to describe how they have been impacted. All participants then consider what the students must do to take full responsibility and address the harms they have caused. The goal is also to understand the culture and context that contributed to these harms. To this end, the participants explore what others with responsibility and authority can do to change problematic underlying conditions identified through the process.

What kinds of outcomes could be possible from a restorative justice process? Again, it is impossible to specify exact solutions without identifying harms and underlying needs. Expulsion is possible, if the participants are unable to reconcile and harmed parties can see no path to reintegration. If the harmed dental students feel as if their learning opportunity will remain foreclosed, then it is possible for the students who caused the harm to be suspended until their cohort graduates.

During this period, they might undertake various efforts to regain trust. They could take coursework (elsewhere) on gendered violence. They could do meaningful volunteer work that demonstrates positive citizenship. Perhaps they could spend a year volunteering with Dentists Without Borders, if the participants agree that kind of experience would be sufficiently, genuinely transformative.

In this case, given the intense public reaction, regaining trust and making amends would be a demanding undertaking, potentially one so onerous that the students would choose to withdraw from the university rather than commit to redeeming themselves. The restorative response is certainly not the “easy out.” Of course, Dalhousie could expel them, treating the students as passive recipients of a punishment that might leave them chastened, but embittered, and with their education and careers in tatters. Or Dalhousie could help them be accountable proactively, engaging them in a restorative learning process. This process would not only rebuild trust, but invest them along with the larger community in significant efforts to solve the profound problem of gendered violence.

In the next sections, we examine more fully the three models of justice and how restorative justice offers a potential resolution to the ongoing tension between punitive justice and rehabilitation.

## PUNITIVE JUSTICE

Among the goals of criminal sanctioning, the desire for retribution is very prominent. Two motives underlie this retributive impulse, the first being practical. To ensure the offender does not profit from the criminal act, retribution requires a balancing of the cost/benefit equation. This often involves the imposition of some form of suffering: incarceration, monetary fines, physical labor, etc. The second motive is symbolic. Retribution reaffirms the moral order. As Clear indicates: "The retributive response serves to educate the offender and the punisher alike as to the forbidden nature of the conduct. It confirms the punisher's commitment to those moral norms, and it calls the lawbreaker's attention to the wrongfulness of the conduct... The imposition of the penal harm makes tangible the moral evaluation of the criminal's conduct, and it symbolizes the communities' outrage at the crime" (p. 10) [20].

Punitive justice has its benefits. Primarily, it sends a remarkably clear message to both the offender and the larger community. The transgression is intolerable. Incarceration is symbolically potent in a society that cherishes freedom. There is a cost imposed that erases any benefit accrued from the crime. This cost might be a specific deterrent to the offender that helps prevent recidivism, but also a general deterrent to others considering similar crimes. It also incapacitates the offender, limiting his or her potential, at least while incarcerated, to commit further crime. Mass incarceration in American society has occurred because imprisonment accomplishes this wide range of goals. Suspension and expulsion are the campus equivalents to incarceration. They similarly send a strong retributive message while providing for both incapacitation and deterrence.

### The Issue of Exclusion

The problem of punitive justice, however, is that many offenders resent the punishment, become defiant, and form oppositional subcultures that ultimately make the punishment counterproductive [21]. The problem of punishment and outcasting has its theoretical origins in labeling theory: "The person becomes the thing he is described as being" (p. 20) [22]. Tannenbaum's statement reflects a core concern of the labelists: the social reaction to the criminal incident impacts recidivism just as much, if not more, as the event itself and the prior proclivities of the offender.

Tittle distinguishes two basic propositions in labeling theory. First, "...the probability of being officially classified as a deviant is more heavily influenced by other variables, particularly social disadvantages, than by actual rule-breaking. Second, labelists argue that official classification as a deviant has pejorative consequences which result in rule-breaking by those who are labeled" (p. 163) [23]. Criminals are *criminals* not because of their crimes, but because other social disadvantages distinguished them (unfairly) from the larger pool. Not surprisingly, students of color are more likely to be labeled and suspended from school and become entangled in the criminal justice system [24].

And because of the criminal label, not because of prior proclivities, they are likely to commit further crimes. Restivo and Lanier found official labeling leads to increased delinquent self-identity, decreased pro-social aspirations, increased association with delinquent peers, and increased likelihood of subsequent offending [25]. Davies and Tanner affirmed the risk of this

process, finding that the labeling associated with suspension from school has long term employment and income consequences [26].

### **The Call for Inclusion**

The negative consequences of labeling can be avoided if the sanctioning of offenders is suffused with inclusionary rather than exclusionary social reactions. Orcutt drew this distinction when he suggested that inclusive reactions are “attempts to control rule infractions by bringing the present or future behavior of the rule-breaker into conformity with the rules of the group without excluding him from it. Exclusive reactions are those attempts at social control which operate to reject the rule-breaker from the group and revoke his privileges and status as an ordinary member” (p. 260) [27].

Braithwaite elaborates on Orcutt’s distinction and predicts that only “stigmatizing shame” will be counter-productive. He argues that shame can take two dramatically different forms. The first, which he calls stigmatizing or disintegrative shaming, involves a degradation of social status. However, stigmatizing shame is enacted without recognition of the potential consequences of status loss, particularly the severing of social bonds. In this sense, stigmatizing shame is retribution without repentance or reintegration.

Braithwaite reconciles the apparent pathogenic consequences of shame with a more optimistic application of shame in social control, drawing a distinction between stigmatizing and reintegrative shame. “Reintegrative shaming is conceived as labeling that reduces crime, stigmatization as criminogenic labeling” (p. 20) [21].

For Braithwaite, “potent shaming directed at offenders is the essential necessary condition for low crime rates. Yet shaming can be counterproductive if it is disintegrative rather than reintegrative. Shaming is counterproductive when it pushes offenders into the clutches of criminal subcultures; shaming controls crime when it is at the same time powerful and bounded by ceremonies to reintegrate the offender back into the community of responsible citizens (p. 4).

Braithwaite’s theory acknowledges the retributive need to re-affirm the moral order, but additionally claims that shaming must be followed by gestures of reconciliation and opportunities for conventional reintegration.

