

## ABSTRACT

Title of Thesis: ADOPTION OF RESTORATIVE JUSTICE  
PRACTICES IN STUDENT CONDUCT

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This study examines the growing trend of colleges and universities adopting restorative justice practices in student conduct. Employing a diffusion of innovations framework and a multiple case study approach, the author offers an in-depth understanding of the decision-making processes and influences at two institutions that have adopted restorative justice in their student conduct practices. The findings of this study have implications for advocates of restorative justice seeking to understand how colleges and universities are deciding to adopt restorative justice and what conditions affect that decision, as well as for individuals who are assessing whether their institution is a good fit for adopting restorative justice principles. The study also contributes more broadly to diffusion of innovations literature through its application of the theory to organizations, specifically higher education institutions.

ADOPTION OF RESTORATIVE JUSTICE PRACTICES IN STUDENT  
CONDUCT

by

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## **Chapter 1: Introduction**

Restorative justice practices are gaining currency in student affairs, and especially within the field of student conduct. In 2009, the Association for Student Conduct Administration endorsed “alternate forms of conflict resolution models as viable conduct administration options,” including “conflict resolution pathways based upon social justice theories, restorative justice, conflict coaching, and facilitated dialogue” (Schrage & Giacomini, 2009, p. xiii). In the last 15 years, the use of restorative justice practices on college and university campuses has grown from a small number of schools to an estimated 70 campuses across the United States (McMurtrie, 2015).

### **Restorative Justice in Student Conduct**

Restorative justice is an alternative approach to addressing crime, conflict, and community offenses. Rather than focusing on guilt and punishment, restorative responses center on identifying and addressing harms, involving victims and community members, and holding responsible parties accountable for repairing harm, to the extent possible (Zehr, 2015). First introduced to North American justice systems in the 1970s, restorative justice initially focused on re-conceptualizing Western criminal justice. In subsequent decades, restorative practices have been adopted in primary and secondary schools to supplement traditional discipline (Karp & Breslin, 2001), in communities seeking to facilitate dialogue, and in national and international contexts like the South African Truth and Reconciliation Commission (Zehr, 2015). In the last decade, student conduct practitioners and advocates of

restorative justice have suggested that restorative practices can and should be integrated into student conduct systems in higher education (Karp & Allena, 2004).

The practice and philosophy of addressing college student misconduct has changed significantly since the early days of higher education in the United States. Practice has morphed from the era of *in loco parentis* when administrators and faculty had great latitude in determining behavioral standards and imposing punitive sanctions (Stoner & Lowery, 2004), to a time of disciplinary specialists (Dannells, 1997; Lowery, 2011) when the prevailing philosophy of responding to misbehavior became more developmental than punitive (American Council on Education, 1937). In the 1960s, several court cases established clear requirements for protecting students' due process rights (*Dixon v. Alabama*, 1961; Kaplin & Lee, 2014; Stoner & Lowery, 2004) and campuses began to adopt much more formal and legalistic processes for responding to misconduct (Dannells, 1997; Pavela, 1979; Stoner & Lowery, 2004). Reacting to this "proceduralism" (Pavela, 1979), in the 1980s and 1990s, schools began to develop Codes of Student Conduct and adjudication procedures to satisfy required due process while avoiding unnecessarily legalistic procedures (Pavela, 1979, 1997; Stoner & Cerminara, 1990; Stoner & Lowery, 2004). In the last 15 years, the field has continued to pull further from the legalism of the 1960s, eschewing the term "student judicial affairs" for the less legal-sounding "student conduct" (ASCA, n.d. a; Lipka, 2009). It is in this environment—as the field pulls away from proceduralism and antagonistic processes—that restorative justice approaches have started to take root.

Adoption of restorative justice practices in student conduct crosses institutional type and size; programs are found on campuses large and small, public and private, religious and secular, liberal arts colleges and research universities. There is no obvious thread that ties together those institutions that have decided to adopt restorative justice practices, nor is there a clear contrast that distinguishes them from institutions that have not adopted restorative practices. This study attempts to reveal commonalities in what influences institutions to adopt restorative justice practices, shedding light on otherwise invisible decision-making processes and rationales.

### **Diffusion of Innovations**

This study is framed by theories of how organizations adopt new innovations or innovative practices. Rogers's (1962) foundational theory of the diffusion of innovations describes the process by which a new idea or practice is spread and adopted. It focuses largely on individual people adopting new practices, but also includes some discussion of organizational innovation. Rogers (2003) describes the progression of an institution's identifying a need, considering options, deciding to adopt a particular innovation, then implementing that innovation (see Appendix B). I focus on the adoption decision stage of this model, drawing on DeRousie's (2014) framework of factors that affect an organization's decision to adopt an innovation (see Appendix C). DeRousie (2014) posits four factors that influence the adoption decision: institutional characteristics, social network context, environmental context, and the attributes of the innovation itself.

Literature applying diffusion of innovation theories to restorative justice exists, but is limited and generally focuses on adoption in K-12 contexts (Blood &

Thorsborne, 2005, 2006; Harris, 2008; Ratts & Wood, 2011; Thorsborne & Blood, 2013). Diffusion theories have, however, been applied to higher education (Jessup-Anger, 2009; Liu et al., 2007; Soule, 1997). And DeRousie (2014), whose framework I employ for this study, used diffusion of innovations theory to undergird his quantitative study of the adoption of four specific innovations at more than 1,300 colleges and universities. These studies demonstrate that diffusion of innovations is a fitting lens for a study focused on adoption of an innovation within higher education. Restorative justice has been considered an “innovation” by other authors and both Rogers’s (2003) model and DeRousie’s (2014) framework have been successfully applied to the context of higher education.

### **Overview of the Study**

My study, framed by DeRousie’s (2014) model of adoption decision-making, is guided by the following research question: What are the conditions that influence institutional decisions to adopt restorative justice in student conduct?

I employ a multiple case study methodology to understand the conditions, decision-making processes, and influences surrounding an institution’s decision to adopt restorative justice practices in student conduct. Case studies provide an in-depth understanding of a community, relationship, process, or project (Creswell, 2013). They are bounded by time and place, and can focus either on one unique bounded case or on an issue that is illustrated in multiple cases (Creswell, 2013). I purposefully selected two institutions that have adopted restorative justice practices within the last 15 years, and that represent different institutional types within the Carnegie Classification (a public research-extensive university and a mid-sized religiously-

affiliated institution). I studied the University of San Diego (USD) and the University of Michigan (U-M). USD adopted restorative justice practices in the Office of Student Conduct. At U-M, restorative justice and alternative resolution methods were adopted separately by both University Housing and the Office of Student Conflict Resolution. I treat these two U-M adoption processes as separate cases, so throughout this report I will refer to three total cases.

To shape my case descriptions, I interviewed student affairs practitioners at each institution who participated in and reflected on the decision-making process on their campus. I collected and analyzed documents related to the institutions' restorative justice programs, including policy documents, procedure descriptions, accounts of the transition to restorative justice as reported in campus newspapers and official websites, and other public-facing documents related to the institutions' restorative justice programs. I requested from each participant any internal documents such as meeting minutes, internal memos, and committee reports that they might be able to share. Only one participant from USD was able to retrieve and share such internal documents. I transcribed my interviews verbatim and coded the transcripts and documents using codes informed by content analysis, the literature review, and the theoretical framework. I then identified themes and patterns within and across the three cases. To ensure trustworthiness, I conducted member-checks with participants and peer reviewed my codes and thematic analysis.

## **Significance of the Study**

Given that this is a relatively new practice in student conduct, it is not surprising that the literature on the use of restorative justice in higher education is relatively thin. With only a few qualitative and quantitative studies (Karp & Sacks, 2014; Meager, 2009), the literature on restorative justice in higher education is largely comprised of examples, case studies, and advice for those attempting to implement restorative practices (Allena, 2004; Karp, 2013; Karp et al., 2016; Karp & Allena, 2004; Schrage & Giacomini, 2009; Wachtel & Wachtel, 2012). There are only a few anecdotal mentions of what led institutions to make the decision to adopt restorative justice practices in the first place (Karp, 2013; Schrage & Giacomini, 2009; Wachtel & Wachtel, 2012).

It is this gap that I address with the present study—to learn what motivates and facilitates an institution’s decision to adopt restorative justice practices in its student conduct processes. This study contributes to innovative practice in student affairs by identifying the factors that drive colleges and universities to adopt restorative practices in student conduct, thereby informing the strategic approaches of advocates promoting restorative justice adoption and equipping practitioners who are considering adoption of restorative practices within their own institutions. This research may also serve as a building block for future research on the implementation of restorative justice programs in higher education.

Moreover, beyond the specifics of restorative justice adoption, this study contributes to understanding the conditions that affect institutional decision-making and adoption of innovations in higher education. Though diffusion of innovations

frameworks have been applied to higher education, the body of literature is still small and most of these studies have focused on implementation rather than adoption of innovations. Authors studying diffusion of innovations have called for more research on adoption decisions (Panzano & Roth, 2006; Wisdom, Chor, Hoagwood, & Horwitz, 2014), and specifically on adoption by organizations and groups, as most of the existing diffusion research has focused on adoption of innovations by individuals (DeRousie, 2014; Ratts & Wood, 2011; Rogers, Singhal, & Quinlan, 2009).

The cases examined in this study enhance the picture of why and how some institutions are deciding to adopt restorative justice practices in higher education. In my analysis of the three cases, I found the following conditions facilitated adoption of restorative justice: institutional culture and leadership that is receptive to new and alternative approaches to student conduct, the introduction of restorative practices at an opportune time, champions who advocate for change, and opportunities to pilot and slowly introduce restorative practices into institutional culture and student conduct systems. These findings have implications for student affairs practitioners, restorative justice advocates, and researchers in the fields of higher education, restorative justice, and diffusion of innovations.

## **Chapter 2: Literature Review**

In this review of the literature, I present the history of student conduct practice in the United States, an overview of the principles of restorative justice, and a description of how restorative justice is being integrated into student conduct processes in the United States. Finally, I introduce the theoretical framework I use in my study of the factors that affect institutional decisions to adopt restorative justice practices in student conduct.

### **History of Student Conduct Practice in the United States**

From colonial flogging to contemporary student hearing boards, the principles and practices of managing student conduct in American institutions of higher education have transformed dramatically in the last several centuries. Responsibility for addressing student behavior has shifted from the purview of institutional trustees, presidents, and faculty to the responsibility of student conduct specialists. Institutional practices that were guided by a doctrine of *in loco parentis*, which gave administrators and faculty great latitude in determining behavioral standards and imposing punitive sanctions (Stoner & Lowery, 2004), were transformed in the 1960s into procedural, adversarial, and quasi-legalistic systems emphasizing students' due process rights (Dannells, 1997; Pavela, 1979; Stoner & Lowery, 2004). In the last 15 years, the field of student conduct has distanced itself from these approaches and is beginning to consider and adopt alternative processes that ensure fundamental due process, but are less adversarial and more focused on the campus community and on students' learning and development (King, 2009; Lowery, 2011). Equipped with an understanding of this historical context, researchers and practitioners are better



positioned to engage with the contemporary practice of student conduct and entertain suggestions for change within the field.

### **In Loco Parentis (Colonial – Antebellum Periods)**

Colonial colleges in the United States, founded largely by Christian denominations with the aim of enhancing students' moral, ethical, and religious development, managed student behavior with strict, all-encompassing codes of behavior and harsh penalties (Dannells, 1997; Lowery, 2011). Discipline was administered by trustees, the president, and faculty, who acted *in loco parentis*—in the role of parents—as they exercised tight and paternalistic control over students' lives. This doctrine of *in loco parentis* gave schools great latitude in determining behavioral standards and imposing sanctions as they deemed appropriate (Stoner & Lowery, 2004). Dannells (1997) described colonial punishments ranging “from expulsion [...] to fatherly counseling” and including “flogging,” “boxing,” “public reprimands,” and “confessions” (p. 16).

As American life democratized in the early 1800s and enrollment in public universities grew, higher education in the country saw increased secularization and pluralism. Universities could no longer maintain such strict codes and authoritarian control over their large and increasingly diverse student bodies (Dannells, 1997; Lowery, 2011). This transition gave rise to disciplinary specialists, who were the first to use counseling in response to student misconduct (Dannells, 1997).

In the post-Civil War era, American institutions began adopting the German university model in which faculty were expected to focus exclusively on scholarship, eschewing any involvement in student discipline or student life (Dannells, 1997). One

ancillary benefit of this faculty specialization was increased recognition of the value of student self-discipline and self-governance. Student governments and honor systems, though not always successful, emerged on many campuses (Dannells, 1997). Faculty disengagement with discipline led university presidents to delegate even more of it to specialists who were chosen from the faculty for their positive relationships with students (American Council on Education, 1937; Dannells, 1997).

