Utilizing Restorative Justice to Address Student Behavior Concerns
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“Restorative justice, at the simplest level, may be understood as bringing together the people most impacted by a crime or conflict to decide together what harm has been done and how that harm may be repaired.”

- Beverly B. Title, Teaching Peace (2011)
Restorative Justice on Semester at Sea – how did we get here?
History of Restorative Justice

- Early movements: Native people of North America and New Zealand
- 1970s Mennonite Initiatives
- Victim-Offender Mediation as alternative court sanction, 1974 Kitchener, Ontario
  
  2 accused vandals, 22 victims, and $2200 damage (windows, cars, tires, stores, churches)
- 1978: First program in U.S in Elkhart, Indiana
- 1990s Juvenile court cases

Differing Approaches

• Retributive Justice
  • Crime is a violation of the law and the state.
  • Violations create guilt
  • Justice requires the state to determine blame and imposes punishment
  • Focus: Offender getting what they deserve

• Restorative Justice
  • Crime is a violation of people and relationships.
  • Violations create obligations
  • Justice involves victims, offenders, and community members in an effort to make things right
  • Focus: victim needs and offender responsibility to repair harm

(Howard Zehr: Little Book of RJ, 2002)
Benefits of using Restorative Practices

- More personal
- Offers a way to address and heal relationships
- Encourages the offender to take responsibility and have empathy for victim(s)
- Involves victims, offenders, and community members in an effort to make things right (vs. one person imposing a punishment)
- Focuses on obligations, not guilt (doesn’t leave offender feeling ostracized).
- Focus on victim needs, promotes healing to individual and community
- Unique outcomes/agreements

(Howard Zehr: Little Book of RJ, 2002)
Restorative Justice Outcomes

Pros:
• Victims have a voice
• Helps develop communication skills
• Students take responsibility for their actions
• Increases empathy, understanding
• Creative solutions
• Fosters citizenship activity

Cons:
• Perceived as “soft” compared to traditional sanctions
• Time consuming
• Involves “self-incrimination” which could harm a pending court case
• Does not work with all offenses
Questions are different:

Retributive Justice

- What law has been broken?
- Who did it?
- What do they deserve?

Restorative Justice

- Who has been hurt?
- What are their needs?
- Whose obligations are these?

Howard Zehr: Little Book of RJ, 2002)
Restorative Justice Process

Person Harmed

Person Causing Harm

Community

FACILITATOR

HARM
Ripple Effect of Harm

“The most direct victim of the crime experiences that immediate splash, and as the ripples move outward, communities, from the local to the global, may experience some level of impact.”

~Beverly B. Title, Teaching Peace (2011)
Three Types of Impacts

Material/Physical
- Property damage
- Property loss
- Physical harm
- Physical safety
- Financial

Mental/Emotional
- Fear/anxiety
- Stress
- Disappointment
- Depression
- Sleep loss
- Inability to focus

Relational/Communal
- Mistrust
- Damaged relationships
- Negative public perceptions
- Polarization
- Isolation
Example case to identify the parties

A group of students is on a program in China. They are visiting several sites in the country. After visiting the Great Wall, the students have a free evening but must be up by 5:00 a.m. to catch a flight to Shanghai. One of the students, Brad, goes out in Beijing and becomes very intoxicated. Two female students, Michelle and Norma, take care of him and try to get him back to the hotel. He is verbally abusive and calls them both names. Back at the hotel he gets very sick and vomits on his roommate Jack’s suitcase. At 5:00 a.m., Brad is passed out and the trip leader cannot wake him. He finally gets out of bed at 5:20 a.m. and makes the entire group late for their arrival time at the airport.

Identify:

• Offender
• Directly Impacted Party
• Impacted Parties
Types of behaviors/cases

- Theft
- Noise/disruptive behaviors
- Classroom issues
- Academic integrity/misconduct
- Alcohol and drug related violations
- Criminal mischief
- Harassment
- Resisting arrest/obstruction
Cases Not Appropriate for RJ

- Participants have already repaired harm
- Incident is minor
- The offender does not take responsibility/shows no remorse
- The victim may be re-victimized
- Large discrepancy in facts between victim and offender
- Offender feels like the “victim”
- Offender resistant to ideas for repairing harm
- Sexual violence/Domestic Violence/Bullying
Is the case right for RJ Group Conference?

