

**RESTORATIVE JUSTICE
ON THE COLLEGE CAMPUS**

RESTORATIVE JUSTICE ON THE COLLEGE CAMPUS

Promoting Student Growth and Responsibility, and
Reawakening the Spirit of Campus Community

Edited by

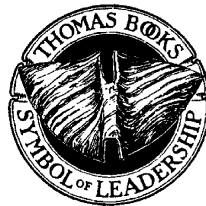
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To Gina, Julia, and Abby, who balance my labor with love.

David R. Karp
January 2004

I want to express my heartfelt appreciation to my beloved coach and guide, Larry, and to Paul, a true brother in every sense, for their continued support of this project and of me.

Thom Allena
January 2004

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PREFACE

Since 1996, we have been advancing the idea that restorative justice is the best approach to campus disciplinary problems. One of us (Thom Allena) helped the University of Colorado implement the first restorative program in a large university setting. The other (David Karp) helped to do the same at Skidmore College, a small liberal arts college. The settings are different, and so are the practices developed: Thom trained staff to conduct restorative conferences, while David adapted Vermont Department of Corrections' Reparative Probation Program for use by Skidmore's Integrity Board. The differences, however, are less important than the common underlying philosophy of restorative justice and its suitability to the disciplinary problems of college students, be they big 10 or little arts.

Restorative justice is a new response to criminal incidents. It has quickly become an international movement with programs proliferating particularly in the United States, Canada, Great Britain, Australia, and New Zealand (Roche 2003). It has become a dominant model guiding juvenile justice practice in the United States with substantial federal support (Office of Juvenile Justice and Delinquency Prevention 1998). It is increasingly used in K-12 school communities (Karp and Breslin, 2001; Cameron and Thorsborne, 2001). Restorative justice can be defined as a collaborative decision-making process that includes victims, offenders, and others seeking to hold offenders accountable by having them (1) accept and acknowledge responsibility for their offenses, (2) to the best of their ability repair the harm they caused to victims and communities, and (3) work to reduce the risk of reoffense by building positive social ties to the community.

Although some colleges and universities have adopted restorative practices, very little has been written about its use in the college setting (but see Karp, Breslin, and Oles, 2002; Warters, Sebok, and Goldblum, 2000). Colleges and universities are surprisingly lagging behind others in their exploration, experimentation, and institutional adoption of restorative practices. Nevertheless, enough work has been done to merit focused attention. We have assembled a distinguished group of scholars and student

affairs professionals to examine the problem of student discipline and the potential of restorative justice as a proactive, educational response.

This book has four sections. The first section provides an overview of restorative justice and an evaluation of contemporary practices in student judicial affairs. The second section introduces the major restorative practices: accountability boards, conferencing, and victim offender mediation/dialogue. Each chapter that describes a practice is followed by a case study illustrating how the models have been used. The case studies not only illustrate best practices, but also identify obstacles and issues to consider.

The third section identifies particular problem areas from binge drinking to plagiarism to date rape. The authors provide an overview of the nature and prevalence of each problem, and again case studies follow for illustration. Several case studies consider particular applications such as a conference to address the misconduct of a student with a drinking problem. Two case studies look at broader policy and program questions such as the failure of speech codes to effectively address bias-motivated harassment and how restorative practices may provide an effective alternative. The second looks at the sexual assault services provided at one university and how its attention to victims' needs exemplifies the restorative justice concern for addressing the harm of an offense. The final section of the book includes an epilogue that speculates on the promise of restorative justice for the current generation of students and their particular set of assets and challenges.

We are grateful to our colleagues who contributed to this volume, and especially to the student affairs professionals nationwide who are willing to try new practices in their efforts to improve the lives of those who live, work, and study in the campus community.

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**RESTORATIVE JUSTICE
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Part I

INTRODUCTION

Chapter 1

INTRODUCING RESTORATIVE JUSTICE TO THE CAMPUS COMMUNITY

DAVID R. KARP

THE DISCIPLINARY PROBLEM

Although restorative justice is a new concept, there are already dozens of empirical evaluations demonstrating its effectiveness in criminal justice (see Braithwaite 2002 for a review). Participants tend to be more satisfied by their experiences with this process as compared with traditional court processes, and recidivism rates for offenders in restorative justice programs are lower than for those who received traditional sentences. On the basis of its rapid proliferation and successful outcomes, we find sufficient grounds for its adoption in campus judicial affairs. But there are other reasons as well. Restorative justice may be particularly well suited to campus communities because of their democratic and egalitarian ethos and educational mission.

The problem of student misconduct has several interrelated dimensions. First, students arriving on campus as freshmen experience a sudden, dramatic loss of supervision. Many of these students have not developed strong internal controls to regulate their behavior. This is especially true for students coming from very authoritative homes, where self-regulation was not cultivated (Colvin, 2000). For students whose behavior has been largely dependent on external controls, the liberated college environment may come as quite a shock.

Second, arriving students, who are anxious to make friends and establish a sense of belonging, are strongly pressured by peers to “party” with alcohol and other drugs. Prior research suggests that students overestimate the actual degree of alcohol and drug use by other students and seek to conform to the perceived norm (Perkins and Berkowitz, 1986). Research also shows that drug and alcohol use, and binge drinking in particular, is correlated with reduced academic performance. Even students who exercise modera-