Such gestures may “vary from a simple smile expressing forgiveness and love to quite formal ceremonies to decertify the offender as deviant” (p. 55). Using these conventions, criminal justice systems and school conduct processes can avoid marginalization, staying sensitive to both affirmations of morality and inclusive reintegration.

Braithwaite and Mugford argue that reintegrative shaming occurs in restorative justice practices [28]. Here, shaming occurs not through the imposition of punishment, but as a result of an informal facilitated dialogue between offender and victim, as well as other affected parties such as family, friends, or neighbors of each.

Shame is evoked in offenders when they learn about the harm caused by their offense and the disappointment of their community. Therefore, they are able to feel ashamed of what they have done without internalizing that they are shameful people.

## **REHABILITATION AND THE PROBLEM OF MORAL ACCOUNTABILITY**

Advocates of punitive justice are often skeptics of rehabilitation. Typically traced to an article by Martinson in 1974, the “get tough on crime” era was justified by his review of studies on offender treatment and conclusion that “nothing works” [29]. Naturally, advocates of rehabilitation responded with a movement of their own, demonstrating “what works” in the treatment of various types of offenders. Contemporary meta-analyses confirm the effectiveness of offender treatment programs, while also demonstrating that punitive justice does little to reduce recidivism [30]. Rehabilitation hit a low point in the 1970’s, but never disappeared. Despite American public policies that have long favored punitive justice, the American public has consistently supported the need for treatment programs. Cullen cites various polling data including a 2012 study finding that 87 percent of Americans, including 82 percent of Republicans, agreed with this statement: “Ninety-five percent of people in prison will be released. If we are serious about public safety, we must increase access to treatment and job training programs so they can become productive citizens once they are back in the community” [30].

Despite its undercurrent of public support, rehabilitation as a punishment philosophy is generally weak. It does not clearly express moral disapproval of the offending behavior. Rather than being held accountable, the offender receives sometimes expensive public services that may be deprived of others who haven’t committed a crime. In this way, punitive justice can be seen as a more authentic form of consequence than rehabilitation.

While punitive justice and rehabilitation are quite different with regard to expressions of moral disapproval, they share similarities. In a way, both can be stigmatizing. According to Cullen, “The word ‘rehabilitation’ is pregnant with the understanding that offenders are not like us--normal people who do not break the law. There is something wrong with them that needs to be fixed” (p. 7) [30]. This distinction is isolating for offenders unless there are mechanisms in place to retain or strengthen community identification and membership.

Just as Braithwaite adeptly distinguished reintegrative shaming from stigmatizing, Bazemore argued for “relational rehabilitation” over “individual treatment” [31]. According to Bazemore, rehabilitation models typically suffer from an overly individualistic approach that fails to rebuild offender relationships with the community. “Treatment programs are isolated attempts to address the offender’s thinking and behavior... [and] the treatment model fails to address the role of relationships, group conflict, and the institutional and community context of crime causation... [and] also fails to build on naturally occurring supports that may enhance positive relationships and bonds with conventional community adults...[and] treatment programs have increasingly taken responsibility away from communities and the socializing institutions (e.g., schools and work) that service them” (158) [31].

### **A New Model for Rehabilitation**

In Bazemore’s view, rehabilitation should not occur solely at the individual level, outside the context of community. Instead, his model of “relational rehabilitation” is rooted in restorative justice. First, rehabilitation takes place through the process of participatory decision-



making that includes the offender, victims, and other members of the community. Second, this is done in the informal context of community institutions (such as schools, churches, and nonprofit conflict resolution centers) that provide people, especially youth offenders, with the “experiences and capacities needed to create bonds to the community and to educate and train community adults in how to facilitate bonding on a continuing basis” (p. 163) [31].

More recently, Sherman et al. argue that both offender rehabilitation (as evidenced by reduced recidivism) and victim psychological recovery occur in restorative justice practices because of the relational repair accessed by face-to-face dialogues [32, 33].

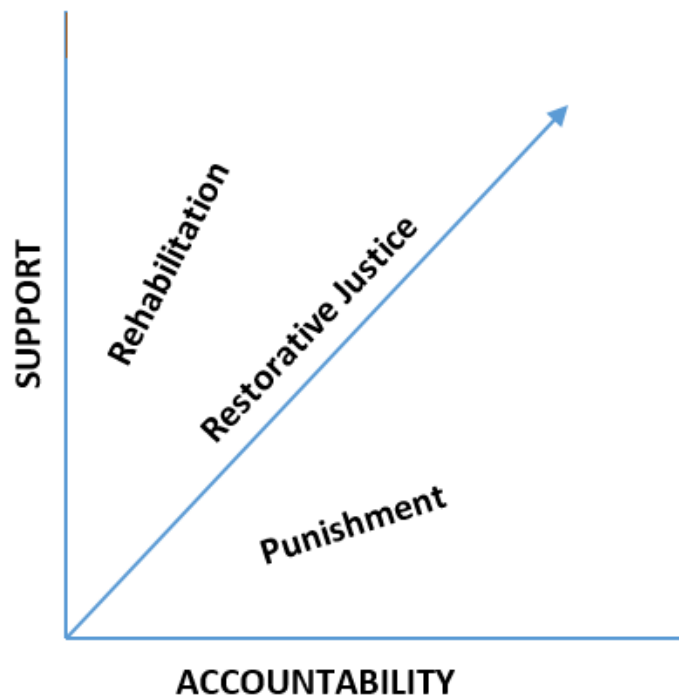
Following Collins’ theory of interaction ritual chains, they argue that the particular circumstances of the participants meeting together in a clearly defined, but relatively informal setting (compared to court or other administrative hearings) allows for a unique emotionally-transformative experience [34, 35]. “Offenders in RJ are many times more likely to admit that they breached their moral obligations, and by apologizing reaffirm their commitment to those obligations, than similar, willing, offenders who are not allowed to engage in RJ. The apologies offered in RJ are perceived by victims as sincere, as a further indication of a successful interaction ritual” (p. 391) [33]. This transformation, according to the theory, is made possible through the interaction between the participants. Individualistic rehabilitation efforts are less likely to yield such results.