Asking the right questions:

- What were you thinking about at the time?
- How did you feel about the incident then?
- How do you feel about it now?
- Who do you think has been affected and how?
- What do you need to do to make things right?
Restorative Justice Goals

**Offender**
- Better understanding of harm/impacts and those affected
- Accountable for harms/impacts
- Taking responsibility

**Victim**
- Choice in how to proceed
- Opportunity to ask questions & talk about what happened
- Way to feel power, safety, reassurance
- Voice in how to repair harms

**Community**
- Support victim
- Identify broader impacts
- Identify & address community concerns
- Participation in a resolution

Restorative Justice Youth Conferencing, Fort Collins Municipal Court/Police Services
Guidelines for Engagement

• Be present and curious
• Judge the behavior, not the person
• Communicate with honesty
• Be aware and accepting of difference in communication style
• Accept where individuals are at
• Focus on increasing understanding rather than reaching agreement

(Restorative Justice Youth Conferencing, Fort Collins Municipal Court/Police Services)
Creating the Agreement

What can be done to move forward?

Repair a harm caused – ex: financial payment to victim for damages, written or verbal apology.

Prevent future harm – ex: educational opportunity for offender, service learning.

Make a positive connection – ex: community service, volunteering for victim’s chosen charity, educate others.
Forms of Reparation

- Monetary
- Restorative Hours
- Educational opportunity
- Communal event
- Alcohol/Drug Assessment
- Apology (verbal or written)
Another Restorative Approach: Impact Panels/Circles
Victim Impact Panels were initiated by Mothers Against Drunk Driving. Since then they have been used to address crimes such as: physical assault, domestic violence, child and elder abuse. There is not discussion between panelists and offenders.

The goals of victim impact panels are to:

- Help offenders understand the impact of their crimes on victims and communities.
- Give victims an outlet to share personal experiences and educate offenders, justice professionals, and others about the consequences of crime.
- Build a partnership among victim service providers and justice agencies to raise the awareness of impacts of crime.

Source: National Institute of Justice
Impact Panels offer an alternative when...

- Harmful behaviors have occurred but parties directly impacted are not available/identified
- Risk of re-victimization is too high
- Large numbers of students have very similar offenses
- Demonstrated need for education and awareness raising around certain community issues
Stakeholders

Represent important voices in the community who can speak to the impacts of ....

Can remain calm and non-judgmental, while clearly articulating their perspective

Receive training on active listening, body language, and restorative questions
Restorative Justice on Semester at Sea

Structure to address challenges:

• Use a Impact Panel model
• CSU Trains Community Members before the Voyage
• Involve leadership team to create buy in
• Student Code of Conduct is written to include RJ as an alternative process
• Restorative practices include more than a circle and the philosophy can be used in a variety of ways to address harm that was caused
Restorative Justice on Semester at Sea

Benefits:

• Members of the community are familiar with this philosophy and process

• Allows for more tools and flexibility in the conduct process

• Reintegrates offenders back into the community

• Can be used to address issues that may not be conduct violations but are inappropriate or caused offense in the local community
Restorative Justice on Semester at Sea

Challenges:

• Time

• Not all parties can participate
  If local community members are involved, they may not be available
  May not be allowed to participate due to their position (ship’s crew)

• Having trained facilitators
Intercultural Considerations

Don’t Assume
- Parties may not think and feel equal to each other
- Beware of stereotyping

Do Research
- What nuances make this cultural group unique?
- Consider communication styles (i.e. eye contact)
- Admit when you are unclear and ask questions

Acknowledge Imbalances
- Keep atmosphere as equal as possible
- Recognize that real life experiences can create fear and distrust of authority figures
In thinking of your education abroad programs:
• How do you think you might use a restorative framework?
• Can you think of a student behavior situation where this may have been utilized?
• What might you need to do to implement this?
References:

- (Restorative Justice Youth Conferencing, Fort Collins Municipal Court/Police Services)
- The Fort Collins Restorative Justice Program (Ed.) Restorative Justice Youth Conferencing: Participants Guide.
THANK YOU!