



National Association of Community and Restorative Justice

December 2019

NACRJ Policy Statement on Community and Restorative Justice in Higher Education

Policy

The National Association of Community and Restorative Justice (NACRJ) Board of Directors promotes policies and procedures that allow for community justice (CJ) and restorative justice processes to be implemented in higher education institutions. In higher education, restorative processes are inclusive and collaborative decision-making practices that build community and respond to community harms. Such approaches are responsive to community conditions, individual incidents of misconduct as well as to the broader cultural contexts that support such behavior by offering non-adversarial options for prevention education, resolution, and pathways to safe and accountable reintegration. They also create opportunities to address difficult community issues in constructive and meaningful ways. Community justice and restorative justice practices offer interventions that focus on understanding the harm caused, how to repair harm, how to prevent its reoccurrence, and how to create safer campus communities. In support of the policy position, NACRJ is calling for higher education institutions to:

1. Incorporate principles of restorative justice and community justice into its student, faculty, and staff governance policies.
2. Provide technical assistance and training to faculty, students, and staff on the practice and implementation of both types of relational justice practices.
3. Encourage faculty to offer coursework in restorative justice across the liberal arts, and particularly in disciplines that prepare students for professions using restorative practices such as social work, education (K-12 & early childhood), K-12 educational leadership, higher education administration, public policy, law and criminal justice among others.
4. Support research programs in both community and restorative justice including basic research on the theory and causal mechanisms and applied research on their effectiveness.
5. Provide workshops for faculty on the pedagogical use of restorative practices in their classrooms.
6. Develop restorative justice programs in Student Affairs that respond to student misconduct and threats to a positive and inclusive living and learning climate, and provide opportunities for social-emotional learning, relationship-building, traumatic incidents, and skills in conflict resolution and civil discourse. Areas of primary concern include student conduct, residential life, diversity and inclusion, religious and spiritual life, fraternities and sororities, and athletics.
7. Encourage human resource departments to incorporate restorative and community justice principles and practices to improve the campus workplace for faculty and staff in their relations with one another as well as their relationships with students.

8. Support relational justice practices through civic engagement and service learning. Provide opportunities for students to conduct independent studies, internships, and community service with community-based RJ organizations and restorative initiatives in K-12 schools and criminal justice agencies. Encourage community-based research efforts that support RJ organizations. Provide policy analyses for RJ legislation.

Rationale

1. *The campus setting is an ideal location for the exploration and development of relational justice practices.* College campuses are whole communities—places where people live, work, eat, and play. They are also unique communities known for their liberal ideals. Faculty and students have the freedom to research new ideas. Students (at least traditionally aged 18-22 year olds) are developmentally predisposed to explore new self-identities and new ways of living, often challenging conventional norms and behavioral standards. With a quarter of the population turning over each year, campuses are in constant flux, creating and recreating their unique cultures. Campuses are places of experimentation and change, charged discourse and sustained reflection. Restorative justice is a philosophy based on deep listening, attentiveness to the consequences of individual behavior and collective actions, and collaborative decision-making that promotes the common good. Higher education institutions generally have missions of service, educating students to be personally successful, but more importantly, to be competent and responsible members of a democratic society.
2. *The campus setting faces several challenges that can be effectively addressed through relational justice practices (i.e., restorative justice and community justice).*
 - a. Although often espousing liberal and democratic ideals, higher education is structured in hierarchies that often reproduce power and privilege. Relational justice practices addressing quality of life issues on-campus (i.e., *community justice*) and individual or group conflicts (i.e., *restorative justice*) provide venues to explore these social structures, provide voice to marginalized community members (first generation students, LGBTQ students, students of color, staff in relation to faculty, contingent faculty in relation to tenure-track faculty, untenured faculty in relation to tenured faculty, etc.), and RJ practices develop pathways to inclusive and egalitarian policies and programs.
 - b. Campus community members frequently experience bias incidents—racist graffiti, name-calling, and assaults or more subtle, but daily microaggressions inside and outside the classroom; Muslim students are told they are terrorists or have their hijabs torn from their heads; swastikas appear on Hillel office doors; Latinx students are taunted that they will be soon deported, etc. Restorative practices provide safe spaces for campus community members to tell their stories, heal together and offer support, and plan educational events and demonstrations of solidarity.
 - c. Sexual misconduct, sexual harassment, and intimate partner violence, from cat-calling to dance floor groping to stalking to sexual assault, occur on a regular basis. Most of it goes unreported because students do not believe campuses can respond effectively to their needs. This also applies to incidents of sexual misconduct and harm that occur between faculty and other administrative staff and students, recognizing the dynamics of power and privilege in those