### **Student Personnel Services and the “Whole Student” (Early-Mid 1900s)**

By the early 1900s, these specialist roles were formalized and given the titles “Deans of Men” and “Deans of Women” (Lowery, 2011). Deans of Men and Women were initially charged with managing student discipline, but their duties quickly grew to include supporting many of the extra-curricular aspects of students’ lives (ACE, 1937). As the range of work done by Deans of Men and Women grew, so did the number and type of specialists doing this work. These specialists came to be called “student personnel officers” and began developing a philosophical grounding for the work they were doing.

In 1937, a group of these new personnel officers distilled the philosophy and scope of student personnel work in *The Student Personnel Point of View* (ACE, 1937). This report provided a comprehensive list of the functions of college student personnel services, including “administering student discipline to the end that the individual will be strengthened, and the welfare of the group preserved” (ACE, 1937, p. 5). In a post-WWII revision of the report, the authors asserted that “the development of students as whole persons interacting in social situations is the central concern of student personnel work and of other agencies of education” (ACE, 1949,

p. 2) and urged that student discipline be treated “as an educational function designed to modify personal behavior patterns and to substitute socially acceptable attitudes for those which have precipitated the behavior” (ACE, 1949, p. 8).

Student personnel service’s focus on individuals and concern for the “whole student” precipitated new approaches to student discipline—approaches that used individualized and preventative methods in promoting student self-control and self-discipline (ACE, 1937; Dannells, 1997). Professionally trained counselors were more frequently included in disciplinary processes and hearing boards of faculty, staff, and students became increasingly common.

### **Due Process and Student Rights (1960s)**

Until the 1960s, college and university disciplinary decisions were given almost complete judicial deference under the doctrine *in loco parentis* (Stoner & Lowery, 2004). Deans had latitude to adjudicate disciplinary cases and determine sanctions with little transparency or oversight. The tight control of colonial colleges had loosened, but cultural and legal changes in the 1960s and early 1970s dealt the final blows to *in loco parentis* (Dannells, 1997; Stoner & Lowery, 2004).

In an era marked by the civil rights movement, student protests, the Vietnam War, and greater access to higher education, the paternalistic student discipline that had worked with small, homogeneous college populations ceased to be an effective or appropriate model. When the voting age changed from 21 to 18 in 1971 (U.S. Const. amend. XIV.) it ushered in a new understanding of the student-institution relationship, from *in loco parentis* to a more consumerist and contractual view (Dannells, 1997; Stoner & Lowery, 2004).

In 1961, the courts began to clarify expectations regarding the Fourteenth Amendment due process rights that should be afforded students before they are expelled or severely sanctioned. In the case of *Dixon v. Alabama State Board of Education* (1961), the 5<sup>th</sup> Circuit Court established that to meet constitutional due process requirements, a public university must provide a student with notice of the charges against him or her, some form of a hearing, and an opportunity to present his or her perspective and defense (*Dixon v. Alabama*, 1961; Kaplin & Lee, 2014; Stoner & Lowery, 2004). Private colleges and universities are not subject to the same due process requirements (Kaplin & Lee, 2014; Stoner & Cerminara, 1990). This landmark decision is credited with a dramatically new understanding of the due process safeguards available to students (Kaplin & Lee, 2014). Elizabeth Baldizan (1998) wrote that as a result of *Dixon v. Alabama* (1961), “the authoritarian model that had existed for more than two hundred years of legal and educational theory was no more. Our legal system ushered in a dramatic change that was to affect campus life in an unforeseen manner” (p. 30). *Dixon v. Alabama* (1961) would transform the way student misconduct was handled at colleges and universities across the country.

### **Pervasive Proceduralism (1970s)**

Responding to *Dixon v. Alabama*'s (1961) requirement for fundamental due process, universities developed explicit adjudication procedures for student discipline cases. These procedures tended toward complex quasi-legalistic models mirroring the judicial system (Lake, 2009), as schools attempted to minimize any chance of legal challenges. This legalistic approach often meshed awkwardly with the educational and developmental goals of deans and student personnel workers (Dannells, 1997;

Pavela, 1979; Stoner & Lowery, 2004), and resulted in “a pervasive proceduralism on campus which has diminished the concept of personal responsibility and made it unusually difficult for the University to act promptly to protect the campus community” (Pavela, 1979, p. 137).

The U.S. Supreme Court clarified in *Goss v. Lopez* (1975) that such formal trial-like procedures are not required to meet minimal due process requirements. The court noted that “further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular disciplinary tool, but also destroy its effectiveness as part of the teaching process” (*Goss v. Lopez*, 1975, para. 583). The hearing that is required for due process can take a variety of forms, and can be adapted to what is deemed appropriate for each case (Stoner & Lowery, 2004). According to Stoner and Cerminara (1990), “courts afford institutions of higher education a great deal of discretion,” but they do “require colleges and universities to honor the contracts they make and to provide fair procedures” (p. 91). Over the next two decades, institutions would vacillate between rigid proceduralism and educational flexibility as they felt their way toward a balance of these “fair procedures.”

### **Model Student Codes (1980s and 1990s)**

Entering the 1980s and 1990s, schools began to develop Codes of Student Conduct and adjudication procedures that attempted to satisfy required due process and fundamental fairness, while avoiding unnecessarily legalistic procedures, providing some flexibility to administrators, and acknowledging institutions’ educational goals. Model codes by attorneys Gary Pavela (1979, 1997) and Edward

Stoner (Stoner & Cerminara, 1990; Stoner & Lowery, 2004) are prominent examples. Stoner (2008) described the model code as “a literal model of how a student conduct code might be worded [...] a checklist of topics to be included” (p. 50).

A student code generally includes a clear statement of the type of behaviors proscribed by the code, the procedures for adjudicating alleged violations, and the sanctions for violations of the code (Kaplin & Lee, 2014, p. 571). For example, Stoner and Cerminara’s (1990) model code of student conduct includes 17 prohibited behaviors, including “Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property” (p. 100). The code then details the judicial process, including how charges are brought, presented to the responding student, investigated, and decided.

These codes aimed to provide “constitutionally-required notice to students, faculty and administrators concerning the institution's policies and procedures” and to protect the university from complaints of unfair treatment by making processes clear and transparent (Stoner & Cerminara, 1990, p. 91). Kaplin and Lee (2014) noted that a code “gives students fairer notice of what is expected of them and often results in a better-conceived and administered system” (p. 580).

Most of the codes adopted during this time give administrators two options for adjudicating cases: formal judicial hearings for serious cases and informal disciplinary conferences for less serious cases (Dannells, 1997; Pavela, 1979). These two methods for adjudication still predominate in student conduct practice today (Zdziarski & Wood, 2008).

The codes also outline potential sanctions for students found in violation of policy. Stoner and Cerminara's (1990) code includes sanctions such as a warning, probation, loss of privileges, fines, restitution, suspension, and expulsion. Most of these sanctions were punitive, but the code did also include "discretionary sanctions" described as "work assignments, service to the University, or other related discretionary assignments" (p. 114). In the 1980s the range of possible sanctions employed by colleges and universities grew to include more rehabilitative options, especially disciplinary counseling (Dannells, 1990), but most sanctioning continued to be punitive in nature (Karp, 2013). Not all welcomed rehabilitative and educational sanctioning. Pavela (1979) defended the punitive approach, bemoaning sanctioning that attempted to "educate" and address "personal needs," asserting that "the value of deterrence and simple justice of retributive punishment are then lost on campus" (p. 137).

As Pavela's comments suggest, while the model code movement in the 1980s and 1990s pulled institutions back from extreme legalism, the pendulum did not swing entirely toward developmental and educational methods. Institutions, fearing litigation, were loath to let go of legalistic procedures (Lipka, 2009). At the end of the 1990s, the debate between these two approaches still simmered. Dannells (1997) described an "ongoing struggle between the student development position and the legalistic position" (p. 23) and Baldizan (1998) decried what she saw as administrators' flight from an educational imperative:

The issues students face today cry out for not less, but more moral and ethical reflection. Rather than stepping away in a neutral zone, hiding behind legal

rationales, administrators of student policies desperately need to be addressing life and learning experiences that lead to ethical and moral outcomes. (pp. 30-31)

As the end of *in loco parentis* and the rise of codes of student conduct transformed the way student discipline was practiced on campuses, the student personnel managing these processes became even more specialized. Where deans of students and their immediate staff had managed student behavior issues, the 1980s saw less dean involvement and a greater range of student personnel staff taking the lead in managing student discipline (Dannells, 1990). This specialization and the growth of a “student judicial affairs” field within college student personnel were reinforced with the creation of a professional association. The Association for Student Judicial Affairs (ASJA) was founded in 1987 and held its first national conference in 1989 (ASCA, n.d.).

#### **From “Judicial” to “Conduct” (2000 to Present)**

By 2001, ASJA had over 600 attendees at its national conference (ASCA, n.d.). The field of student judicial affairs was firmly established and judicial processes across institutions became more settled and standardized (Lowery & Dannells, 2004). In a review of the research on the administration of student judicial affairs, Dannells (1997) noted that most institutions did not anticipate changing their judicial systems, “but some have indicated a need for simpler, less legalistic processes” (p. 68). Many, including the original authors of the model student codes, critiqued the rigid and adversarial processes that had developed in student judicial systems, recommending that institutions find and adopt more educational and flexible



approaches (Gehring, 2001; Lowery & Dannells, 2004; Stoner & Lowery, 2004).

Leaders in the field reiterated that institutions did not need quasi-courtroom procedures in order to meet minimal due process requirements (Gehring, 2001; Lake, 2009; Schrage & Giacomini, 2009; Stoner & Lowery, 2004).

Stoner and Lowery (2004) revised the Model Student Code, endorsing developmental language in place of legalistic language (Schrage & Giacomini, 2009), for example calling on institutions to stop using the term “judicial” to describe student disciplinary proceedings, and citing the process of drafting or revising a code as a time for “members of the academic community to evaluate what choices they believe are educationally appropriate” (p. 11). At the same time, advocates for alternative dispute resolution and restorative justice became more vocal in suggesting a range of alternatives to the traditional model code approach (Karp & Allena, 2004; Schrage & Giacomini, 2009).

Reflecting this movement away from legalese and growing acceptance of alternatives to traditional judicial processes, the Association for Student Judicial Affairs changed its name to the Association for Student Conduct Administration in 2008 (ASCA, n.d.; Lipka, 2009) and expanded its mission to include conflict resolution approaches (Schrage & Giacomini, 2009). One year after its name change, ASCA officially endorsed the book *Reframing Campus Conflict: Student Conduct Practice through a Social Justice Lens*, indicating the association’s support of “the use of diverse forms of conflict resolution” including “conflict resolution pathways based upon social justice theories, restorative justice, conflict coaching, and facilitated dialogue” (King, 2009, p. xiii).

It is in this environment—as the field pulls away from proceduralism and adversarial processes—that the concept of restorative justice has started to take root among some student conduct offices. In the following sections, I will introduce the foundational concepts and literature of restorative justice, and then describe how restorative practices are being integrated into student conduct processes.

### **An Introduction to Restorative Justice**

Restorative justice offers an alternative view of crime and what sort of response it requires. Drawing on earlier movements and on traditions and beliefs of indigenous peoples in North America and New Zealand (Zehr, 2015), the contemporary restorative justice movement started with several pilot projects in North American communities in the 1970s. Initially focused on re-conceptualizing Western criminal justice systems, restorative practices have now been adopted in primary and secondary schools to supplement traditional discipline (Karp & Breslin, 2001), in communities seeking to facilitate dialogue, and in national and international contexts like the South African Truth and Reconciliation Commission (Zehr, 2015). In the last decade, student conduct practitioners and advocates of restorative justice have suggested that restorative practices can and should be integrated into student conduct systems in colleges and universities (Karp & Allena, 2004). Before diving into these ideas about restorative justice in higher education, I will provide a brief introduction to the principles and practices of restorative justice.

It is important to note that because restorative justice was initially elaborated in the context of criminal justice, the term “offender” is most often used to refer to the person who has caused harm (Zehr, 2015). However, student conduct processes have

moved away from such criminal justice terminology and tend to prefer less stigmatizing terms to refer to students who have violated campus policies. As modeled in Karp's (2013) writing on restorative justice in student conduct, I will use the term "responsible parties" to refer to those who have violated policies and caused harm except where another term is used in the literature.

