Michigan State University

From the SelectedWorks of Larry D. Long

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Repairing Harm: Using Restorative Justice to Strengthen a Fraternal Community

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Available at: http://works.bepress.com/ldlong/25/
Repairing Harm

Using Restorative Justice to Strengthen a Fraternal Community

John DiSarro
University of Rochester

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Circle Questions:
(1) Please state your name and your affiliation;

(2) How familiar are you with Restorative Justice? Are you new to the concept, somewhat familiar, or familiar?
Learning Outcomes:

As a result of this presentation,

• participants will be able to describe the use of Restorative Justice and restorative processes as means of conflict resolution and community building.

• participants will be able to apply restorative practices on their campus or within their organization.
Overview:

Traditional approach to conflict resolution

Overview of RJ and Restorative Principles

Use of RJ

- University of Rochester
- Michigan State University

Circles and Conferences

Incorporating Restorative Justice into your work

Questions and Answers?
Traditional Approaches to Conflict and Misconduct

- Typically there is some sort of notice alleging that there has been a violation and that a hearing (or commission) has been scheduled.
- Some sort of board of “authority figures” that is usually representative of the community runs the hearing.
- Alleged violators are given an opportunity to share their perspective on the incident and are subject to questioning by the board.
- The board makes a decision based on the information presented in the hearing.
- Outcomes are typically somewhat established in the code of conduct and the board picks between those related to the incident.
- Alleged violators often have an opportunity to appeal.
- Usually based on “retributive” model of discipline.
Two Approaches

Traditional Discipline Asks:
• What rules have been broken?
• Who did it?
• What do they deserve?

Restorative Justice Asks:
• Who has been hurt?
• What are their needs?
• Who has the responsibility to make things right to restore relationships?

Howard Zehr,
From his Keynote Address to the 12th International Institute for Restorative Practices, October 2009

Restorative Justice is central to the way many aboriginal cultures from Native American to Maori resolve conflict and address misconduct. Here in the U.S., Restorative Justice emerged in the criminal justice system and moved into juvenile justice and school discipline.
In addition to its focus on healing rather than punishment, Restorative Justice:

• Provides an option for addressing situations where harm has resulted, but no rule has been violated.

• Actively engages all those directly affected by conflict or misconduct—victim, members of the community, supporters—who talk together about what happened and lay out actions necessary to make things right.

• Accountability is based on the expectation that the person who caused the harm will complete the steps defined by those affected.

• Is based on respect and collaboration around a shared experience or issue.
What is Restorative Justice?

A conflict resolution process that focuses on repairing harm and restoring relationships

Video overview: www.reslife.msu.edu/rj
Research Applications in Education

• Implementation began in Australian school system in 1990s
• College level programs began mid 2000s
• Most research in Restorative Justice done at High School level
  • Fewer suspensions/dropouts
  • Improved attendance
  • Better conflict resolution skills
  • Decreased incidents of student misconduct
Research Applications in Education – North High School Study (Gonzalez 2012)

- 26% reduction in expulsions
- 15% of students showed an 86% reduction in office referrals
- 13% of students showed a 92% reduction in out-of-school suspensions
- 13% increase in attendance
- 18% improvement in tardiness
- Failing grades reduced for 30% of targeted students by 50%
Research Applications in Education – DeWitt & DeWitt (2012)

• Hazing incident at large Upper midwestern high school
• Restorative Justice program created in response to incident
• Students surveyed 7 years later on hazing attitudes

- Very few students indicated that they had been the victim of hazing (383 no, 23 yes, 26 NR).
- Even fewer students indicated that they had participated in hazing of other students (26 yes, 386 no, 25 NR).
- Majority of the students understood hazing definition provided by the school (95%)
- Majority of students understood consequences of hazing administered by the school.