relationships. Restorative justice is a trauma-informed approach that works sensitively with survivors of sexual misconduct and IPV to assist in their healing process. Restorative practices such as Circles of Support and Accountability can assist students who have been suspended for conduct violations to return to the campus to be successful as students and reassure the community that they will be safe and responsible.

- d. Restorative justice practices can be effective for a wide range of conduct violations and campus conflicts from alcohol violations to hazing to academic integrity.
 - e. Community justice practices can be effective in changing campus culture and improving the quality-of-life experiences for all who work, live or attend classes on university and college campuses.
3. *A variety of restorative justice practices have already been implemented and shown to be effective, particularly for college student misconduct, prevention education, proactive community-building, addressing campus climate issues, and successful reintegration of students who have been suspended. Among the most common practices are the following:*
- a. RJ Conferences. This model focuses on the facilitated dialogue between students who have caused harm and harmed parties. After a discussion of the harm, the parties (rather than the conduct administrator or hearing board) decide what steps the students can take to repair the harm. Trained facilitators guide the dialogue.
 - b. RJ Circles. These are similar to RJ conferences, but borrow practices from indigenous traditions, especially the Native American practice of using a "talkingpiece." This is a symbolic or sacred object that is held by the speaker, indicating that no one else should speak. Circles are used for a variety of purposes; often they are used for discussion of difficult campus climate issues or community building in residential life and orientation programming.
 - c. RJ Boards. These are restorative adaptations of traditional conduct boards and include standing group of members that may be drawn from faculty, staff, and students.
 - d. RJ Administrative Hearings. Most campuses rely on one-on-one administrative hearings to manage their conduct caseloads with large universities often processing thousands of cases each year. A restorative hearing includes an emphasis on identifying what harm was caused by the violation and how the student can repair it.

Implementation and Management of Restorative Justice in Higher Education: Considerations and Challenges

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NACRJ Higher Education Subcommittee
NACRJ Advisory Council

As interest in restorative justice (RJ) has grown, many higher education campuses have expressed interest in RJ and implemented it in various academic and student affairs divisions. Similarly, many K-12 educators have embraced RJ and a variety of implementation guides have been published such as Oakland Unified School District (n.d.) and Denver School-Based Restorative Practices Partnership (n.d.). This is not such a guide because the higher education landscape is highly complex. RJ has been implemented at small liberal arts colleges, community colleges, and large research institutions. RJ has been used to address student, staff, and faculty misconduct, improve campus climate and culture, respond to social justice issues, and RJ is the subject of both teaching and scholarship. The pathways to implementation and areas for application are far more varied in higher education than in a K-12 school. So are the types of institutions undertaking RJ implementation. This document outlines some of the core pathways for implementation associated with institutions of higher education regardless of type or size, what we know about the implementation process, and a set of recommendations for consideration.

Foundational to the implementation of RJ in higher education is ensuring fidelity to restorative values and principles from initial design through to ongoing management. The tenets of restorative justice philosophy should serve as the basis for program design, regardless of implementation space or chosen pathway. Further, each implementation pathway should be designed utilizing a trauma-informed lens and inviting a broad spectrum of voices, especially those from historically marginalized and underrepresented groups, into an inclusive, participatory, and collaborative process.

What is a Restorative University?