Even for offenders who have been impacted by labeling and incarceration, restorative justice practices can assist their reintegration back into the community. According to Maruna, “Like the commission of a crime, the reentry of former prisoners represents a threat or challenge to the moral order, a delicate transition fraught with danger and possibility. Successful reintegration is a two-way process, requiring both effort on the part of the former prisoner (e.g., desistance, repentance), but also on the part of some wider community (e.g., forgiveness, acceptance). As such, reintegration appears to be an ideal candidate for the implementation of rituals that, by their nature, are supposed to generate feelings of solidarity and community among participants” (p. 13) [36].

One example of these restorative rituals are Circles of Support and Accountability, a practice that has been found to be remarkably effective at reintegrating high-risk sex offenders returning to the community from prison by building social support [37].

## **Restoring a Balance**

While punitive justice carries the risk of stigmatizing offenders and provoking further deviance through social labeling, it sends valuably clear messages of moral expectation and accountability. In effect, punishment is high on accountability, but low on the social support necessary for reintegration (see Figure 1). Rehabilitation, on the other hand, may not be as damaging to offender identities and future criminality, but its flaws are also significant. Rehabilitation fails to clearly express moral disapproval of the offending behavior, and while treatment may be individually supportive, it may not develop the social ties necessary for rebuilding community trust. Therefore, it is low on accountability, but high on support. Restorative justice offers a third way that combines the favorable characteristics of punitive justice and rehabilitation, while avoiding their disadvantages. It is both high on support and accountability.



**Figure 1. Restorative justice addresses both accountability and support.**

College and universities are highly conducive to implementing the restorative response. In the next section, we describe how restorative justice is being used in higher education.

## **BRINGING RESTORATIVE JUSTICE TO CAMPUS**

In a review of college student conduct administration, Lowery and Dannells argue that college student discipline has become too much like the criminal justice system. “The primary weakness resulting from these overly legalistic student judicial affairs systems is the creation of an increasingly adversarial environment. Within this environment, the educational focus of student judicial affairs is often lost” (p. 21) [38].

Rather than view offenders as outcasts or as broken, which automatically triggers a punitive or individual treatment response, restorative justice sees them as members of a “learning community.” This approach begins with replacing traditional labels by more constructive terms. Rejecting the adversarial, stigmatizing labels of “offender” and “victim,” RJ practitioners may instead call everyone involved “stakeholders” or “participants.” Offenders may be referred to as “responding students” and victims as “harmed parties.” In this way, restorative practices focus on the incident and its impact on the community, rather than judging the individual character of the “offender.” In a widely read essay, Cronon identifies ten goals of liberal education [39]. They broadly specify what a student should be able to do upon completion of a college education. Restorative justice is not limited to conduct outcomes, such as reduced recidivism, or even to co-curricular student development goals, but is also consistent with the broad goals of liberal learning.

**Table 1. The Goals of Liberal Education and the Practice of Restorative Justice**

Liberal Education	Restorative Justice
Ability to listen deeply (pay attention, track logical arguments, hear emotion and empathize)	Small group dialogues structured for deep listening
Ability to gain insight from a variety of sources	Focus on identifying the varied impacts of misconduct at the micro and macro level
Ability to communicate across difference	Inclusive dialogue process that invites authentic speech
Ability to write clearly, persuasively and movingly	Agreements often result in in-depth apology letters, research papers, and reflection essays
Ability to solve a wide variety of puzzles and problems	Group brainstorming that identifies actions to respond to specific harms often leads to creative solutions
Ability to rigorously seek truth	Dialogue that allows for multiple perspectives on the nature of an incident
Ability to practice humility, tolerance, and self-criticism	Process that elicits honest self-reflection and nonjudgmental listening
Ability to get things done in the world	RJ cultivates active accountability
Ability to nurture and empower the people around them	Focus on rebuilding trust and strengthening social ties to the institution
Ability to make connections between ideas and with people	RJ brings parties together for mutual understanding and reconciliation

Table 1 identifies how RJ goals and practices support liberal learning. The restorative justice approach reframes the age-old tension between punishing offenders and rehabilitating them to one of educational transformation.

### Restorative Models for Student Misconduct

Restorative practitioners employ a variety of practices on college campuses. Although the practices vary in technique they share restorative principles and aims.

- *Restorative Justice Conferences.* This model focuses on the facilitated dialogue between responding student and harmed parties. The participants are also invited to bring support persons. After a discussion of the harm, the participants (rather than conduct administrators) decide what steps the responding student can take to repair the harm. Trained facilitators guide the dialogue.
- *Restorative Justice Circles.* These are similar to RJ conferences, but borrow practices from indigenous traditions, especially the Native American practice of using a "talking piece." This is a symbolic object held by the speaker, indicating that no one else should speak. The talking piece is passed clockwise around the circle, creating a different rhythm of the dialogue than a conference. Circles are used for a variety of purposes beyond post-conflict conferences and decision making. Often they are used for

discussion of difficult campus issues or serving to build community in residence halls. These discussions foster mutual respect that proactively prevents misbehavior.

- *Restorative Justice Boards.* These have the structure of more traditional conduct hearing boards with standing board members that may be drawn from faculty, staff, and students. However, they focus on RJ principles of identifying and repairing harm and rebuilding trust. Harmed parties are invited, but are not required for the board to proceed. While conferencing proceeds only when a student has admitted responsibility for a violation, boards can be employed to make this determination.
- *Restorative Justice Administrative Hearings.* Because most campuses rely on one-on-one administrative hearings to manage their caseloads, many have incorporated restorative practices into their hearings. Typically, this would include an emphasis on identifying what harm was caused by the offense and how the student can repair it. But it can also include inviting harmed parties to participate in the hearing, essentially transforming the hearing into a RJ conference.
- *Circles of Support and Accountability.* Based on the CoSA model that is used for high-risk sex offenders returning to the community from prison, this is a model for reintegrating students back to the campus community after a period of suspension. Students, faculty and staff may serve as volunteers in the circle and they are supported by trained staff and administrators.

## The Process in Four Steps

Four process steps guide the restorative approach (see Table 2). First, participants in the process seek to create an atmosphere of trust and support, emphasizing the shared community membership of the participants.