### **Restorative Justice Principles**

Howard Zehr (2015), often called the "grandfather" of restorative justice, wrote of restorative justice that "at its core it is a set of principles and values, a philosophy, an alternative set of guiding questions" (p. 7). Restorative justice begins by viewing crime as harm to people and communities (Zehr, 1997), then asks what needs to be done to repair that harm. Zehr (2015) summarized that "restorative justice requires, at a minimum, that we address the harms and needs of those harmed, holding those causing harm accountable to 'put right' those harms, and involve both of these parties as well as relevant communities in this process" (p. 35). He offered a circular image (see Appendix A) to conceptualize these components of restorative justice: at the center is "putting right wrongs and harms," which is achieved by "focusing on harms and needs," "addressing obligations," "involving stakeholders," and "using inclusive, collaborative processes"—all done in the context of "respect for all" (pp. 44-45).

Through a restorative lens, crime is viewed primarily as harm to people and communities, as "a wound in the community, a tear in the web of relationships" (Zehr, 2015, p. 29). Where the traditional Western criminal justice approach first asks "what laws have been broken?" restorative justice asks "what harm was done?"

(Karp, 2013; Zehr, 2015). By focusing on harms, the restorative approach brings into sharper focus the needs of those who have been impacted by a crime (Karp, 2013). Whereas victims and community members are often left out or left to the side in criminal justice proceedings, they play a central role in restorative justice processes. Restorative justice “expands the circle of stakeholders” (Zehr, 2015, p. 21) to include victims and community members, and seeks to identify and address victims’ needs that are generally left unaddressed by traditional justice processes. These victim needs may include: the need for information, the need for the healing opportunity to tell their story, the need for empowerment, and the need for restitution (Zehr, 2015).

After identifying what harm has been done, restorative justice asks what can be done to repair the harm. This is in contrast to the traditional justice questions of “who did it?” and “what do they deserve?” (Zehr, 2015). Restorative justice emphasizes the accountability and obligations of responsible parties, but frames accountability as more than punitive punishment. Zehr (1997) wrote, “if crime is essentially about harm, accountability means being encouraged to understand that harm, to begin to comprehend the consequences of one’s behavior. Moreover, it means taking responsibility to make things right insofar as possible, both concretely and symbolically” (p. 68). The adversarial court system, with threats of prison sentences and other punishments, does not encourage individuals to take responsibility for the harm they have caused or to engage honestly in the process (Zehr, 1997, 2015).

Zehr (2015) suggested that in addition to repairing harms, restorative justice processes should address causes that may have contributed to the responsible party’s

actions. This stems from restorative justice’s holistic understanding of what it means to “put things right.” Though “restorative” may seem to imply a return to what was before, Zehr (2015) emphasizes that restorative justice aims to achieve transformational change and improvement. Addressing causes may require the community to take action, a step that is rarely included in traditional justice systems.

Community involvement is especially essential to the final question posed in restorative justice processes: “What can be done to rebuild trust?” (Karp, 2013).

When someone does harm to people and community, it damages his or her credibility and the community may be disinclined to trust him or her again. Although a natural and common response is to simply remove them from the community—through imprisonment, or suspension or expulsion—the rebuilding of relationships and reintegration back into the community is central to restorative goals (Karp, 2013). The responsibility for regaining this trust lies with the responsible individual, who demonstrates trustworthiness by completing agreed-upon tasks and meeting clear expectations.

### **Restorative Practices**

There are a range of processes used to facilitate restorative conversations and decisions. The most common formats are conferences and circles. These practices represent part of a continuum of options for responding to harm. Any system will need flexibility to tailor a process to the victim’s, community’s, and responsible party’s needs. Most, but not all, restorative processes involve direct encounter between the responsible parties and the parties harmed, affected, or involved (Zehr, 2015). Participation in direct encounters must be voluntary, particularly for those who

have been harmed (Karp, 2013; Zehr, 2015). And responsible individuals participating in restorative processes must have demonstrated willingness to take some responsibility for their actions, although “often they do not acknowledge full responsibility prior to the conference” (Zehr, 2015, p. 58).

Conferences are highly structured, facilitated meetings that bring together those who have been harmed with those responsible for the harm. Family and support people may be present, and depending on the format and goals of the conference, may participate more or less actively in the conference (Zehr, 2015). The facilitator(s) of the conference are impartial, or as Zehr (2015) suggested, “perhaps more accurately, equally partial to both sides” (p. 62). They are charged with helping all involved to prepare for and understand the goals of a conference, and they ensure that all voices are heard in a dialogue that respectfully addresses harms, needs, and obligations of participants during the conference (Karp, 2013). At the end of a successful conference, the parties will agree on the tasks that the responsible person needs to complete in order to repair harm and regain trust (Karp, 2013).

Circle processes are also highly facilitated dialogues. They differ from conferences in that they tend to include a broader circle of community members as essential participants (Zehr, 2015), although community members may be included in conferences as well (Karp, 2013). Drawing on practices of Aboriginal communities in Canada (Zehr, 2015), participants sit in a circle and pass a “talking piece” so that all in the circle have equal opportunity to speak. Circles are facilitated by one or two “circle keepers” whose responsibilities in the dialogue are similar to those of the facilitators of a restorative conference (Zehr, 2015).

Circle processes can be used to facilitate a wide range of dialogues beyond those related to crime or discipline, including addressing community conflicts, building relationships, and discussing complex societal issues (Wachtel & Wachtel, 2012). Perhaps because of their flexibility and multifunctional uses, Zehr (2015) observed that “circles seem to be the predominant model in educational settings” (p. 65).

Each of these restorative practices has been successfully integrated into student conduct processes, as well as used in other contexts and functional areas in higher education (Karp, 2004, 2013; Wachtel & Wachtel, 2012). In the next sections, I will explore in greater depth the literature on the application of restorative values, principles, and practices in education.

### **Restorative Justice in K-12 Schools**

In the post-Columbine era of the 1990s, K-12 schools throughout the United States adopted zero tolerance policies (Teasley, 2014) and more rigid and punitive responses to student misconduct (Payne & Welch, 2013). Restorative justice programs have been offered as an alternative to these punitive approaches. The first school-based restorative practices were adopted in Australia in the early 1990s (Karp & Breslin, 2001) and now are gaining popularity in K-12 schools in the United States (Richmond, 2015), with at least 12 states, and many districts and individual schools, implementing restorative practices (Teasley, 2014). Although more research is needed (Hurley, Guckenburg, Persson, Fronius, & Petrosino, 2015), initial findings on the use of restorative justice in secondary schools are promising, showing reductions in suspensions and expulsions, reduction in violent incidents, increased

engagement, reduced teacher turnover (Teasley, 2014), increased student sense of safety, and improved social relationships (Morrison, 2002).

The success of restorative justice programs in K-12 schools strengthens arguments for using restorative justice in higher education as well. As restorative justice in higher education catches up with primary and secondary schools, K-12 programs may provide valuable models for research and implementation.

### **Restorative Justice in College and University Student Conduct**

As the pendulum of student conduct swings away from hyper-legalistic procedures, a growing number of scholars and practitioners in student affairs are looking to restorative justice as a way to integrate educational and community-minded approaches into their conduct systems. The first restorative justice program in U.S. higher education was started at the University of Colorado Boulder in 1999 (University of Colorado Boulder, n.d.). In the past 15 years, an estimated 70 colleges and universities have adopted restorative justice practices in some form (McMurtrie, 2015). In this section, I will review the literature suggesting why restorative justice is relevant in the context of higher education and how restorative practices have been integrated into student conduct processes.

Colleges and universities are fertile ground for an innovation like restorative justice (Clark, 2014; Karp, 2005). The Association for Student Conduct Administration (ASCA) states the goals of student conduct processes should be student growth and development and the preservation of the educational environment (ASCA, n.d.; Council for the Advancement of Standards, 2015). These goals dovetail with the values and practices of restorative justice. Building on the ASCA goals, in



the following sections I will expand on the literature connecting restorative justice practices with the student learning and the educational environment, followed by a description of the procedures used in restorative justice systems in student conduct.

**Student learning and development.** The field of student affairs has long concerned itself with the development of the “whole student” (ACE, 1937), asserting that students learn and grow in many important dimensions both in and outside of the classroom (Keeling, 2006), and that student affairs practitioners should facilitate that development. An institution’s response to student misconduct should reflect this goal of facilitating meaningful student learning (Clark, 2014; Gehring, 2001), especially learning related to moral and ethical development (Baldizan, 1998). The Council for the Advancement of Standards in Higher Education (CAS, 2015), reinforces that “student conduct programs must also uphold the primacy of the educational mission of colleges and universities” by “identify[ing] and utiliz[ing] practices and interventions that have a demonstrable effect on students’ knowledge, values, and behavior” (p. 418).

Karp and Sacks (2014) hold that restorative justice “is in greater alignment with theories of student development, and will produce better learning outcomes for respondents in a conduct process” (p. 157). Past literature had not identified specific learning outcomes for student conduct administration, so Karp and Sacks (2014) suggested that student conduct processes should aim to facilitate learning in the areas of: self-authorship/just community, active accountability, interpersonal competence, social ties to the institution, procedural fairness, and closure. Their Student Accountability and Restorative Research (STARR) Project, which compared

outcomes of student conduct processes at 18 different institutions, found that restorative justice conduct processes have significantly greater impact in these areas of student learning than traditional model code processes. Meagher's (2009) phenomenological study of the experience of respondents in restorative justice processes found that students changed how they viewed themselves in relation to others, learned new information and skills, changed their behavior, and experienced emotional release and sense of resolution as a result of their restorative processes.

Traditional hearing procedures can miss opportunities for student learning (Gehring, 2001; Lowery & Dannells, 2004), especially in the dimensions outlined by Karp and Sacks (2014). In formal, adversarial processes there is little incentive for students to genuinely understand and take responsibility for the impact of their actions (Karp, 2013; Zehr, 2015), whereas students' active role in restorative processes can facilitate reflection and active accountability. Moreover, Clark (2014) proposed that non-adversarial restorative processes have the potential to meaningfully address connections between traditional masculinity and harmful "anti-social" behavior by helping students develop empathy and practice taking responsibility (pp. 712-713).

**Campus community.** Proponents of restorative justice in student conduct emphasize the centrality of community in higher education (Giacomini & Schrage, 2009) and affirm that "student affairs leaders [...] must actively and positively embrace their responsibility to encourage the building of moral/ethical communities on campus" (Dannells, 1997, p. 8). Positive student behavior and positive community development are interrelated; students engaging in destructive behavior may harm the

community (Karp, 2013; Stoner & Lowery, 2004). In addition, “students who feel a strong sense of membership [in the campus community] are more likely to abide by the community’s standards.” (Karp & Sacks, 2014, p. 159).

Restorative practices recognize community members as key stakeholders in student conduct processes and emphasize rebuilding trust and reintegrating into community as some of the ultimate goals of successful restorative processes (Karp, 2013; Zehr, 2015). This stands in contrast to more adversarial processes. Gehring (2001), a founding member of the Association for Student Conduct Administration, wrote that “purposefully creating a situation in which students are set up as antagonists of each other or of the institution not only reinforces the tenuousness of social bonding, but actually eliminates the opportunity for it to take place” (p. 467). Where restorative processes attempt to mend and strengthen the community fabric, antagonistic processes strain social and institutional relationships, tearing students who have caused harm further away from the campus community.

How each approach views a student’s relationship with the campus community is also evident in sanctioning. Karp (2013) described traditional sanctions of “warning, probation, loss of privileges, fines, restitution, residence hall suspension, academic suspension, [and] expulsion” as “a model of progressive exclusion. As the offense becomes more severe, the strategy is to further separate the student from the institution” (p. 17). Although removal from the community is sometimes necessary, Karp argued that if students are able to engage in some degree of moral reasoning, then mutually agreed-upon restorative sanctions can serve to strengthen ties to the community rather than sever them. At the end of a restorative justice conference or

circle, a restorative agreement is produced through consensus of the participants, rather than by university officials, and focuses on the tasks that the responsible student needs to complete to repair harm, restore community and rebuild trust, and build competencies for better future decisions (Allena, 2004).

### **Restorative Justice Processes in Student Conduct**

Restorative justice has not been suggested as a stand-alone replacement for current student conduct processes, but as an additional resolution option (Stoner, 2009) in a spectrum of responses to campus conflict and misconduct (Schrage & Giacomini, 2009). Restorative options should precede more adversarial or retributive options, in the hopes that formal hearings will not be necessary (Stoner, 2009; Karp, 2013). Even the most ardent supporters of restorative justice acknowledge it is not appropriate in all cases (Karp, 2013; Zehr, 2015), but suggest that many cases could benefit from a restorative approach (Karp & Sacks, 2014). Karp (2013) explained that restorative practices are most effective in cases where there are easily identifiable harms caused by someone's actions. He further posited that conduct processes should begin with moral dialogue facilitated through restorative practices, and only if that fails move on to deterrence- and exclusion-based practices and sanctions. Restorative justice also requires that responsible parties are willing to take some degree of initial responsibility for their actions (Zehr, 2015). If a student denies all responsibility for an incident, his or her case may be better resolved through a formal hearing process.