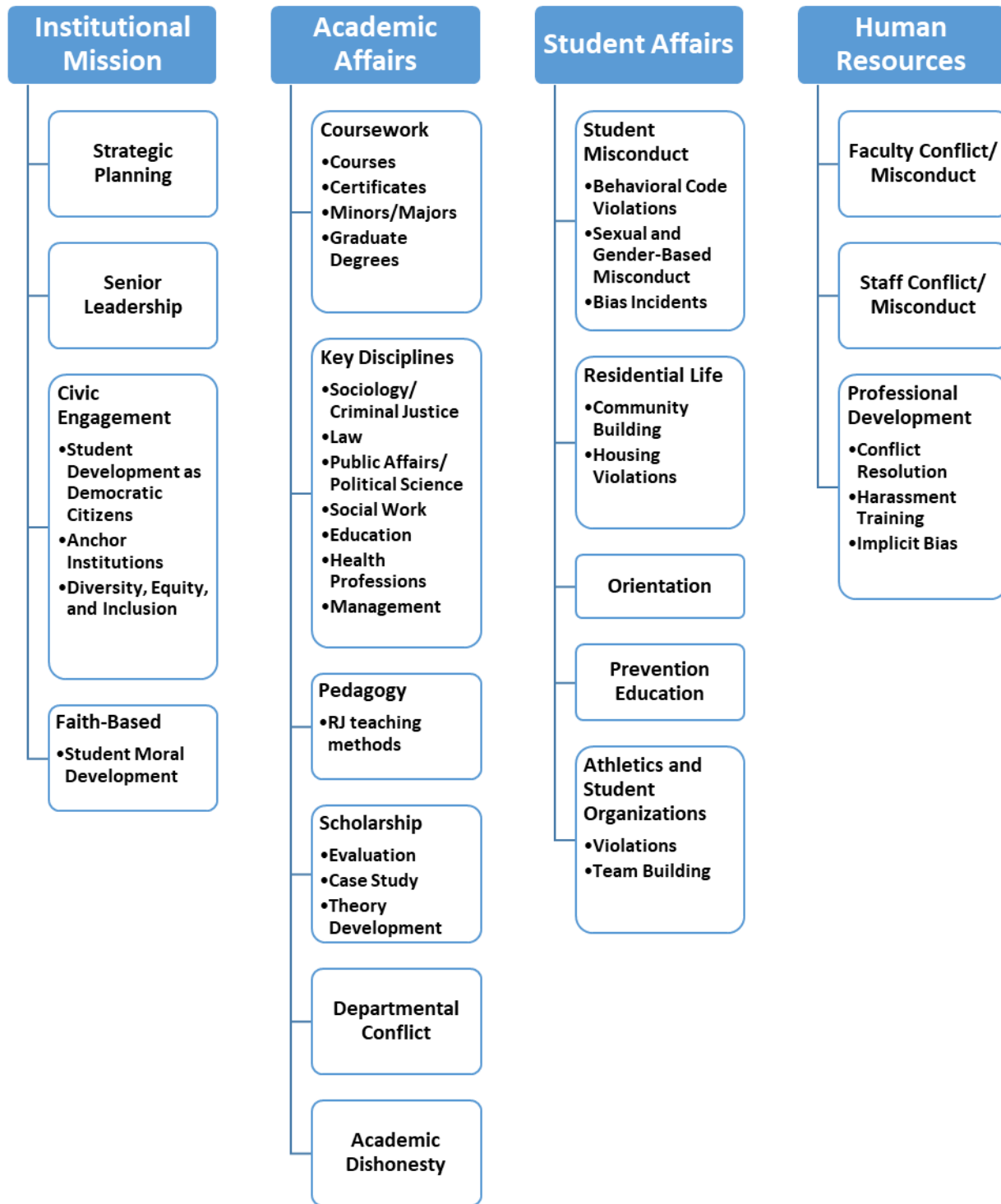
Chris Marshall, a professor who led the effort to make Victoria University in New Zealand its first “restorative university,” argues that the institution should use “restorative practices for enhancing the relational engagement and wellbeing of its staff and student community, and RJ processes for dealing with incidents of misconduct and wrongdoing, whether by students or employees. Achieving this outcome would require a common commitment to and shared understanding of the goal on the part of senior leadership, student services and human resources” (Marshall, 2017, p.6). Such a mandate is broad enough to reflect that a restorative university would need to embrace the philosophical principles of RJ, apply specific practices to strengthen community relationships and respond to community harm. This aspirational approach implies that implementation in institutions of higher education is broad based,

targets the institution's culture and climate, and will require ongoing efforts to sustain it as well as widespread leadership and community participation and support.

What are the Various Pathways to Implementation?