The goal is to avoid adversarial proceedings in favor of cooperative decision-making and full participation of the key stakeholders [40].

**Table 2. Four Steps Toward a Successful Restorative Process**

<p><i>1. Establish common ground</i> Create a space that encourages the full participation of responding students and harmed parties.</p> <p><i>2. Identify the impact of the violation</i> Work with harmed parties and responding students to figure out what harm was done. Pay attention to personal harm (physical, emotional), material harm (lost or damaged property), and communal harm (material harm to community spaces or intangible harms, such as public fear and anger).</p> <p><i>3. Strategize repair and reintegration</i> Work together to identify the best way to fix the damage done. Also, identify ways that the responding student can demonstrate their commitment to the community and become more closely tied to the values and behaviors of a responsible community member.</p> <p><i>4. Build support systems to ensure success</i> Help participants access community and campus resources to aid recovery and succeed academically. Provide mentoring and assistance to help responding students complete reparative agreements.</p>
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Second, participants share what happened during the incident, while facilitators synthesize their stories into an identifiable list of harms. Third, the participants brainstorm ways to both repair the harm and rebuild trust between the responding student and the harmed community. An agreement is specified that delineates tasks and a timeline of restoration and reintegration. Fourth, when needed, support systems are developed for both harmed parties and responding students. Circles of Support and Accountability may be created to assist responding students and reassure harmed parties after a period of separation from the institution.

## Reparative Sanctions

Restorative practices attempt to respond to three types of harm: apologies for emotional harm; restitution for property damage or loss; and community service projects for communal harm. They also respond to the need to rebuild trust by ensuring acknowledgement and understanding of harm, responding to risk factors, and strengthening social ties.

*Acknowledgement and Apology.* Emotional harm is partly addressed through apology, something harmed parties want, but rarely receive [41]. Retzinger and Scheff argue that reconciliation is predicated on a core sequence: “This process involves the social rituals of respect, courtesy, apology, and forgiveness... The ideal outcome... is constituted by two steps: the offender first clearly expresses genuine shame and remorse over his or her actions. In response, the victim takes at least a first step towards forgiving the offender for the trespass. The core sequence generates repair and restoration of the bond between victim and offender” (p. 316) [42]. The sanctioning process, therefore, must begin with an acknowledgement of responsibility by the responding student for the offense, articulated through an apology. RJ practitioners will often mentor students in the apology writing process by helping them craft letters that contain (a) an acknowledgement of responsibility, (b) a delineation of how the behavior was harmful, (c) an expression of remorse, (d) a specification of how they will make amends and regain community trust.

*From fines to restitution.* Restitution is a way to repair material harm. From the perspective of restorative justice, this sanction is notably distinct from fines. Fines are imposed as a punishment in order to deter the misbehavior and, presumably, to generate revenue. Restitution is collected in order to pay back a harmed party for lost or damaged property as a result of the offense. The amount of a fine is determined by the deterrent need and is independent of the particular offense. Restitution is determined by the extent of harm. From the perspective of the responding student, fines are likely to be perceived as arbitrary since the rationale for the amount is not transparent. More problematic, fines create moral ambiguity [43]. In a market society, goods and services have prices, but are morally neutral. If misbehavior is fined, the message of moral disapproval is easily obscured. Instead, we communicate that the behavior is acceptable, “if you can afford it.” Restitution, on the other hand, is paid in order to make amends. By clearly identifying the material harm, the responding student learns why the behavior is morally unacceptable.

*Enlightened community service.* Community service is widely used in college conduct administration, yet it is not often restorative. Community service can be misused as a retributive device. This is the case when it is merely a substitution for another punishment, interchangeable with other “unpleasant” sanctions. This is just the wrong message to send to someone in need of community reintegration. Community service is central to a restorative approach when used

correctly because it addresses harm to the community. As restitution should be distinguished from fines, so should restorative community service be distinguished from punitive service [44].

Community service, properly understood, is a mechanism of reintegration for responding students because it provides a venue for making their prosocial efforts visible to others, fostering positive social ties with the campus community. It is also a means of reframing individual student misconduct as a community issue. Since the problems that appear before conduct administrators generally speak to the broader issues of student culture, service projects linked to the offense become vehicles of community education.

The student who uses hate speech might work with a diversity specialist to organize a campus event on multi-cultural issues; the drunk driver might work with MADD (Mothers Against Drunk Driving) to bring a relevant speaker to campus; the student who downloaded a term paper from the internet might organize a session during freshman orientation regarding the standards of academic integrity. Community service sanctions may be endlessly creative as they seek to change the underlying social norms that reinforce individual misbehavior.

## **Reintegrative Sanctions**

Beyond the consideration of repairing harm, restorative processes also pose the question: “What can be done to rebuild trust so that we feel confident about the responding student’s membership in the community?” Tasks that answer this question are designed to reintegrate the student as a member of the community in good standing. During the RJ process, participants continuously evaluate their level of trust in the student. Many, because of their sincere expressions of remorse, willingness to make amends, and stated commitment to future responsible behavior, convince the participants of their trustworthiness. Often, however, participants will seek additional reassurances.

A typical strategy is the reflective essay. Responding students may write about the incident, examining their responsibility and how they may avoid repeating the mistake. They may conduct research on the damage caused, such as tabulating the costs of vandalism to a residence hall and providing recommendations for prevention.

Another strategy is to ask the students to join a campus group so they will become more invested in the community. Sometimes, responding students may be asked to seek assistance, for instance by getting an alcohol abuse screening or academic tutoring. Of course, the participants in a restorative justice process are not therapists, and their task is not to diagnose and treat psychological problems. They cannot order treatment, but may require an initial visit to someone with specialized expertise.

The spirit of reintegrative sanctions is not rehabilitation per se. Instead, it is to establish criteria for successful community membership. As they become more involved in both academic and co-curricular life, they are more likely to become more responsible.