There is some debate about the use of restorative justice in cases of sexual misconduct, and Department of Education guidance is often interpreted as prohibiting any form of alternative dispute resolution in sexual misconduct cases. Nonetheless,

several authors and practitioners are advocating for this application of restorative practices (Karp, Shackford-Bradley, Wilson, & Williamsen, 2016; Koss, Wilgus, & Williamsen, 2014; Lipka, 2015).

There are several formats used to facilitate restorative justice processes in student conduct settings. Karp (2004) described the four most common practices: conferences, circles, victim-offender mediation, and integrity boards. In student conduct, conferences are generally offered as an alternative or interim resolution option that, if successful, may replace a conduct hearing (Karp, 2013). They are conducted by trained facilitators—generally staff members, but sometimes students—who meet with participants before the conference or circle to set expectations and to learn about the case. Conferences end with participants co-producing a restorative agreement that outlines what the responsible student needs to do in order to repair harm and reintegrate into the community (Goldblum, 2009). Completion of these tasks may be required in order for a student to enroll in classes or return to campus (Karp, 2013).

The distinction between conferences and circles can blur, but circles are generally organized as facilitated discussion that rotates around the circle, often by passing a “talking piece” (Zehr, 2015, p. 64) between participants. In higher education, circles tend to be used with larger groups (Karp, 2013) and in cases where “the line between victim and offender is blurred” (Goldblum, 2009, p. 151) or where there is no identified offender (Karp, 2013). Circles are also used in non-conduct related settings, like residential community building, community healing and grieving

(Karp, 2013; Wachtel & Wachtel, 2012), and response to bias incidents (Giacomini & Schrage, 2009; Knott, 2016a).

Victim-offender mediation brings together a small number of affected parties with a trained facilitator to “resolve ongoing conflict” and participate in “healing dialogue” (Karp, 2004, p. 38). This restorative form of mediation is distinct from other forms of mediation in that responsible parties are expected to acknowledge responsibility before the mediation (Karp, 2004; Zehr, 2015).

Integrity boards, alternatively called Community Accountability Boards (Goldblum, 2009), are similar to judicial boards used in model code processes, but with a more restorative approach. They are composed of community members and may include “members of affected neighborhoods, peer students, faculty, or a mix of constituent representatives” (Goldblum, 2009, p. 150). They focus not only on fair and equitable treatment, but “are [also] particularly concerned with a process that encourages trust, emotional expression, and community building” (Karp, 2004, p. 29). An integrity board first determines whether a student is responsible for violating campus policies. Then, instead of assigning sanctions, the board works with the harmed parties and the responsible student to identify harms and agree on ways for the respondent to repair the harm and regain community trust (Karp, 2004). Integrity boards can hear cases “without direct victims and those in which victims prefer not to participate” (Karp, 2004, p. 39) and often require less preparation than other restorative options (Goldblum, 2009; Karp, 2004).

An integrity board can be an efficient model in a student conduct setting, but Karp (2013) cautions that what a board gains in efficiency it may lose in emotional

impact. He explains that “without a direct connection, board members can start to treat cases in a routine or formulaic manner” (p. 31) and that boards can become complacent about actively recruiting the participation of harmed parties because it becomes easier to proceed without them.

### **Adoption and Implementation of Restorative Justice in Student Conduct**

As referenced earlier, an estimated 70 campuses in the United States have implemented some form of restorative justice program (McMurtrie, 2015). Adoption of restorative justice practices crosses institutional type and size; programs are found on campuses large and small, public and private, religious and secular, liberal arts colleges and research universities. As a relatively new practice in student conduct, it is not surprising that the literature on the use of restorative justice in higher education is not very deep. As described earlier in this chapter, there is only one published quantitative study on the impact of restorative justice practices on student learning in conduct processes (Karp & Sacks, 2014) and one phenomenological dissertation studying the experiences of respondents in restorative justice processes (Meager, 2009). The literature incorporates examples and case studies from existing programs (Karp, 2013; Karp & Allena, 2004; Schrage & Giacomini, 2009; Wachtel & Wachtel, 2012). Many texts aim to provide case studies and models so institutions interested in implementing restorative justice can imagine how it might work on their campus (Karp, 2013; Olshak, 2009; Schrage & Giacomini, 2009).

A few authors, in addition to providing an implementation model, provide advice on the implementation process (Allena, 2004; Karp, 2013; Karp et al., 2016) for an institution once they have decided to integrate restorative justice. But there is

no literature—only a few anecdotal mentions (Karp, 2013; Wachtel & Wachtel, 2012)—of what led institutions to make the initial decision to adopt restorative justice. It is this decision-making process that I investigate with the present study.

### **Theoretical Framework**

To structure my study, I employ DeRousie's (2014) theoretical framework, which is grounded in Rogers's (1962, 1971, 1983, 1995, 2003) foundational theory of diffusion of innovations. The theory of diffusion of innovations describes the process by which a new idea is spread and adopted. DeRousie's framework focuses on the factors affecting an organization's decision to adopt an innovation. DeRousie (2014) designed this framework for his dissertation study of adoption of innovations in higher education. In this section, I will briefly describe research in the areas of restorative justice and higher education that has used Rogers's diffusion of innovations theory, then provide an overview of Roger's foundational theory and introduce DeRousie's framework.

### **Diffusion of Innovations in Higher Education and Restorative Justice Literature**

The application of Rogers's diffusion of innovation theory has grown exponentially since first published in 1962. At the printing of the fifth edition of his book, *Diffusion of Innovations*, Rogers (2003) estimated that there were 5,200 publications on the topic of diffusion, and that the literature was growing at a rate of about 120 publications per year. Diffusion research in the areas of restorative justice and higher education exists, but is limited.

Literature applying diffusion of innovation theories to restorative justice generally focuses on adoption in K-12 contexts; specifically, the adoption of family



group conferencing in Australian child protection systems (Harris, 2008), whole-school uptake of restorative justice in K-12 schools (Blood & Thorsborne, 2005, 2006; Thorsborne & Blood, 2013), and assessment and promotion of social justice counseling perspectives in counselor education programs (Ratts & Wood, 2011). In his review of the literature, DeRousie (2014) found diffusion theories applied to higher education in: several studies of adoption of state-level higher education policies (Cohen-Vogel & Ingle, 2007; Cohen-Vogel et al., 2008; DeRousie, 2014), research on institutional adoption of academic programs (DeRousie, 2014; Ross, 1976), a study of diffusion of shantytown protests for divestment from South Africa-related investments (Soule, 1997), research on the diffusion of the Common Application (Liu, Ehrenberg, & Mrdjenovic, 2007), and a study of professionalization of liberal arts colleges (Kraatz & Zajac, 1996). Jessup-Anger (2009) used Rogers's diffusion of innovations theory as a framework for his case studies examining adoption of *Learning Reconsidered* (Keeling, 2006) within divisions of student affairs on college and university campuses. And DeRousie (2014), whose framework I am employing for this study, used diffusion of innovations theory to undergird his quantitative study of the adoption of four specific innovations at more than 1,300 colleges and universities. These studies demonstrate that diffusion of innovations is a fitting lens for my study. Restorative justice has been considered an "innovation" by other authors, and both Rogers's (2003) model and DeRousie's (2014) framework have been successfully applied to the context of higher education.

There are no clear critiques of this application of diffusion of innovations to higher education, although researchers should bear in mind Rogers's (1983) critique

that early innovation research, including his initial edition of *Diffusion of Innovations*, had a pro-innovation bias: they assumed or implied that “an innovation should be diffused and adopted by all members of a social system, that it should be diffused more rapidly, and that the innovation should be neither re-invented nor rejected” (p. 92). In approaching my research, I am cautious not to assume that simply because restorative justice is a new innovation it is the best approach to student conduct for a particular institution or for higher education generally.

### **Diffusion of Innovations Definitions**

**Innovation.** Rogers (2003) defined innovation as “an idea, practice, or object that is perceived as new by an individual or other unit of adoption” (p. 12). An innovation is characterized by its newness, but it need not be entirely new, only new to the organization or individual that is considering adopting it. The practice of restorative justice is not new *per se*—it has been used in United States criminal justice settings since the 1970s and has been practiced in indigenous traditions since long before that (Zehr, 2015)—but it certainly constitutes a new innovation in the field of higher education student conduct (Karp, 2004).

**Diffusion.** Diffusion is “the process by which an innovation is communicated through certain channels over time among the members of a social system” (Rogers, 2003, p. 5). This definition suggests three components to the spread of an innovation: communication, time, and a social network. Rogers suggested that communication about innovations may occur through indirect mass media channels or through more direct interpersonal channels. The type and efficacy of communication about an innovation may also be related to an adopter’s social system or network. “Most

individuals do not evaluate an innovation on the basis of scientific studies of its consequences [...] Instead, most people depend mainly on a subjective evaluation of an innovation that is conveyed to them from other individuals like themselves” (Rogers, 2003, pp. 18-19). Time is a variable of diffusion insofar as it takes time for a person or organization to decide to adopt an innovation, and also in how quickly an individual or organization adopts the innovation relative to others in the social system.

### **Innovation Process in Organizations**

Up until the 21<sup>st</sup> century, much of the research building on Rogers’s diffusion theory focused on the adoption of innovations by individuals, rather than groups or organizations (DeRousie, 2014; Ratts & Wood, 2011). But Rogers’s theory does include specific models of organizational adoption and implementation, and scholars have called for more research in this area (Rogers, Singhal, & Quinlan, 2009). Rogers (2003) outlined a five-stage process by which organizations decide to adopt an innovation then go about implementing it (See Appendix B). The process is divided into two phases: *initiation* and *implementation*, which fall on either side of a line representing an organization’s *decision to adopt* an innovation.

The initiation phase consists of everything an organization does leading up to a final decision about whether to adopt an innovation. This includes the stages a) agenda-setting and b) matching. In agenda-setting, an organization identifies a perceived need and begins searching for innovations that will fill that need (Rogers, 2003). However, Rogers (2003) noted that it is just as likely that an organization will first encounter an innovation then discover that it matches an organizational need.

The matching stage is “a kind of reality testing” (Rogers, 1983, p. 364), in which an organization considers the innovation, testing its feasibility, assessing how it fits with organizational structure, culture, and mission. In this stage, the organization may begin planning for a potential implementation (Rogers, 2003). Wisdom, Chor, Hoagwood, and Horwitz (2014) described this process as moving “from pre-adoption where staff within an organization become aware of an innovation and access information with which to make a decision, to established adoption, where the organization decides whether to proceed with and commit to the innovation” (p. 492). The adoption decision is the point at which an organization decides that it will implement an innovation.

The implementation phase includes “all of the events, actions, and decisions involved in putting an innovation into use” (Rogers, 2003, p. 421). The three stages in this phase are: c) redefining/restructuring, d) clarifying, and e) routinizing.

Implementing an innovation may require an organization to restructure aspects of how it has operated in the past and redefine roles and processes. As the implementation progresses, the “relationship between the innovation and the organization is defined more clearly” (Rogers, 2003, p. 421). And ultimately the innovation becomes fully integrated into the organization’s routines.

In the present study, I will focus on the first half of this model: the process and influences that lead to an institution’s decision to adopt restorative justice practices. Although none of the restorative justice literature has specifically applied Rogers’s (2003) Diffusion of Innovations model to implementation of restorative justice in student conduct, there are already several descriptions of implementation

processes (Allena, 2004; Karp et al. 2016; Karp, 2013). What is missing in the literature is any discussion of the initiation and adoption processes of higher education institutions that have implemented restorative justice practices.

This tendency to focus on implementation rather than initiation and adoption is also found in diffusion literature generally (Wisdom et al., 2014). Greater attention to adoption processes is essential. Panzano and Roth (2006), justifying their study of adoption decisions among health care organizations, explained that though it is valuable to understand the implementation of an innovation, “it is equally important to understand what drives organizations to adopt innovative health care practices in the first place” (p. 1153). They note that adoption is a prerequisite to implementation; without organizations first deciding to adopt, an innovation would never be implemented. The same argument can be applied to the present study. In order to paint a picture of the diffusion of restorative practices in student conduct processes across the United States, it is important to understand what drives colleges and universities to adopt these innovative practices.