Implementation of RJ is a non-linear and contextually-oriented process. As such, a university might begin modestly in one arena and gradually expand from there. Moreover, implementation might begin from a coherent strategic plan. In contrast, it may begin based on the passionate commitment of individuals in one area. It may be driven by a critical incident or by a groundswell of community interest. Because the incentives vary, implementation may emerge in different departments, it may spring up rapidly in the context of fraught protest or, perhaps, slowly, quietly, and methodically. Despite the uniqueness of each institution of higher education, there are some common pathways based on similarities in how institutions are organized and structured. In this section, we outline major pathways to implementation based on where it might begin and where it might move in its expansion. Figure 1 summarizes major pathways that reflect areas of emergence when examining to date the rise of RJ in higher education.

Figure 1. Implementation Pathways



Institutional Mission

Almost every higher education institution has a mission that aspires to serve the public good. Liberal arts colleges tend to emphasize the development of students as informed, responsible citizens capable of addressing society's greatest challenges. Research universities stress their role in contributing to society's technological, social, economic, and cultural advancement. They may have particular goals of supporting the larger community around them, serving as "anchor institutions" that help structure and support local economies and civic life. Community colleges emphasize the importance of providing access for first-generation and low-income students to education and careers. Other institutions seek to support specific student populations, such as Historically Black Colleges and Universities, tribal colleges, women's colleges, and faith-based institutions. Even vocational or for-profit institutions frame their purpose around goals that serve the needs of specific student populations or the well-being of society. Each variant sees its role in the service of civic engagement. In this broad way, the principles of RJ – inclusive decision-making, repairing harm, strengthening relationships—as well as its values base are consistent with the mission of civic engagement regardless of individual differences in focus. In one survey, less than 5% of respondents believed that RJ was inconsistent with the mission of their institutions (Karp, 2019).

One example of mission alignment occurred in 2017 when Yale University renamed Calhoun College. The change was a restorative initiative justified by the university president when he argued, "the decision to change a college's name is not one we take lightly, but John C. Calhoun's legacy as a white supremacist and a national leader who passionately promoted slavery as a 'positive good' fundamentally conflicts with Yale's mission and values." (Yale News, 2017).

Another example comes from the University of San Diego when it changed the name of the office that manages student misconduct. In 2012, the Office of the Assistant Dean of Students became the Office of Ethical Development and Restorative Practices. Doing so makes the restorative mission of the office explicit, encouraging its staff to live up to its name.

Academic Affairs

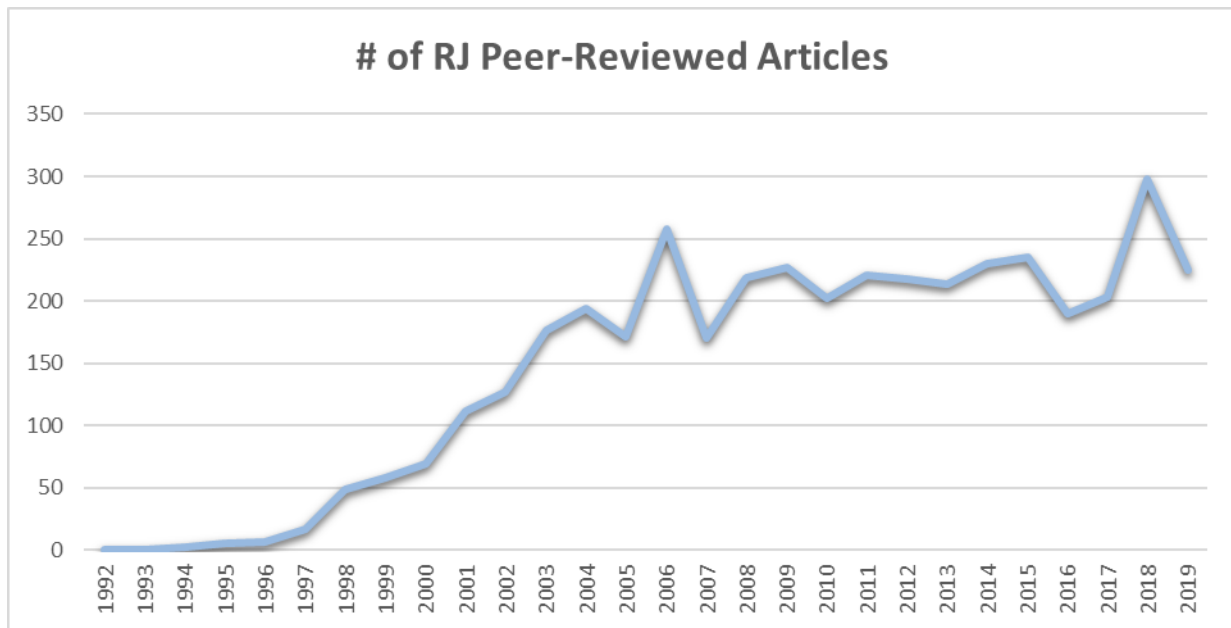
RJ in academic affairs runs the gamut from using it to build community in the classroom, teaching about it as a field of inquiry, researching RJ programs but also employing it in response to specific incidents including the academic or social misconduct that takes place inside the classroom, within departments, between faculty and administration, or even within academic professional societies.