## **RESTORATIVE JUSTICE AND STUDENT DEVELOPMENT**

If the conduct process is meant to be a learning experience, then we need to identify specific learning goals. Although past literature on college student conduct administration has not specified learning outcomes, a broader literature has identified learning goals specific to the developmental stage of traditional-aged (18-22) college students [45]. Integrating several student development theories, Karp and Sacks identified six student development goals: Just Community/Self-Authorship, Active Accountability, Interpersonal Competence, Social Ties to the Institution, Procedural Fairness, and Closure [46]. Below we review these goals and empirical evidence supporting the claim that restorative practices enhance student learning more than traditional disciplinary practices.

### **1. Just Community/Self-Authorship**

One essential developmental outcome is the movement from extrinsic moral motivation to intrinsic. Rather than comply with community standards because the student fears the punitive consequences of misbehavior, student affairs professionals wish to have students internalize these norms because they share the community's values and recognize the wrongfulness of misconduct. Student development theorists point to two mechanisms through which this internalization occurs—the Just Community approach and Self-Authorship. Both require the active participation of the student in the decision-making process.

Ignelzi's "Just Community" approach to student development incorporates Kohlberg's theory of moral development, Dewey's ideas of democratic community, and Durkheim's theory of moral education [47]. The Just Community is a "participatory democracy in which students and advisors share power and authority in setting their own community norms and making decisions that affect the community." It allows individual students to gain "direct, active experience in the democratic process, which facilitate[s] understanding of the complexities and mechanics of managing a democratic system and provide[s] opportunities for developing skills to influence an ethical governing process" (p. 193) [47]. In a student conduct context, a just community offers responding students a voice in the process. Rather than be passive recipients of a decision-making process external to them, they become part of the decision-making process, taking an active role in rectifying the situation.

Similarly, Baxter Magolda's research built on Kegan's concept of Self-Authorship [48]. She describes Self-Authorship as the "shift of meaning-making capacity from outside the self to inside the self" (p. 268). In a student conduct situation, "meaning-making" would refer to the student's ability to understand the impact of their misbehavior on others, locate their behavior within the context of community membership, and imagine alternative future pathways that demonstrate personal responsibility.

Baxter Magolda wrote "Self-authorship evolves when the challenge to become self-authoring is present and is accompanied by sufficient support to help an individual make the shift to internal meaning making" (p. 269) [48]. Internalization of standards occurs when students are confronted about their misconduct, but also supported in a reflection process that helps them understand their behavior and its implications for themselves, others, and their place in the community.

Both the Just Community and Self-Authorship approaches point to the internalization of community standards so that student behavior is guided by conscience and recognition of the ethical responsibilities inherent in community membership.

## **2. Active Accountability**

Taking responsibility for misdeeds is a central theme in student development. This is reflected in Chickering and Reisser's well-known "seven vectors" of identity development, Kohlberg's "three stages" of moral development, and Rest's "four components" of moral development [49-51]. All of these theorists emphasized the movement toward independent moral decision-making, which is less reliant on obedience to authority and motivated instead by a sense of personal responsibility. Legal scholars Braithwaite and Roche emphasized the important shift from passive to active accountability [52]. Traditional, retributive conceptions of accountability are passive; the offender is identified as responsible for the transgression and subject to the community's determination of a commensurate punishment. The core question for retribution is "What must be done to the offender to reassure the community that such behavior will not be tolerated?" The community acts; the offender receives.

Braithwaite and Roche advocated a restorative justice philosophy of accountability, which is active. "Our argument is not that restorative justice abandons passive responsibility, but that restorative justice uses passive responsibility to create a forum in which active responsibility can be fostered. Restorative justice, then, is about shifting the balance from passive responsibility toward active responsibility" (p. 64) [52]. The core question now becomes: What must be done to rectify the damage caused by the transgression? The responding student is a central player in the decision-making process in a way that is highly consistent with student development. The responding student acts; the community receives.

For Active Accountability, the student must understand not only that the behavior was a violation of rules, but also the consequences of the behavior on others. He or she must also be treated as an autonomous actor capable of taking responsibility for making things right. This would include repairing the harm and demonstrative steps that reassure the community that the student can be trusted going forward.

## **3. Interpersonal Competence**

In the age of Facebook and text messaging, it is a common refrain that students lack the ability to speak openly and honestly with each other face-to-face. Chickering and Reisser argued, "Interpersonal competence entails not only the skills of listening, cooperating, and communicating effectively, but also the more complex abilities to tune in to another persona and respond appropriately, to align personal agendas with the goals of the group, and to choose from a variety of strategies to help a relationship flourish or a group function" (p. 186) [49]. Of course, many student conduct violations have their roots in students' inability to listen, cooperate, and communicate. In a student conduct context, interpersonal competence would include the ability to listen to others' perspectives, express remorse, and repair fractured relationships at least to the point that students in conflict can safely and civilly co-exist in the campus community.



A natural educational outcome of a student conduct process would be to help students become more interpersonally competent. This may be achieved through the motivational interviewing strategies of a one-on-one conduct meeting, through sanctions that incorporate social interaction, and through the often-difficult face-to-face dialogue between responding students and harmed parties in a restorative justice process [53].

#### **4. Social Ties to the Institution**

While conduct administrators often separate a student from the institution in order to protect the safety of the campus, suspension severs social bonds. Student success is typically tied to retention and academic achievement. From a student affairs perspective, alienation from the campus community is not only a risk factor for academic failure, but for misconduct. Just as owners are more likely to keep up their properties than renters, students who feel a strong sense of membership are more likely to abide by the community's standards. They have more to lose by engaging in misconduct. A sociological approach to student misconduct foregrounds the student's social ties to the campus community. While not dismissing individual risk factors, which are typically addressed through treatment interventions, like academic or psychological counseling, the sociological approach focuses on rehabilitating the student's social ties. As Bazemore wrote, "If the crime is viewed as the result of weak bonds, a relational rehabilitation must be focused primarily on strengthening the offender's ties or bonds to conventional adults and peers" (p. 786) [54].

#### **5. Procedural Fairness**

Fair treatment is the cornerstone of a just student conduct process. The authors of a widely-adopted model code of student conduct remind conduct administrators that, "whatever process it adopts, the institution will want to remember the basic student affairs precept that it is important to treat all students with equal care, concern, honor, fairness, and dignity" (p. 15) [11]. This is important from an ethical perspective and from an institutional liability perspective. But it is also important from a student development perspective.