### **DeRousie’s Theoretical Framework**

Rogers (2003) did not provide a framework of the factors that influence organizational adoption of innovations. To guide this study, I have selected DeRousie’s (2014) conceptual framework (Appendix C). Informed by Rogers’s (2003) theory, DeRousie’s (2014) framework is especially appropriate for this study because, though it was designed to be generally applicable, it centers on adoption of innovation in higher education institutions. DeRousie proposes four categories of

factors that influence an organization's adoption decision. In this section, I will explain each grouping of factors.

**Attributes of innovation.** The five attributes of innovation are drawn from Rogers's (2003) model. *Relative advantage* is "the degree to which an innovation is perceived as being better than the idea it supersedes" (p. 229). *Compatibility* is "the degree to which an innovation is perceived as consistent with the existing values, past experiences, and needs of potential adopters" (p. 240). *Complexity* is "the degree to which an innovation is perceived as relatively difficult to understand and use" (p. 257). *Trialability* is "the degree to which an innovation may be experimented with on a limited basis" (p. 258). And *observability* is the degree to which the results of an innovation are visible to others" (p. 258).

It is important to note, as indicated by the arrows in DeRousie's (2014) framework, that the attributes of an innovation are not objective, but are mediated through the lens of the potential adopter's perception (DeRousie, 2014; Panzano & Roth, 2006), which can be affected by social or environmental context.

**Organizational characteristics/characteristics of adopter.** Certain characteristics of an organization may influence its likelihood of adopting an innovation. DeRousie (2014) includes *organizational size* in his framework, explaining that the literature generally finds a positive relationship between size and innovation (Rogers, 2003), but that the relationship is not always strong, and may just be a proxy for other variables that affect innovation (Frambach & Schillewaert, 2002; Rogers, 2003). Rogers (2003) explains the concept of *organizational slack* as "the degree to which uncommitted resources are available to an organization" (p. 412).

*Innovativeness* refers to prior innovative behavior by the organization, which is positively related to the likelihood of adopting the current innovation being considered (DeRousie, 2014). DeRousie (2014) did not describe what is meant by *organizational culture* in his framework, but other authors point to social climate and cultures of individual learning as contributing to organizations' decisions to adopt innovations (Wisdom et al., 2014).

**Social network context.** Rogers (2003) described diffusion as “a very social process that involves interpersonal communication relationships” (p. 19). Social networks, even between organizations, play a role in whether innovations will be adopted. Factors that affect social networks include geographic proximity, similarity of organizations to one another, shared cultural/societal norms, and how directly or indirectly they are related (DeRousie, 2014).

**Environmental context.** The context within which an organization is considering an innovation can impact the organization's ultimate decision about adoption. These contextual factors can include whether an organization is facing competition, whether the organization is experiencing uncertainty or stability, and whether there is strong external or internal support or resistance to the innovation.

Factors within each of these categories could play into an institution's decision to adopt restorative justice practices within student conduct. Learning which of these factors are salient in restorative justice adoption decisions may shed light on the diffusion of restorative justice practices in student conduct throughout the United States.

## **Application of DeRousie's Framework**

In the findings of his quantitative study of the adoption of four innovations across U.S. institutions of higher education, DeRousie (2014) reported the relative significance of variables related to each of the factors in his framework. He found that attributes of the innovation—especially relative advantage and compatibility—did have an effect on who chose to adopt, how many adopted, and how quickly an innovation spread. The effect of complexity, trialability, and observability, attributes which he noted are best considered together as a group, was less clear.

Institutional characteristics were only somewhat significant. Institutional size was only significant for one of the four innovations studied, and institutional resources were only significant for costly innovations. The effect of environmental context was hard to measure because it was difficult to determine which quantitative variables might represent factors such as competition, uncertainty/change, and environmental support/resistance. The factors related to social network context had the most significant effect; both geography and similarity had highly significant impacts on adoption.

In recommending future research, DeRousie (2014) commented that more qualitative research is needed because, “adoption of each of these innovations requires an understanding of the contextual nature of each innovation and the adoption process” (p. 196). Applying qualitative methods to the same conceptual framework, I am able to consider factors in the framework that DeRousie (2014) struggled to translate into quantitative variables, such as environmental context,



cultural/social norms related to social network context, and attributes of the innovation.

### **Chapter Summary**

The literature on restorative justice in higher education incorporates examples, case studies, and advice for those attempting to implement restorative practices at their institutions (Allena, 2004; Karp, 2013; Karp et al., 2016; Karp & Allena, 2004; Schrage & Giacomini, 2009; Wachtel & Wachtel, 2012). However, there are only a few anecdotal mentions (Karp, 2013; Wachtel & Wachtel, 2012) of what led institutions to make the initial decision to adopt restorative justice practices. The purpose of this thesis is to learn what motivates and facilitates an institution's decision to adopt restorative justice practices in its student conduct processes.

## Chapter 3: Methodology

My study, framed by DeRousie's (2014) model of adoption decision-making, is guided by the following research question: What are the conditions that influence organizational decisions to adopt restorative justice in student conduct?

I employ a multiple case study approach to understand the decision-making processes and influences at two institutions (a large public research-extensive university and a mid-sized religiously-affiliated institution) that adopted restorative justice in their student conduct practices. Case studies provide an in-depth understanding of a community, relationship, process, or project (Creswell, 2013). They are bounded by time and place, and can focus either on one unique bounded case or on an issue that is illustrated in multiple cases (Creswell, 2013; Stake, 1995).

Case study is well suited to investigating decision-making processes, and is a particularly fitting methodology for this study in which I seek to understand and develop a picture of the complex and interrelated conditions surrounding an organization's decision to adopt a new innovation. Schramm (1971) explained that a case study, at its essence, "tries to illuminate a decision or set of decisions: why they were taken, how they were implemented, and with what results" (p. 6). A decision-making process is obviously not the only possible topical focus of case studies; the case being studied may be a program, a person, a school, or a system, among other foci (Stake, 1995).

Yin (2009) explained that case studies provide a distinct advantage when a researcher is asking a *how* or *why* question about a contemporary set of events over which the investigator has little or no control. Yin (2009) also highlighted case study

as a fitting methodology for an explanatory analysis of situations with many variables of interest, that rely on multiple sources of evidence, and that benefit from a prior theoretical framework to guide data collection and analysis.

Case study is a common methodology for research in higher education. Harland (2014) found that two-thirds of articles published in four key Australian and European higher education journals between the years 2007-2012 were case studies. Jessup-Anger (2009), who employed case studies to research implementation of *Learning Reconsidered 2* (Keeling, 2006) by divisions of student affairs, also found that studies of change and implementation in higher education often employed case study methodology.

Moreover, case study methods align well with the principles and philosophy of restorative justice. Vaandering (2015) conducted a case study of the implementation of restorative justice programs in two K-12 schools in Ontario, Canada, integrating the approaches of case study with narrative and critical inquiry to examine more closely the stories of teachers using restorative justice in their classrooms. Vaandering explained that she chose the case study methodology because she aimed to gather “comprehensive, systematic and in-depth information about [restorative justice] in action” (p. 67) and because the information-rich details of a case study would provide a greater foundation for future practice. She also identified a philosophical fit between case study and restorative justice, writing that “the centrality of narrative to the [restorative justice] philosophy itself, gives credence to its use for this inquiry” (p. 68). Vaandering gathered data from observations, policy review, and semi-structured interviews with teachers and administrators. In sharing

her findings, she focused in great detail on the interviews and observations of two teachers, one from each school. With this focus on the narratives of these two individuals, Vaandering reinforced the importance of narrative and critical inquiry in understanding the various ways restorative justice programs are implemented and restorative principles are absorbed and enacted by teachers.

My study focuses on institutional decision-making processes leading up to an adoption of restorative justice practices, rather than the implementation or “restorative justice in action” that Vaandering (2015) examined. But even in my more institutionally-focused study, there is merit to considering how restorative principles are reflected in the methodology I employ.

Case study methodology is well suited to the content of my study. Fitting squarely into Yin’s conditions for ideal use of case study, the decision-making processes I examine have many variables, I draw on a variety of sources in my data collection, and analysis of all these data would be aimless and unstructured without a theoretical framework. Moreover, my research follows in a well-established tradition of employing case studies to examine change and decision-making in higher education and case study methodology fittingly reflects the principles of restorative justice.

### **Sampling**

In a case study, the unit of analysis is the case or cases, which should be selected to maximize what can be learned from the case (Stake, 1995) and should be defined clearly to identify the bounds within which data will be collected (Yin, 2009). I purposefully selected three information-rich cases focused on the decision-making

processes and surrounding conditions that led to a decision to adopt restorative justice practices in student conduct. The cases do not include the implementation processes at these institutions. Sampling may occur at several levels in qualitative research, including the site level, the event or process level, the participant level, and the document level (Creswell, 2013).

### **Case Descriptions**

The two institutions I selected for my cases are the University of San Diego (USD) and the University of Michigan (U-M). USD is a mid-sized Catholic institution that adopted restorative justice practices in student conduct 10 years ago. U-M is a large public research-intensive university. At U-M, University Housing adopted restorative justice practices in in 2004 and in 2006 the office of student conduct integrated restorative principles into a “spectrum model” of alternative resolution options. Both of these institutions have successfully adopted restorative practices and are recognized in the student conduct field as models of restorative justice programs.

I selected the three cases through professional networks and through recommendations from professionals, including trainers and presenters at national student affairs and student conduct conferences, who are knowledgeable about and well-connected in the field of restorative justice in higher education. These professionals also assisted in introducing me to potential participants at each institution.

I connected with the former Director of Student Conduct from USD at a professional conference, where I attended their presentation on USD’s restorative

justice practices. University of Michigan was recommended to me as an interesting and representative case by a colleague who has engaged in significant work regarding restorative justice in higher education. A mutual professional contact introduced me to the former director of the Office of Student Conflict Resolution.

I employed several criteria in selecting the cases to be used for my study: a) institutions must have adopted restorative justice practices in their student conduct processes, b) the institutions must have made this adoption decision within the last 15 years, c) there must still be staff available who participated in the institution's decision-making process, and d) the institutions should represent different institutional types, based on the Carnegie Classification of Institutions of Higher Education (n.d.). These criteria ensured that the institutions I selected would offer cases that directly inform my research question, that are information-rich with accessible data and participants, and that each adds a unique institutional perspective to my overall study. I chose to sample from institutions that *have* adopted restorative justice practices because, though it would be informative to learn from an institution that considered but ultimately decided *not* to adopt restorative justice practices, those cases are much more difficult to identify.

### **Institutional Review**

Because this study involved human subjects, the methods, interview protocol, recruitment email, and participant consent form were reviewed and approved by the University of Maryland (UMD) Institutional Review Board (IRB). The study posed minimal risk to participants, so was eligible for expedited review by the IRB. The institutional review process ensures that UMD researchers studying human subjects

minimize risk to participants, protect participants' rights and welfare, obtain informed consent from participants, and disclose any conflicts of interest.

Though participants were from other institutions of higher education, I did not need to seek IRB approval from their institutions. The IRB approval from UMD was sufficient to ensure ethical research practices.

### **Data Collection**

In sampling interview participants, I selected five student affairs practitioners and student conduct staff, two from U-M and three from USD, who had participated in the decision-making process and were able to reflect on the process and the conditions surrounding the decision (n=5). This selection process was purposeful and employed snowball sampling to identify individuals with knowledge of their institution's decision-making process. Snowball sampling means that I asked participants to recommend other individuals I might learn more from, then contacted those individuals for interviews. Ideally I would have continued this process until I reached data saturation, but because of constraints on time and resources, I capped the number of interviews at 5. With additional time I would have expanded the sample of participants from U-M, interviewing at least one more from the Office of Student Conflict Resolution and one more from University Housing. The small sample of participants from U-M may have limited the richness of data available for my analysis of those two cases.

Document selection was based on availability and relevance. Using systematic internet searches (Yin, 2009) and requests for appropriate and releasable documents from participants, I reviewed documents related to the adoption decision process, as

well as documents like news articles or public policy and process descriptions that were written during or after implementation, but that may reflect some of the conditions or reasons for the institution's decision to adopt restorative justice practices. Documents that did not provide insight or contextual information about the adoption decision were excluded from my review.

## **Interviews**

I conducted five semi-structured, one-on-one interviews with participants. The interviews lasted approximately one hour each. Interviewing is an effective method for eliciting explanations and rich descriptions of processes and experiences and conducting multiple interviews allows the researcher to consider multiple realities or views of the case (Stake, 1995).