Teaching. Faculty are using restorative practices in the classroom as a method of inclusive student engagement and to foster authentic dialogue around topics that are often emotionally fraught. Faculty are also teaching about RJ as an academic field. This is particularly the case in professionally-oriented fields such as criminal justice, law, education, and social work. Recently, we have seen the rise of individual courses, minors, certificates, majors, and graduate programs dedicated to RJ. For example, the University of San Diego offers a Certificate in RJ Facilitation

and Leadership, Eastern Mennonite University offers a Graduate Certificate in RJ, and Suffolk University offers a Professional Certificate in RJ Practices. Vermont Law School offers a Master of Arts in RJ. Other law schools have developed RJ clinics and other experiential learning programs such as University of Wisconsin’s RJ Project, Restorative Justice Initiative at Marquette University Law School and Northeastern University Law School’s Civil Rights and RJ Project.

Research. Figure 2 illustrates the significant growth in peer-reviewed journal articles about RJ (Karp, 2019b). Scholarship documents RJ globally, often through thick description of restorative processes and case studies. Researchers are collecting data on the effectiveness of RJ in different arenas, such as in the criminal legal system and in education, with newer work in disciplines as varied as anthropology, architecture, communications, and public health. Scholars are developing theoretical models to understand how and why RJ works.

Figure 2: Growth of RJ Research by Year



Academic and Social Misconduct. Restorative practices are used to address academic integrity violations, which may include prolific plagiarism or cheating by students but also allegations of misconduct by faculty or disputes that arise between researchers. Many academic departments are mired in long-standing conflicts and low morale. Other conflicts may arise in response to critical incidents, such as accusations of sexual harassment against a faculty member or the publication of the results from a climate survey.

Student Affairs

Like Academic Affairs, Student Affairs serves as an umbrella for numerous activities related to student life as well as student misconduct. Consequently, RJ is used broadly for a variety of

agendas that include prevention and community building as well as in response to instances of wrongdoing.

Student Misconduct. Student conduct administrators incorporate RJ principles and practices into administrative conduct hearings (usually one-on-one meetings between a conduct administrator and a student) and conduct board hearings. They facilitate various RJ practices such as restorative circles and conferences. These are used to address a range of conduct violations including alcohol and drug use, property damage, sexual harm, and bias incidents. Sometimes, RJ practices are used when the conduct is deemed harmful, but not a violation, such as a subset of bias incidents that are protected by free speech.

Residential Life. Building healthy residential communities are central to the mission of residential life offices. Resident directors and resident assistants often use circles to build community and respond to concerns about community climate. RJ practices are also used to address code violations such as noise violations or fire hazards.

Orientation. Like residential life, orientation and first year experience offices often use circles to build community and ease the transition of new students to campus.

Prevention Education. Many student affairs offices are charged with educating students in order to prevent or reduce the prevalence of harmful behavior. This may include education on sexual consent, harm reduction for alcohol abuse, diversity/equity/inclusion, health and wellness, or academic support services. Prevention educators may use circle practices proactively and to foster authentic dialogues about these topics.

Athletics and Student Organizations. Athletic teams, student clubs, Greek-letter organizations also use RJ for community building and to address individual or group misconduct.