Tyler argues that when people are treated fairly, "...they view law and legal authorities as more legitimate and entitled to be obeyed. As a result, people become self-regulating, taking on the personal responsibility for following social rules" (p. 308) [55]. Students are more likely to conform to college policies when they understand their purpose and do not view them as arbitrary. Moreover, they will have greater trust in campus authorities when they do not believe they will be singled out and treated differently than other students.

Thus, even when they are caught and sanctioned for misconduct, a student development goal is to have them conclude that the process was fair to them.

#### **6. Closure**

Although typically used as a measure of program success, participant satisfaction with the conduct process is also a student development goal. In particular, satisfaction with the process

leads to closure—facing up to the misconduct, learning from it, but not letting it become an obstacle to future success. In other words, the student conduct process should enable students to learn from their mistakes and move on.

Participation in a conduct process can be stressful. Many responding students suffer under the shame of being caught and sanctioned. They are uncertain about what might happen to them both formally and in their social worlds. Mischel and DeSmit note, “Anxiety, rumination, and preoccupation undermine self-regulation, particularly if the conflict is a complex one that requires abundant mental resources for successful resolution” (p. 264) [56]. Therefore a necessary developmental outcome is to simultaneously accept responsibility for the behavior, but compartmentalize it to be able to continue functioning as a student.

A major pathway to closure is the student’s experience with the conduct process. A satisfying experience is one that helps reduce their anxiety and rumination while increasing their sense of purpose and direction. A positive experience can lead to closure, enabling them to confidently pursue future goals, including actively taking responsibility, rather than to anxiously mull over the past.

### ***Testing the Theory***

These six learning goals were used to measure the student development that resulted from college restorative processes. In Karp and Casey’s STARR Project (STudent Accountability and Restorative Research Project), data was collected to obtain information about conduct cases that varied by type of violation, type of conduct process (traditional vs. restorative justice), and type of institution [46].

The project included data from 659 conduct cases at 18 college and university campuses in the United States. Schools were recruited with an intentional strategy to provide geographic and institutional variety, especially with regard to their conduct practices. As such, we collected seminal data on the effect of different conduct practices on student development.

Participants in the conduct process including conduct administrators, responding students, and harmed parties were surveyed. Scales were constructed as measures of the six goals of student development defined above. Indicators of the theoretical dimensions were selected not only for theoretical validity but also for their applicability to student conduct administration. The following table outlines the items for each scale and measures of statistical reliability (Chronbach’s Alpha).

This study provided a robust set of findings about learning outcomes in the student conduct process. Using multiple regression to control for a variety of influences, we determined that the type of conduct process used is the single most influential factor in student learning. We consistently found that restorative justice practices have a greater impact on student learning than traditional conduct hearings. On all six student development measures, the only item that consistently helped to explain the variance observed in reported learning was the disciplinary process. Students who engaged in restorative practices reported more developmental learning on all six scales. One reason why learning may be greater with restorative practices is that student development is a holistic enterprise focused on moral concern, citizenship, and emotional intelligence.

Traditional practices tend to focus on facts and procedures—Did the student violate the code of conduct? Did the process ensure that evidence was reviewed impartially? Are sanctions proportionate to the severity of the offense? Questions pertaining to the mindset of the responding student are predicated on deterrence—Did the student understand the rules? Did he

or she recognize how the behavior jeopardizes the student's future? What action steps can be taken to ensure better judgment going forward? Restorative justice leads to a different line of inquiry, less focused on conformity and reason than on empathy and engagement.

**Table 3. Six measures of student development based on items from the responding student survey**

<p><i>Active Accountability: "I took responsibility" (<math>\alpha = .71</math>):</i></p> <ul style="list-style-type: none"> <li>• How much did the process help you to take responsibility for the consequence of the incident?</li> <li>• To what extent did the outcome focus on repairing the harm that was caused by this incident?</li> <li>• To what extent did the outcome create opportunities to respond to larger social issues that are relevant to the incident (such as relevant community service, research on alcohol issues, etc.,)?</li> </ul> <p><i>Interpersonal Competence: "I talked it out" (<math>\alpha = .75</math>):</i></p> <ul style="list-style-type: none"> <li>• How much did the process help you to understand the point of view of those most affected?</li> <li>• To what extent did the process offer an opportunity to give a sincere apology to those most affected?</li> <li>• To what extent was a sincere apology offered during this process?</li> <li>• To what extent would you now feel comfortable seeing the others involved in the incident around campus or in the community?</li> </ul> <p><i>Social Ties to the Institution: "I belong here" (<math>\alpha = .76</math>):</i></p> <ul style="list-style-type: none"> <li>• How much did the process help you to understand your responsibilities as a member of the community?</li> <li>• As a result of this process, I have a greater appreciation for the campus administrators involved in my case (such as deans, residential life staff, conduct officers, etc.,).</li> <li>• As a result of this process I have a greater appreciation for campus safety officers.</li> </ul> <p><i>Procedural Fairness: "That was fair" (<math>\alpha = .74</math>):</i></p> <ul style="list-style-type: none"> <li>• To what extent did you receive the information needed for you to confidently participate in this process?</li> <li>• How much did the process include people who could offer you counsel and support?</li> <li>• To what extent did you feel respected throughout the process?</li> <li>• To what extent was the process fair to all parties?</li> </ul> <p><i>Closure: "I'm ready to move on" (<math>\alpha = .87</math>):</i></p> <ul style="list-style-type: none"> <li>• Overall, how satisfied are you with the way this process was handled?</li> <li>• Overall, how satisfied are you with the outcome of this process?</li> <li>• How much did the process help you bring closure to this situation?</li> </ul>
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The wrongfulness of the behavior is predicated on the hurt rather than the proof of rule-breaking. Responding students are first asked to listen to the accounts of those harmed by their behavior, and these emotional appeals are often effective in eliciting expressions of contrition

and remorse. When harmed parties hear a student admit fault, they often respond with, if not forgiveness, then appreciation of the student for taking responsibility. This is important groundwork for cooperative, inclusive decision-making about a just response to the misconduct and building support systems to reassure the group of the student's continued membership in the community. The lessons from this experience are in greater alignment with the overarching goals of college student development.