In preparing for and conducting semi-structured interviews, best practice is to compose a protocol of open-ended questions and follow-up probing questions to guide the interview (Creswell, 2013; Stake, 1995). It is not essential that a researcher ask each of the questions verbatim as the flow of case study "interviews will be guided conversations rather than structured queries" (Yin, 2009, p. 106). The questions in the interview protocol should be tested in pilot interviews to ensure that they flow well and that they elicit the sort of information the researcher is seeking (Creswell, 2013; Stake, 1995, Yin, 2009). I piloted my interview protocol with a student conduct administrator from an institution not included in my study. In the pilot interview I found that the questions flowed naturally, and that the initial questions elicited a great deal of information, making some subsequent questions unnecessary. I identified a few slight alterations to the questions, but overall



confirmed that the protocol adequately elicited the information needed for my case study.

My interview protocol (see Appendix D) has 11 questions, with several possible probing questions. The interview begins with questions intended to build rapport with a participant, asking about themselves and their career before beginning the substantive part of the interview. The protocol then introduces broad questions like “Could you tell me how your institution came to use restorative justice/restorative practices?” and “Could you walk me through each step in the decision-making process?” that aim to elicit participants’ stories of the decision-making process. In answering these initial broad questions, participants covered a wide range of topics, often making some of the later questions in the protocol unnecessary. The following questions are shaped largely around the components of my conceptual framework. For example, I asked “In what ways did you all think restorative justice was the right fit for your school?” which elicited information related to DeRousie’s (2015) “Attributes of Innovation” category, specifically the compatibility factor. In the protocol, I indicated which of DeRousie’s categories are related to each question.

The protocol ends with the question, “Based on your experience, what advice would you have for student conduct professionals at other institutions who are considering adopting restorative justice at their schools?” Though this does not directly address any aspect of my research question or framework, ending with a broad question like this allows the participant to share any thoughts that have surfaced during the interview but have not yet been stated. Additionally, as I

conducted the interviews I asked of almost all the participants, “how do you think adoption or implementation of restorative justice practices is different for institutions considering restorative justice now, as compared to when your institution considered restorative justice?” Because many of my participants have continued to engage with the student conduct field and have offered training and consultation support to colleges and universities considering restorative justice, they were able to reflect on how the context surrounding restorative justice adoption has changed.

Though not all experts recommend audio recording (Stake, 1995), recording and transcribing interviews is a common practice (Creswell, 2013). I audio recorded and prepared transcripts of my interviews. Consistent with interview best practices, I wrote research notes and memos following each interview (Stake, 1995).

Though ideally I would have conducted all of my interviews in person, time and resources did not allow for travel to these institutions, so I conducted interviews over the phone. The long-distance interview format limits informal and non-verbal communication, which had the potential to negatively affect my rapport-building with participants (Creswell, 2013). In order to counter this distancing effect, I built in time before formally beginning the interview to introduce myself and get to know the participant. This was essential to building trust and rapport with participants.

Interviews with individuals involved in the decision-making process provided central information for the case studies. Because my research question focuses on the conditions and the considerations surrounding the decision process, I was seeking information that may be documented only privately, if at all. Having informants who could provide insights on the adoption decision was essential to painting a full picture

of the process. Moreover, it was important for me to establish rapport and trust with participants in order to encourage them to share their experiences and reflections with me. Where possible, a mutual colleague introduced me to potential participants, building my credibility and making me less of an unknown outsider. My professionalism in communication and engagement with participants also bolstered this trusting relationship.

### **Document Review**

Yin (2009) acknowledged that “interviewees’ responses are subject to the common problems of bias, poor recall, and poor or inaccurate articulation” (p. 108-109), and therefore suggested that it is good practice to corroborate information from interviews with other sources. In addition to interviews, I collected and analyzed 34 documents related to the institutions’ student conduct and restorative justice programs including policy documents and procedure descriptions; accounts of the institution’s transition to restorative justice as reported in campus publications and official websites; information about the institution, including its mission and general statistics; and other public-facing documents related to the institution’s decision to adopt restorative justice practices. I reviewed 12 publicly available documents related to USD, and 12 documents related to U-M. To supplement my search of public-facing documents, I also requested of each interviewee internal institutional documents that might provide greater information about the decision-making process, such as meeting minutes, internal memos, and committee documents. Only one participant was able to retrieve and share internal documents; Justine Darling from University of San Diego shared 10 documents, including meeting minutes, progress reports, and

process documents. The lack of internal documents limited the scope of my document review for University of Michigan. This may be because both institutions adopted restorative practices so long ago that the documents are not readily available. Also, both of the participants I interviewed from University of Michigan have moved to other institutions, so they do not still have access to U-M files and records. Because such internal documents may be sensitive, it was important to explain how I would use these documents and what steps I would take to protect participating institutions' and practitioners' anonymity. Though I offered the use of pseudonyms, none of the participants requested anonymity. These steps are outlined in further detail in the data security and participant protection section.

Document review is a part of almost every case study (Stake, 1995; Yin, 2009). Documents are unchanging and exact, they can provide broad coverage of an event or topic, can confirm information gathered from other sources, and they are unobtrusive, meaning that they are not created as a result of the research (whereas interviews or observations are to some degree created by the researcher; Yin, 2009). Documents can also provide insights or observations that may not otherwise be available to the researcher. Stake (1995) notes that "quite often, documents serve as substitutes for records of activity that the researcher could not observe directly" (p. 68). For example, in my study, notes from meetings or reports of task force findings reveal parts of the decision-making process I did not have the opportunity to observe directly.

Some of the challenges of document review are related to retrievability and access (Creswell, 2013; Yin, 2009). Researchers may struggle to find, or may not be

granted access to, relevant documents. A limited or incomplete search can contribute to bias in document selection (Yin, 2009). Moreover, researchers should be aware of the potential bias introduced by a document's authors in their coverage of the event or topic (Yin, 2009).

Consistent with best practices for data collection, I conducted a systematic internet search for relevant documents (Yin, 2009) related to each case. Such a search might have posed challenges in either returning very few documents or an overabundance of results. Yin (2009) recommends that researchers facing an overwhelming number of documents “need to have a strong sense of [their] case study inquiry and focus on the most pertinent information,” and suggests that they “sort or triage the materials (documents or numeric data) by their apparent centrality” (p. 105), then focus their time on those most central documents. Because I was researching internal decision processes, I did not discover a great deal of publicly available documentation related to my cases, but I nonetheless followed Yin's (2009) guidance in structuring and focusing my document review.

All documents reviewed for this study are listed in Appendix E.

### **Data Security and Participant Protection**

Understanding that some of the information collected may be sensitive to institutions or participants, I offered the option of being referred to by pseudonym in my description and analysis of the case. No participant requested this sort of anonymity.

This protocol for data security and protecting anonymity was thoroughly explained in a consent form signed by participants before an interview. The consent

form also explained the purpose of the study, details about the interview, and my plans for using the information from the interview (Creswell, 2013). Taking steps to communicate how I would secure the data collected and protect sensitive information was essential to gain the participants' trust. Without that trust, I might have faced significant obstacles in accessing and eliciting the information needed to develop insightful and information-rich case studies.

All data collected through interviews and document collection was stored in password-protected digital files. Audio recordings were transferred promptly to secure files and deleted from recording devices.

### **Data Analysis**

In qualitative research, the process of analyzing data is ongoing throughout the research process; "there is no particular moment when data analysis begins" (Stake, 1995, p. 71). Even as researchers are engaged in initial data collection, they are also reflecting on the data, considering possible interpretations, looking for possible patterns, writing notes, and organizing data. Creswell (2013) describes this as a "data analysis spiral" (p. 183), further explaining that data collection, data analysis, and report writing "are interrelated and often go on simultaneously in a research project" (p. 182).

Yin (2009) recommends that analysis of a case study should be guided by the theoretical propositions and frameworks embedded in the initial research question(s). This theoretical base will guide a researcher's description of a case as well as their coding and thematic analysis. My analysis is grounded in DeRousie's (2015) theoretical framework of conditions contributing to an organization's decision to

adopt an innovation (Appendix C). DeRousie's framework provided a helpful structure for organizing data as well as a priori codes for my analysis.

In my research, I engaged in an iterative review of transcripts and documents, taking reflective notes as the data were collected, reviewing again to get the whole picture of the three cases, and memoing to capture themes and form initial codes (Creswell, 2013). I then further developed codes, and finally pulled codes into themes to formulate a broad analysis of the cases. A peer reviewer considered and provided feedback on my codes and themes, providing a helpful external perspective on my findings.

### **Coding**

Coding is at “the heart of qualitative data analysis” (Creswell, 2013, p. 184). In the coding process, a researcher identifies small categories of information prevalent in the data and assigns labels to each occurrence of the category throughout the data (Creswell, 2013). The coded data are then used to identify broader themes and patterns within and between cases. The codes can be predetermined, “a priori,” codes drawn from a theoretical framework or from the literature; or codes may emerge from a researcher's review of the data in their study. Codes applied to a data set will be compiled by the researcher into a code book.

Yin (2009) notes that a researcher who begins with an initial sense of possible codes and themes will be better positioned to prioritize their analysis, organize the case study, and focus their attention on relevant data. A priori codes, however, may not capture all that collected data have to offer. Because “prefigured” coding schemes may limit analysis, researchers should also be open to identifying codes that emerge

during analysis (Creswell, 2013, p. 185). Emergent codes are a product of the iterative data review process discussed above. A researcher may identify through notes and memoing an idea or topic that repeats itself at different points in the data. The code may be labeled with a generic topic name or a researcher may choose to use an “in vivo” label drawn from the exact words used by a participant (Creswell, 2013). These codes will go through a process of revision and “winnowing” (Creswell, 2013, p. 184) as a researcher proceeds through the data analysis process.

In my study, DeRousie’s (2015) framework provided a number of natural a priori codes. Each of his categories and factors became a code, though not all of these codes appeared frequently in the data. For example, “compatibility” is a code appropriately applied to a participant’s description of how restorative justice principles fit with their institutional mission. I reviewed interview transcripts and documents for content that related to any of the categories in DeRousie’s adoption decision framework.

Because I started with several a priori codes drawn from DeRousie’s (2015) framework, I only identified a few emergent codes in the data. One example is the importance of individual champions of restorative justice within an institution. DeRousie’s framework does not address the role of individuals within an organization, but both institutions I gathered data from had staff members or administrators who learned about restorative justice, felt strongly that it should be implemented at their institution, then advocated for change.

Another emergent code I discovered relates to external trainings and information sessions. For the institutions I studied, these sorts of trainings were



central to introducing them to the concepts of restorative justice. Though not explicitly noted, this code may be understood as a component DeRousie's (2014) category of "Social Network Context".

Both of these codes emerged from my analysis of the three cases. Through iterative data review, note-taking, memoing, and application of my conceptual framework, I identified these and other codes and themes that I will explore in greater depth in chapter four.

Though I had initially intended to use data analysis software in analyzing the data from my three cases, I ultimately chose not to. The amount of data I was analyzing was small enough that I was able to code and analyze by hand more efficiently, and avoid the burdens of learning new software skills.

### **Thematic Analysis**

Once codes have been established and identified throughout the data, qualitative researchers begin to use those codes to build themes and larger interpretations of the information. In case study research, themes may be identified within individual cases or used to compare across cases (Creswell, 2013). High quality case study analysis will attend to all the evidence available, address any major rival interpretations of the data, address the most significant aspects of the case(s), and use the researcher's prior, expert knowledge of the case and the literature (Yin, 2009). Yin (2009) proposes five analytic techniques that could be used in case study analysis. Three of these strategies were fruitful in the analysis of my cases.

In *pattern matching*, a researcher matches an observed pattern in the data with a predicted pattern from the literature or from the theoretical framework (Yin, 2009).

In my analysis, I compared the categories predicted by DeRousie's (2015) framework with the categories and contexts that actually influenced institutional decisions in my three case studies. *Explanation building* is most relevant for analyzing explanatory case studies that attempt to explain "how" or "why" something happened. The analysis consists of making an initial theoretical statement, comparing that statement with the details of the case, revising the statement, comparing it with other details from the case or from other cases, and repeating to build a plausible explanation. In this process, it is also important to entertain other possible or rival explanations and demonstrate that they are not supported by the case study evidence (Yin, 2009). The final analysis technique, *cross-case synthesis*, uses strategies from Yin's (2009) other techniques, but specifically applies them to analyzing multiple cases. Yin (2009) advocates the use of multiple cases, indicating that it can strengthen findings. I found that studying and comparing multiple cases enhanced my analysis and added to the richness of my findings.