Human Resources

Human Resources is an important pathway for RJ because of the focus on faculty and staff, stakeholder groups in Higher Education that have their own departmental cultures and, in contrast to students, may have a lengthy tenure with the institution. Similar to Student Affairs, RJ may be used by Human Resources proactively to address particular topics and to build community and a positive climate and may also be used in response to wrongdoing. Because faculty and staff are often part of larger entities like departments, the use of RJ often expands in response to the ripple effects of an individual's behavior and its impact on others.

Faculty or Staff Conflict/Misconduct. Perhaps the newest application of RJ is for faculty and staff conflict and misconduct. HR departments are traditionally skilled in conducting confidential investigations, but rarely offer services that include restorative approaches, particularly to address the collateral harms associated with the issues, such as divisiveness and acrimony that may affect a whole department, college, or institution in the aftermath of an investigation.

Professional Development. HR departments may offer training in RJ to develop conflict resolution facilitation capacity for department chairs or office directors. They may incorporate circle practices into trainings similar to student affairs prevention educators. They may use circles to facilitate difficult dialogues around topics such as implicit bias within a department or to host dialogues around larger social conflicts such as political polarization or social justice movements like Black Lives Matter.

What are the Major Obstacles to Implementation?

The numerous pathways for implementation in institutions of Higher Education demonstrate the complexity of what it means and looks like to initiate and grow RJ on campuses. Although RJ may begin in one arena, the singular focus on a specific issue or concern coupled with the interconnectedness of institutional units frequently results in reactivity to growth and subsequent impediments. A comprehensive understanding of these interconnections and attention to ripple effects will help in predicting challenges as well as guide the development of RJ on campus. We are just beginning to enumerate the various impediments to a successful and sustainable adoption of RJ. We conclude with a short list of items that need attention in-order-to build a solid foundation and achieve buy in (Brummer 2015).

Lack of vision: The campus may lack understanding of the principles, values, and goals of RJ.

Lack of planning: The institution may not have a working group to develop buy-in, establish a reasonable timeline, conduct professional development, work out logistics, and monitor progress. Similarly, the institution or program may not fully understand which processes will resonate best with its campus culture or where to begin its efforts or how to update existing policies and codes of conduct.

Lack of training/coaching: Initial training in restorative justice values, principles and practices is expensive and needed for a wide variety of stakeholders. Subsequent training and individualized coaching are critical to maintaining high standards of practice and ensuring fidelity to RJ values and principles. Additional training related to trauma-informed restorative practice may also be needed.

Lack of support: Enthusiastic administrators are not enough. Buy-in is necessary for staff, students, trustees, and even alumni and parents. Ongoing institutional support and continuity is also critical as staff turnover and changes in assigned duties routinely occurs, which requires additional or re-training opportunities. Similarly, where student involvement occurs as part of an institutional model, additional training capacity to account for turnover in the student body must also exist.

Lack of investment: Campus change requires financial commitment for training, coaching, resource materials, and new or redefined positions such as RJ coordinators to help institutionalize RJ on the campus. Change can take three to five years of committed effort.

Readiness Assessment

Conducting a readiness assessment is a useful planning tool for RJ implementation in higher education. Regardless of how the higher education implementation pathway was started, asking the critical questions around whether an institution or a particular pathway is “ready” for restorative justice can be an invaluable step in setting up any program for success. This process can earmark critical characteristics of an institution’s culture that support RJ and existing obstacles to effective implementation as well as assess an institution’s capacity to address and overcome them. Even when RJ’s initial pathway springs from a critical incident or a groundswell of community interest, the information a readiness assessment can provide may prevent the frustration of a failed implementation or stalled expansion as time passes or community pressure lessens.

Readiness assessments can help guide initiative leaders through a series of practical questions from those that identify where implementation should begin; which RJ processes will be used; how to collaboratively develop buy-in; what the time and costs will be; and how it can be sustainable (Karp, 2019a). Readiness assessment results can also impact the strategic planning necessary for successful implementation. Findings can inform an implementation timeline as well as the construction of an effective working group. Additionally, an assessment can identify where critical support is lacking and provide guidance on necessary next steps. Readiness assessments provide a beginning map that helps orient diverse and frequently disparate stakeholders toward a common goal, provides a point of reference, and strengthens the sense of community.

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