## CONCLUSION

Restorative justice is an approach that aligns closely with the aspirational goals of student discipline, student development, and liberal education. Its transformative potential is epitomized by the case at Dalhousie University. Rather than seek punishment—expulsion—or rehabilitation, the university chose a restorative process designed to empower both harmed parties and responding students. As part of the process, and in response to widespread calls for traditional punishment, the women in the dentistry class and the members of the offending Facebook group joined together to issue a public statement. They boldly affirmed their commitment to a process that would help lead to mutual trust rather than traditional processes that would enforce stigmatizing labels and isolation.

We are all committed to working together within the restorative justice process to deal with the specific and broader issues and harms connected to the Facebook group. Through this process we are dealing with the immediate incident at hand while also investigating the contributing factors that got us here as a class, faculty, and university... We believe that the education and perspective that we are gaining through our participation in the restorative justice process will allow us to be better healthcare providers, colleagues, and representatives of Dalhousie University... [and] will make significant contributions to the important public discussions about sexism, misogyny, inclusion, and professionalism. [57]

Whereas punitive justice and rehabilitation would have excluded the harmed parties from the sanctioning process, restorative justice kept them actively involved. If Dalhousie's conduct model had favored punitive justice, both the responding students and harmed parties would have their wishes undermined by a standardized use of sanctions.

If its model had relied on rehabilitation, these students would not have experienced the collaborative work and deeply responsible learning that is essential to their process of reconciliation.

Alternatively, the university's dedication to restorative justice is a commitment to reparation and reintegration. It is a commitment to building a community of learning that does not seek to "expel" its problems beyond the walls of the Ivory Tower. It is a commitment to a form of justice that supports rather than stigmatizes, engages rather than isolates, empowers rather than silences, and teaches that meaningful accountability can rebuild a fractured campus community.

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## REFERENCES

- [1] Hoekema, D. A. (1994). *Campus rules and moral community*. Lanham, MD: Rowman and Littlefield.
- [2] Dannells, M. (1997). *From discipline to development: Rethinking student conduct in higher education*. Washington, D.C.: The George Washington University Graduate School of Education and Human Development.
- [3] Waryold, D. M. and Lancaster, J. M. (2008). The professional philosophy of student conduct administration. In: J. M. Lancaster and D. M. Waryold (Eds.), *Student Conduct Practice (6-13)*. Sterling, VA: Stylus.
- [4] Wilson, J. (1996). Processes for resolving student disciplinary matters. In: W. L. Mercer (Ed.), *Critical issues in judicial affairs: Current trends in practice (35-53)*. San Francisco: Jossey-Bass.
- [5] Karp, D. R. and Allena, T. (Eds.). (2004). *Restorative justice on the college campus: Promoting student growth and responsibility, and reawakening the spirit of campus community*. Springfield, IL: Charles C Thomas.
- [6] Karp, D. R. (2013). *The little book of restorative justice for colleges and universities: Repairing harm and rebuilding trust in response to student misconduct*. Intercourse, PA: Good Books.
- [7] CBC News. (2014a, Dec. 15). Dalhousie University probes misogynistic student "Gentlemen's Club." *CBC News*. Retrieved from <http://www.cbc.ca>.
- [8] Bogdanich, W. (2014, July 12). Reporting rape, and wishing she hadn't: How one college handled a sexual assault complaint. *New York Times*. Retrieved from <http://www.nytimes.com>.
- [9] Stratford, M. (2014, July 31). Sex assault bill unveiled. *Inside Higher Ed*. Retrieved from <http://www.insidehighered.com>.
- [10] Pavela, G. (1979-1980). Limiting the "pursuit of perfect justice" on campus: A proposed code of student conduct. *The Journal of College and University Law*, 6, 137-160.

- [11] Stoner, E. and Lowery, J. (2004). Navigating past the 'spirit of insubordination': A twenty-first century model student conduct code with a model hearing script. *Journal of College and University Law*, 31, 1-77.
- [12] Dalhousie University (2014). *Code of conduct*. Retrieved from <http://www.dal.ca>.
- [13] Dean, L. (2009). *CAS Professional Standards for Higher Education* (7<sup>th</sup> ed.). Washington, D.C.: Council for the Advancement of Standards in Higher Education.
- [14] Goodyear, S. (2014, Dec. 19). Dalhousie protesters demand dentistry students be expelled over Facebook group. *The Toronto Sun*. Retrieved from <http://www.torontosun.com>.
- [15] Chronicle Herald. (2014, December 22). Dalhousie must act decisively in dentistry misogyny. *The Chronicle Herald*. Retrieved from <http://thechronicleherald.ca>.
- [16] Change.org. 2014. Expel the Students who were members and/or participated in the Facebook group called 'Class of DDS 2015 Gentlemen.' = Retrieved from <https://www.change.org>.
- [17] CBC News. (2014b, Dec. 23). Dalhousie dentistry Facebook scandal has some alums pulling funding. *CBC News*. Retrieved from <http://www.cbc.ca>.
- [18] Bruce, S. (2014, Dec. 24). Anonymous says it will name Dalhousie dentistry students if demands not met. *The Chronicle Herald*. Retrieved from <http://thechronicleherald.ca>.
- [19] Fletcher, P. R. (2010). Dismantling rape culture around the world: A social justice imperative. *Forum on Public Policy: A Journal of the Oxford Round Table*, 4, 1-13.
- [20] Clear, T. R. (1994). *Harm in American penology: Offenders, victims, and their communities*. Albany: State University of New York Press.
- [21] Braithwaite, J. (1989). *Crime, Shame, and Reintegration*. Cambridge: Cambridge University Press.
- [22] Tannenbaum, F. (1938). *Crime and the Community*. New York: Ginn.
- [23] Tittle, C. R. (1975). Labeling and crime: An empirical evaluation. In: W. R. Gove (Ed.), *The Labeling of Deviance: Evaluating a Perspective* (157-180). New York: Wiley.
- [24] Noguera, P. A. (2003). Schools, prisons, and social implications of punishment: Rethinking disciplinary practices. *Theory into Practice*, 42, 341-350.
- [25] Restivo, E. and Lanier, M. M. (2015) Measuring the contextual effects and mitigating factors of labeling theory. *Justice Quarterly*, 32, 116-141.
- [26] Davies, S. and Tanner, J. (2003). The long arm of the law: Effects of labeling on employment. *Sociological Quarterly*, 44, 385-404.
- [27] Orcutt, J. D. (1973). Societal reaction and the response to deviation in small groups. *Social Forces*, 52, 259-67.
- [28] Braithwaite, J. and Mugford, S. (1998). Conditions of successful reintegration ceremonies." In: D. R. Karp (Ed.), *Community Justice: An Emerging Field* (279-326). Lanham, MD: Rowman and Littlefield.
- [29] Martinson, R. (1974). What works? Questions and answers about prison reform. *Public Interest*, 35, 22-54.
- [30] Cullen, F. (2013). Rehabilitation: Beyond nothing works. *Crime and Justice*, 42, 299-376.
- [31] Bazemore, G. (1999). After shaming, whither reintegration: Restorative justice and relational rehabilitation. In: G. Bazemore and L. Walgrave, L. (Eds), *Restorative juvenile justice: Repairing the harm of youth crime* (155-194). Monsey, NY: Willow Tree Press.