### **Case Description**

Another important component of case study analysis is a detailed description of the case (Creswell, 2013). This description should be framed by the theoretical proposition and research question (Yin, 2009), but should also include enough raw data that readers can draw their own interpretations based on the case and other cases with which they may be familiar (Stake, 1995). Stake (1995) terms these reader-developed interpretations "naturalistic generalizations" and emphasizes that case studies, in particular among qualitative methods, allow readers to take the researcher's description and internally generalize to and compare with other

examples. For this reason, Stake (1995) emphasizes the importance of clearly and explicitly describing methods and making transparent a researcher's positionality. I have included a detailed and data-rich description of each case in chapter four.

### **Researcher Positionality**

In all qualitative research, the researcher herself is a key instrument in data collection and analysis (Creswell, 2013). Each aspect of research design has been uniquely shaped by the individual directing and conducting the research, whether through identifying a particular research question, designing an interview protocol, selecting participants and documents, or analyzing and interpreting data. Because the researcher is so central to the research, it is essential that the reader understand the researcher's perspectives, biases, and experiences, and how this positionality may shape her analysis and approach to the study (Creswell, 2013). Below, I share my positionality relative to this research on restorative justice in higher education.

As an undergraduate student I was deeply engaged in advocacy for survivors of sexual harassment and assault on campus. Through advocacy, I saw how the prospect of an adversarial hearing process deterred many survivors from reporting their experiences. And for those who did pursue a formal complaint, the adjudication process generally failed to address their needs or facilitate any real healing, regardless of whether they "won" or "lost."

In my senior year, my college recognized the shortcomings of the process and initiated a review and significant revision of the sexual misconduct complaint process. This change was positive, but even with added support for survivors, greater transparency, and survivor-centered modifications to hearings, the fundamentally

adversarial process still failed to satisfy. I left my college proud of the improvements we had made, but with the nagging fear that we had still somehow missed the mark. I left higher education for several years, but continued to consider what a process might look like that focused on healing rather than retribution.

After five years away, I returned to the field of higher education because I was hungry to continue engaging with questions of how institutional systems—judicial or otherwise—serve or fail to serve those involved. As a graduate assistant in student conduct, I adjudicate a wide variety of cases of student misconduct. I have re-immersed myself in questions of the efficacy of adversarial adjudication procedures, this time wondering not only about how victims’ needs are addressed in conduct processes, but how to facilitate genuine student learning on the part of those violating policies.

It was in the context of these swirling concerns and curiosities that I learned of restorative justice. The principles of restorative justice immediately resonated with me. Restorative approaches seemed to answer many of what I had perceived as intractable challenges within traditional or legalistic adjudication models. I became a true believer without even participating in a restorative justice process. I wondered, “why does everyone in student conduct not know about this?” As I learned that awareness of restorative justice has actually diffused through much of the student conduct professional network, my question became “if they know about restorative justice, why is everyone not doing it?” In some form, this question is what compels me to my current research. I want to understand how, if at all, student conduct

administrators are thinking about restorative justice and what makes the difference between those schools that adopt restorative practices and those that do not.

I approached this study as a graduate student new to the field of student conduct. I recognized that my position as a new professional might diminish my credibility or participants' trust as I engaged in this research. I was asking professionals to share information about politics and decision-making internal to their institution. The world of college and university student conduct is small, and professionals might have been cautious or guarded about sharing information that could reflect negatively on them, their colleagues, or their institution. It was essential that participants trusted my professionalism and my assurances of confidentiality in order to comfortably share their experiences with institutional change.

I also approached this research as someone who has thrown her hat in with restorative justice. Though I am open to changing my opinion, I acknowledge that my assumption tends to be that restorative justice practices are valid and valuable in the context of higher education. Participants and others may have perceived my attraction to restorative justice as the doe-eyed idealism of a graduate student and new professional, but because I studied schools that *have* adopted restorative justice, the practitioners I interviewed were more likely to agree with me. My interview design ensured that we unpacked assumptions about restorative justice, rather than bouncing them around an echo-chamber of agreement.

### **Trustworthiness**

Establishing the credibility of a qualitative research study requires different processes than validating a quantitative study. Qualitative research, including the

present study, is often grounded in an epistemology of constructivism, which asserts that knowledge is constructed between people and as such there is no singular “truth”, but rather many individual perspectives. From this epistemological perspective, the role of the researcher is less about finding the only “right” answer, but striving to weave together individual experiences and perspectives to gain deeper and more nuanced understanding of an event, experience, or phenomenon (Creswell, 2013; Stake, 1995).

Yet even within a constructivist approach, there is an important role for validation and confirmation of the trustworthiness of a qualitative study. A researcher must establish that a reader has good reason to believe that the evidence presented is accurate and to consider the interpretations offered by the researcher. Stake (1995) suggests that with case study research, a reader will often take the information presented and draw their own conclusions, generalizing the case study presented to other cases with which they are familiar, and judging whether the researcher’s interpretations are valid. Knowing this, a researcher who deliberately reveals any possible bias (as I have in my positionality section above), who is transparent in describing their research methods, and who provides rich, thick description of the case best “allows readers to make decisions regarding transferability” of the case and validity of the researcher’s conclusions (Creswell, 2013, p. 252).

Beyond transparent methods and detailed descriptions, case study researchers use several methods to validate or establish trustworthiness of their findings. Triangulation is the first of these strategies. A familiar method to navigators and surveyors, triangulation of data is used by qualitative researchers to corroborate

evidence based on “multiple and different sources, methods, investigators, and theories” (Creswell, 2013, p. 251).

Stake (1995) and Denzin (2001) detail several forms of triangulation: data source triangulation, investigator triangulation, theory triangulation, and methodological triangulation. *Data source triangulation* is the process of confirming a particular fact with multiple data sources like various informants or different documents. *Investigator triangulation* involves multiple observers or researchers viewing the same event or data. Incorporating multiple perspectives reduces the likelihood of single-sided bias in data collection and analysis. *Theory triangulation* is not commonly achieved in qualitative research. It consists of applying various theoretical perspectives to the same set of data in order to test the relative strength and fit of each theory (Denzin, 2001). Similarly, *methodological triangulation* combines quantitative and qualitative research to confirm findings with a mixed methods approach.

I employed data source triangulation in the analysis of my cases. The other types of triangulation were not feasible for my study without adding additional researchers and significantly magnifying theoretical and methodological complexity. Due to the limited number of interviews and documents I had available for a given case, triangulating every statement with multiple data sources was not feasible, so I followed Stake’s (1995) guidance that triangulation is especially important for facts, statements, or descriptions that may be contested or that are key to an assertion or interpretation. I also considered those claims and analyses that were triangulated to be most credible and trustworthy as I drew conclusions from the data.

Peer review is a second strategy that enhances the credibility or trustworthiness of data analysis. By having other researchers review codes or thematic analysis an investigator can entertain different perspectives or different theoretical grounding. Creswell (2013) describes the role of peer debriefer as a “devil’s advocate” (p. 251) who pushes back on a researcher’s conclusions, challenging them to consider alternative explanations or analysis. In this study, I shared my coding scheme and initial analysis with a peer reviewer to ensure that I did not draw conclusions based solely on my own perspective and beliefs about restorative justice and student conduct. This second reviewer contributed alternative interpretations and challenged my assumptions.

Member checking is another common method used to validate qualitative research. By including participants (or “members”) in reviewing raw data, case descriptions, and/or initial findings, a researcher can confirm that she or he has accurately represented the information provided by a participant. For case study reports, which include detailed description of the case, Creswell (2013), Stake (1995), and Yin (2009) all recommend sharing preliminary descriptions and analysis. They are more mixed in their recommendations regarding preparing and sharing raw transcripts, suggesting that member review of the case description may be more valuable than review of transcripts, which can get bogged down in details of wording and grammar (Creswell, 2013; Stake, 1995). For my study, I provided case descriptions to participants for verification of the essential facts.

A researcher is not always compelled to make every change suggested by participants in their review. Yin (2009) suggests that “informants and participants



may still disagree with an investigator's conclusions and interpretations, but these reviewers should not disagree over the actual facts of the case" (p. 182). Yin further explains that the aim of member checks is to establish "construct validity" (p. 183) of the study by reducing the likelihood that the researcher is falsely reporting the facts of an event. Moreover, even just considering the questions and challenges of reviewers can help to reveal alternative perspectives on the event or the findings (Yin, 2009), supporting a researcher's triangulation and validation process.

In summary, I employed data source triangulation, peer debriefing, and member checks to ensure the credibility and trustworthiness of my data collection and analysis.

### **Summary**

In this study, I employed a multiple case study methodology to understand the conditions surrounding an institution's decision to adopt restorative justice practices in student conduct. With purposeful sampling, I selected three cases from two institutions that have adopted restorative justice practices within the last 15 years, and that represent different institutional types within the Carnegie Classification. To shape my case description of each of these institutions, I interviewed individuals who participated in the decision-making process and who could reflect on their memories and experiences. I also gathered and reviewed external and internal documents related to the institutions' adoption of restorative justice.

Through an iterative review of interview transcripts and documents, I developed detailed descriptions of each case and identified patterns, common themes, and naturalistic generalizations. I drew a priori codes from DeRousie's (2015)

framework of institutional decisions to adopt innovations, and I was also open to codes and themes that emerged from the data.

I took steps to ensure trustworthiness in my research design, employing strategies of member checking, peer review, triangulation, and transparency to establish the trustworthiness of my data and analysis. There are several possible limitations to this research design, particularly related to data collected through interviews; I will consider and address these limitations in my findings and conclusion.

## **Chapter 4: Findings**

In this chapter, I provide case descriptions of the three units examined in this study: University of San Diego Office of Student Conduct, University of Michigan Housing, and University of Michigan Office of Student Conflict Resolution. The case descriptions draw on data from interviews and documents to explain the decision-making process and conditions that led each unit to adopt restorative justice practices. I then offer four salient themes that emerged from analysis across the three cases, shedding light on the conditions that influence institutional decisions to adopt restorative justice in student conduct.

### **University of San Diego**

The University of San Diego is a mid-sized Catholic institution perched on a hill overlooking San Diego. Home to 5,711 undergraduate students, and about 3,000 graduate students (sandiego.edu, n.d.), USD grounds itself on foundational Catholic values and an ethic of social engagement. In conversations with staff, one comes to see that USD's core values—academic excellence, knowledge, community, ethical conduct, and compassionate service—are living principles that guide decision-making and strategic planning throughout the organization.

### **Office of Student Conduct Case Description**

My investigation of how the University of San Diego (USD) came to adopt restorative justice practices in student conduct is informed by publicly-available documents drawn largely from USD's website, including Student Affairs annual reports, articles, presentations, process descriptions, and some internal memos and meeting minutes, as well as by personal interviews with the former Director of

Student Conduct at USD, the Assistant Dean of Students over Student Conduct, and a former Graduate Assistant for student conduct (see Appendix E for listing of documents and interviews). Based on these data sources, I have pieced together a description of the process by which staff at USD learned about, considered, piloted, and decided to adopt restorative practices in student conduct.

USD came to adopt restorative justice through a process of seeking student conduct practices that were in congruence with its values. The Office of Ethical Development and Restorative Practices website explains why USD uses restorative justice practices:

In light of our mission of "...creating a diverse and inclusive community, and preparing leaders dedicated to ethical conduct and compassionate service," [restorative justice] creates a space for our students to cultivate leadership skills, reflect on their thoughts and actions, develop a strong moral and ethical compass through interactions, and nurture empathy and compassion for themselves and others. ([www.sandiego.edu/conduct](http://www.sandiego.edu/conduct), n.d.)

USD's approach to student conduct has long been framed with educational and developmental goals. Marie Minnick, Assistant Dean of Students at USD, reflects that in the 2000s practitioners at the University of San Diego were already integrating concepts of community impact and student development into their administrative hearings with students. This was before colleges and universities in the United States began to change their quasi-legalistic and punitive responses to student behavior, and before the field began to shift en masse away from "judicial affairs."

Minnick attributes USD's predisposition to an educational and less adversarial student conduct approach to the institution's mission. Former Director of Student Conduct, Sean Horrigan echoed this sentiment:

I would say that at the time [our conduct process] was our best understanding of our mission and our values. We are a Catholic institution. We are mission-centered. The attempt is that everything we do emanates from a mission and core set of values. At the University of San Diego we are strong believers in the development of the whole person.

USD is not unique among academic institutions in having a central mission, but it is unique in how tightly programmatic decisions and institutional identity are tied to that mission and set of values. The centrality of its mission and values, and its holistic educational perspective on student conduct that follows from that mission, primed USD for the eventual adoption of restorative justice practices.