Skidmore college implements Restorative Justice program

- Greater student satisfaction than with traditional justice models
- Increase in “restorative” sanctioning
- Decrease in damage reports
- Decrease in medical transports
- Restorative Justice promotes inclusion over “social distancing”
- Students need to be shown that they are part of the community.
University of Rochester

- In 2008, new Assistant Dean of Students created Restorative Justice program
  - Alternative Dispute Resolution Steering Committee
  - Restorative Circles become conduct process option
  - Training for Circle facilitators
  - Process for groups to request Restorative Circle
  - Switch from “Hearings” to “Conduct Conversations” with infusion of restorative principles
  - RAs/Campus leaders trained in Peace Circle process
University of Rochester

Key changes to conduct conversations

1. Use of non-judgmental language
   - Ex. “Explore the event”
2. Focus on Communal Principles (values)
3. Ask “witnesses” how they were impacted by the situation
4. Include responsible parties in sanctioning decisions
Using RJ principles to resolve day-to-day conflict between students

RJ philosophy embedded within student disciplinary process

Circles and conferences used to resolve:

• Classroom disruptions
• Study abroad conflicts
• Employee disputes in residence life
• Recruitment infractions
Resident Conflict Resolution Preference

I believe conflict should be resolved (please check all that apply):

- Through Restorative Justice processes: 17%
- Through a conversation that is mediated by an outsider: 28%
- By punishing the offender: 9%
- By an authority figure who will decide on the outcome: 8%
- In a way that restores relationships and community: 47%
- In a way that meets the needs of everyone affected: 61%
- By doing nothing or avoiding it: 7%

N = 7,325
To what extent has learning about and engaging in restorative practices influenced your ability to:

Develop community

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Have you used the Restorative Justice philosophy and/or tools in your work?
To what extent has learning about and engaging in restorative practices influenced your ability to:

Develop closer relationships with other staff members

Have you used the Restorative Justice philosophy and/or tools in your work?
To what extent has learning about and engaging in restorative practices influenced your ability to:

Effectively manage conflicts

Have you used the Restorative Justice philosophy and/or tools in your work?
What is the student experience?

- RJ gives students a voice
- Discourages repeat-offenses
- Promotes learning

Student experience video: www.reslife.msu.edu/rj
Case Study: The Situation

A fraternity hosted a party that did not go according to plan.
Case Study: The Circle Process

- Who participated?
- How long did it take?
- What was discussed?
- What were the outcomes?
Case Study: The Circle Agreement

- In order to address the harm caused by the incident, [Redacted] agree to:
  1. Develop a chart that identifies the procedures that need to be followed in order to register and host a party or event at either the University of Rochester or the Rochester Institute of Technology including the names of the offices and administrators [Redacted] needs to consult and obtain approval from.

Leads: [Redacted], with assistance from [Redacted], in consultation with key administrators at both schools.

Time frame: 11/19/10
Case Study: The Circle Agreement

Other provisions:
- Students meet with their advisors to review policies for holding events
- Students shadow another club—attend their executive board meetings and participate in planning a major event
- Dean of Students will convene a task force to examine the campus social regulation policy
- Utilize campus and FSA support in planning their next major event and provide written report summarizing the event
Other Applications

Chapter Level
- Conflict between members
- Specific member violates policy

Greek Level
- Conflict between organizations
- Specific organization violates council policy

Community Level
- Organization violates campus policy
- Greek community questions campus policy
Incorporating RJ into your Work

- Educate your staff/team about Restorative Justice
- Try Restorative Justice first before moving on to other strategies
- Ask restorative questions
  - What was the harm?
  - What can be done to repair the harm?
  - What can be done to rebuild trust?
- Use an inclusive circle to enhance listening and shared perspective
- Listen to stories of offenders and harmed parties

Adapted from David Karp, Associate Dean of Student Affairs, Skidmore College
Incorporating RJ into your Work

- Make accountability active and educational
- Mentor apology writing
- Replace fines with restitution
- Make community service educational
- Rebuild trust

Adapted from David Karp, Associate Dean of Student Affairs, Skidmore College
Limitations

Buy-in from constituents

Takes time

Not appropriate for all situations

Requires active participation

Offenders have to admit or acknowledge responsibility
Summary:

Traditional approach to conflict resolution

Overview of RJ and Restorative Principles

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Circles and Conferences

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Questions and Answers?