- [32] Sherman, L. W., Strang, H., Mayo-Wilson, E., Woods, D. and Ariel, B. (2015). Are restorative justice conferences effective in reducing repeat offending? Findings from a Campbell systematic review. *Journal of Quantitative Criminology*, 31, 1-24.
- [33] Sherman, L. W., Strang, H., Angel, C., Woods, D., Barnes, G. C., Bennett, S. and Inkpen, N. (2005). Effects of face-to-face restorative justice on victims of crime in four randomized, controlled trials. *Journal of Experimental Criminology*, 1, 367-395.
- [34] Collins, R. (2004). *Interaction ritual chains*. Princeton, NJ: Princeton University Press.
- [35] Rossner, M. (2013). *Just emotions: Rituals of restorative justice*. Oxford: Clarendon Press.
- [36] Maruna, S. (2011). "Reentry as a rite of passage." *Punishment and Society*, 13, 3-28.
- [37] Wilson, R. J., Cortoni, F. and McWhinnie, A. J. (2009). Circles of Support and Accountability: A Canadian national replication of outcome findings. *Sexual Abuse: A Journal of Research and Treatment*, 21, 412-430.
- [38] Lowery, J. W. and Dannells, M. (2004). Contemporary practice in student judicial affairs: Strengths and weaknesses. In: D. R. Karp and T. Allena (Eds.), *Restorative justice on the college campus (16-28)*. Springfield, IL: Charles C Thomas.
- [39] Cronon, W. (1998). "Only connect..." The goals of liberal education. *The American Scholar*, 67.
- [40] Karp, D. R. (2009). Reading the scripts: The restorative justice conference and the student conduct hearing board. In: J. Meyer Schrage and N. G. Giacomini (Eds.), *Reframing campus conflict: Student conduct process through a social justice lens (155-174)*. Herndon, VA: Stylus.
- [41] Sherman, L. W. and Strang, H. (2007). *Restorative justice: The evidence*. London: The Smith Institute.
- [42] Retzinger, S. M. and Scheff, T. J. (1996). Strategy for community conferences: Emotions and social bonds. In: B. Galaway and J. Hudson (Eds.), *Restorative justice: International perspectives (315-336)*. Monsey, NY: Criminal Justice Press.
- [43] Kahan, D. M. (1999). Punishment incommensurability. *Buffalo Criminal Law Review*, 1, 691-708.
- [44] Bazemore, G. and Karp, D. R. (2004). Community service and offender reintegration. *Justice Policy Journal* 1, 1-37.
- [45] Stimpson, M. and Stimpson, R. (2008). Twenty-seven years of student conduct literature: Implications for practice, scholarship and ASJA. *Journal of Student Conduct Administration*, 1, 14-31.
- [46] Karp, D. R. and Sacks, C. (2014). Student conduct, restorative justice, and student development: Findings from the STARR Project (Student Accountability and Restorative Research Project). *Contemporary Justice Review*, 17, 154-172.
- [47] Ignelzi, M. G. (1990). Ethical education in a college environment: The just community approach. *NASPA Journal*, 27, 192-198.
- [48] Baxter Magolda, M. B. (2008). Three elements of self authorship. *Journal of College Student Development*, 49, 269-284.
- [49] Chickering, A. W. and Reisser, L. (1993). *Education and identity*. 2<sup>nd</sup> Ed. San Francisco: Jossey-Bass.
- [50] Kohlberg, L. (2005). Moral stages and moralization: The cognitive-developmental approach. In: M. E. Wilson and L. E. Wolf-Wendel (Eds.), *ASHE reader on college student development theory (549-568)*. Boston: Pearson Custom.

- [51] Bebeau, M. J., Rest, J. R. and Narvaez, D. (1999). Beyond the promise: A perspective on research in moral education. *Educational Researcher*, 28, 18-26.
- [52] Braithwaite, J. and Roche, D. (2001). Responsibility and restorative justice. In: G. Bazemore and M. Schiff (Eds.), *Restorative community justice: Repairing harm and transforming communities (63-84)*. Cincinnati, OH: Anderson.
- [53] Carey, K. B., Carey, M. P., Henson, J. M., Maisto, S. A. and DeMartini, K. S. (2011). Brief alcohol interventions for mandated college students: Comparison of face-to-face counseling and computer-delivered interventions. *Addiction*, 106, 528-537.
- [54] Bazemore, G. (1998). Restorative justice and earned redemption. *American Behavioral Scientist*, 41, 768-813.
- [55] Tyler, T. R. (2006). Restorative justice and procedural justice: Dealing with rule breaking. *Journal of Social Issues*, 62, 307-326.
- [56] Mischel, W. and DeSmet, A. L. (2000). Self-regulation in the service of conflict resolution. In: M. Deutsch and P. T. Coleman (Eds.), *The Handbook of conflict resolution: Theory and practice (256-275)*. San Francisco: Jossey-Bass.
- [57] Dalhousie University (2015). *Culture of respect*. Retrieved from <http://www.dal.ca>.