Yet, despite its educational philosophy and approach, participants noted that the formal processes and policies employed in USD's student conduct system were still traditional, and largely similar to those of other institutions around the country:

[Our approach] still had a fairly familiar, punitive structure; administrative hearings, boards were the two primary conduits [...] we had a pretty typical code of conduct, so our rules of conduct and processes did a fairly decent job of mirroring the model code from Stoner and Lowery (2004). (Horrigan)

Stoner and Lowery's (2004) model code, and Stoner and Cerminara's (1990) code that preceded it, shaped codes of student conduct at colleges and universities throughout the country. These codes clarified schools' behavioral expectation and

attempted to balance students' due process rights, flexibility for administrators, and some acknowledgement of educational goals.

In his first years in the role of Director of Student Conduct, Horrigan adjudicated approximately 70% of the university's conduct cases, an additional 10-15% was heard by student hearing boards, and the rest was managed by residence hall staff (Horrigan).

**Institutional context ready for change.** As Sean Horrigan entered his new role in Student Conduct in fall of 2007, he encountered a landscape within Student Affairs and the Office of the Dean of Students that was ready and receptive to change. In fact, some changes were already underway. A new Dean of Students had started six months earlier and over the next few years there was some restructuring within Student Affairs that “gave us opportunity to interact [with other units] in ways that we weren't before” (Minnick). Within the arena of student conduct, responsibilities were shifting to centralize the conduct process under the new Director of Student Conduct, relieving residential life staff of most adjudication responsibilities. This change helped to ensure consistent management of student conduct and “freed up the residential life staff [...] to not have to wear the student conduct hat and they could really put on their community development and relationship hat with students” (Horrigan).

These changes, combined with the fact that “there had not been a significant review of our policies in over 10 years” (Horrigan), led USD to engage in a comprehensive review of student conduct during the 2009-10 school year. They formed a campus-wide taskforce which included staff, faculty, and students from

across campus as well as some alumni and parents. They charged the taskforce to thoroughly review student conduct policy, sanctions, process, and training and education. The school also engaged the services of an external consultant with expertise in higher education student conduct to advise the taskforce. At the end of the review, the taskforce did not recommend sweeping changes to student conduct; it largely reaffirmed the best practices USD was using in terms of administrative hearings and boards, and resulted in “some policy tweaking” (Horrigan) and some “cleaning up” of processes and wording of the code (Minnick).

Though the comprehensive review did not lay out plans for significant changes to student conduct, the taskforce’s recommendations did open the door to restorative justice. Horrigan reflected that,

I wish I could say that at the end of this entire process the committee had somehow planned out and created a restorative justice program, but the committee [...] really only got so far [...] as providing as part of their recommendations that the student conduct office investigate and pursue a more restorative model to student conduct at the time. [...] There was enough there that they said ‘this needs to be looked at further. [...] So what I did then as the Director of Student Conduct, the following year, [I] made it one of my own priorities to take up some of these recommendations that were left undone by the taskforce, one of which was to investigate a more restorative approach to student behavior on campus.

The taskforce members were interested enough by Horrigan’s descriptions of restorative justice that they thought the potential for restorative justice at USD should

be investigated, but the committee itself did not have time to engage in this investigation. So they made a recommendation that gave Horrigan backing to pursue restorative approaches for USD.

The changes within student affairs and the campus-wide review process helped to prepare the already-fertile soil at the University of San Diego for the potential adoption of restorative processes. In addition to these changes in student affairs and student conduct, there were institutional changes that provided a conducive context for restorative justice. Overall, the institution was growing in student population, selectivity, and national recognition, elevating its standing as a Catholic institution and “really trying to celebrate and be unapologetic for our mission and our values and really live those out in our work” (Horrigan). Along with this growth came a greater institutional emphasis on diversity and inclusion, which both Horrigan and Minnick pointed to as contributing to and dovetailing with their desire to develop a restorative justice program.

It is also worth noting that in about 2011 the University of San Diego was designated as an Ashoka Changemaker Campus ([www.ashokau.org](http://www.ashokau.org), n.d.). This designation reflects the university’s focus on encouraging students’ social engagement and initiative, and reaffirms “USD’s Catholic social mission, public purpose, and commitment to liberal arts to foster compassion, acts of citizenship, and fashion a more humane world” ([sandiego.edu/changemaker](http://sandiego.edu/changemaker), n.d.). The Changemaker designation, and the programming that accompanies it, are spotlighted throughout the university’s communications and publicity. One of the first images on the home page



of the university website is a photo of two students gardening and the words “Become A Changemaker” (sandiego.edu, n.d.).

While USD’s status as a Changemaker Campus did not precipitate or have any causal relationship with the development of the restorative justice program, it does demonstrate the institution’s willingness, and even eagerness, to take on new and innovative approaches, especially insofar as they reflect the mission and core values of the institution. Similarly, Minnick noted that USD’s Vice President for Student Affairs “very much wants to be on the cutting-edge.” This desire to be innovative contributed to her support of the restorative justice program.

**Seeds and catalysts.** USD’s mission and core values, overlaid with changes in student affairs and student conduct, as well as larger institutional trends, made USD a receptive vessel for restorative justice practices. But in addition to this fertile ground, a catalyst was needed to introduce restorative concepts and start the process toward adopting restorative justice. The seed for Horrigan was a presentation at an Association for Student Conduct Administration (ASCA) conference. He attended a session facilitated by David Karp of Skidmore College, author of *The Little Book of Restorative Justice for Colleges and Universities* (2013), and found that the principles of restorative justice clicked with his experiences with student conduct and the mission and values of USD: “that’s when the seed was planted. Like, ‘alright, this is important, this is in line with who we are as an institution, our mission, our values. This lives out those values in a way that is quite radical and, I think, forward thinking’ ” (Horrigan).

Around the same time as the ASCA presentation, Horrigan thought there was something missing from USD's traditional student conduct processes. He recalled a series of bias-motivated incidents on campus that prompted student protests, and put him in a difficult position as a student conduct adjudicator:

Some of the behavior of students involved in [the protests] got them referred to Student Conduct. [...] this wasn't the best way to solve this problem, but I don't have any tools at my disposal to really try to do this differently. Or if I were to try to do it differently it would be inconsistent potentially. And [it was] sort of a 'damned if you do, damned if you don't' experience.

The principles of restorative justice presented by David Karp resonated with Horrigan. He saw immediate application possibilities for restorative practices, especially in situations he had recently encountered where the traditional punitive approach just was not the right fit.

Horrigan came back from that conference excited by restorative justice possibilities. He began sharing his ideas with colleagues, including Minnick, and thinking about whether and how restorative practices could change the way he and his colleagues responded to conduct cases at USD. Minnick remembers having heard of restorative justice earlier, but credits Horrigan's post-ASCA enthusiasm with bringing her to consider the possibility of restorative justice at USD:

I had some sense of what it was, but when Sean came back [...] and we met, and then I read Zehr's book and started going to other sessions at [the National Association for Student Personnel Administrators (NASPA)] and ASCA, that's when it was like 'yeah, we need to incorporate this.'

Horrigan also found ways to introduce, or in his words, “subtly hint at” some of his thoughts about restorative justice with his fellow taskforce members who were in the midst of reviewing USD’s student conduct processes during that 2009-10 school year. Horrigan’s diplomatic efforts to inject restorative justice considerations into taskforce discussions undoubtedly contributed to the taskforce’s final recommendation to further investigate restorative options.

With the taskforce recommendations in hand, Horrigan entered the 2010 school year hoping to explore more restorative possibilities for USD. A passionate graduate student contributed the fuel and energy to get restorative justice at USD from concepts and ideas to concrete plans and a feasible pilot. Horrigan recalls:

[W]e started having conversations about restorative justice in higher education, and there was just good synergy there. So I found some funding to help support that person with a graduate assistantship on campus for a year [...] to help me do the research, the planning, and begin to look at what we could feasibly implement in the following year.

Justine Darling, a master’s student at the Joan B. Kroc Institute for Peace & Justice, learned about restorative justice concepts from Horrigan and realized that she wanted to focus her studies and her master’s capstone project around restorative justice practices. Darling had spent a year with the Jesuit Volunteer Corps engaged in legal advocacy for homeless youth. This experience had left her frustrated with the school-to-prison pipeline and passionate about supporting youth and finding alternatives to an inflexible and purely punitive system that harmed the youth with whom she worked. Darling was already thinking deeply about these issues, so the

seed of restorative justice landed in fertile and receptive ground, and she quickly became a strong champion for restorative justice at USD. Her connection with Horrigan offered a way to put her new-found passion into action (Darling, 2011a).

The seed of restorative concepts was planted first in Horrigan's mind in an ASCA presentation by David Karp. There it found receptive ground, primed by Horrigan's experiences with the inadequacies of USD's traditional punitive processes, and by the mission and values of the University. Over the next two years, the idea grew in Horrigan's mind and spread to his colleague and supervisor Marie Minnick, as well as to the taskforce charged with reviewing student conduct policies and practices. Finally, synergy and energy with graduate student Justine Darling offered a path to turn ideas into practice.

**Piloting restorative justice.** In the 2011-12 school year, USD officially piloted restorative justice practices in student conduct (Student Affairs Annual Report, 2011-12). Minnick and Horrigan were able to secure funds for Darling to work 10-15 hours per week as a graduate assistant to create process documents, assessments, and trainings, and to help identify and coordinate restorative conferences and circles.

Darling benchmarked other colleges and universities, but at the time only about 30 campuses had implemented any form of restorative justice practices (Darling, 2011b). Because USD was one of these early adopters, they could not rely on other schools for models or resources. Horrigan remembers David Karp of Skidmore sharing resources, but otherwise described most of USD's processes and trainings as developed in-house. Darling connected with the San Diego Restorative

Justice Mediation Program, a local non-profit, for help with early trainings and program development, and sought out a myriad of opportunities to enhance her own skills and understanding of restorative justice, including an international internship with the Youth Justice Agency in Northern Ireland.

Horrigan describes their initial steps on campus as “looking for low-hanging fruits.” He and Darling worked together to identify ways they could implement restorative justice practices without significant changes to policy and process. Larger scale changes would require input from the Vice President for Student Affairs, and likely the Board of Trustees. They hoped that with small modifications they could start to demonstrate success and build toward larger systemic changes. Horrigan explains:

Any change process, deep change especially, you’ve got to have some hooks to tie into. Maybe it’s the strategic direction of the university, or a critical incident that you can point to and say ‘we could have done this in a different way.’ And really being ready to take advantage of those moments. And then I think it’s also starting small, not getting paralyzed by how big of a project it can be.

Horrigan began injecting restorative questions more purposefully into his administrative hearings. And within that first semester they also added restorative conferencing and circles as potential outcomes of an administrative or board hearing. Horrigan explains that they were “strategic” in selecting cases that had the greatest potential for successful outcomes. Depending on the level of remorse and readiness demonstrated by a student respondent during the adjudication process, they might

offer a restorative conference as an option for repairing harm and rebuilding relationships. Horrigan acknowledges that this strategic selection reflected the fact that he “was really trying to protect the program that first year.”

Horrigan and Darling identified a case for their first restorative conference. A student had forged a professor’s signature on a letter to the student’s parents. The letter suggested that the student had received an A in a class that the student had actually failed. The professor was particularly upset about this forgery because of the nature of the professor’s licensure and the potential impact of misuse of their signature. The professor was calling on Horrigan to remove the student from the school, and refused to permit the student to return to their classes. Horrigan remembers that though the professor was angry, there was still opportunity for a positive restorative outcome:

I knew this faculty member and also knew that they cared deeply about students, so [I] had a sense that if we got this student together with this faculty member that we could probably have a really helpful conversation, and potentially a restorative one.

The conference was successful. The faculty member had an opportunity to hear from the student about what was happening in their home life that prompted them to commit the forgery. The student heard about the professor’s experience talking with the students’ angry parents, and also came to understand the professor’s concern regarding misuse of their signature. Together the two parties created an agreement outlining what should be done, and the student willingly carried out the agreement.

The conference was a win for the student and faculty member, but also for the nascent restorative justice pilot program. “We had a cheerleader in the faculty member, who said ‘this is great’ [...] so all of a sudden we had another hook to say that this [restorative process] really worked” (Horrigan). The following week, Horrigan ran into another well-known and well-regarded faculty member, “He gives me a high-five and says ‘I love this RJ stuff, I heard about it.’ And I’m sitting there like, ‘whoa, we did something here, [...] we’re onto something’” (Horrigan).

Darling recalls that after the conference, “we were all hooked and just started referring as many cases as we could to restorative justice.” By the end of the first semester, they had conducted 9 restorative conferences and 3 circles, with 17 responsible students and 35 impacted parties (Darling, 2011b). To assess the success of these pilot conferences and circles, Darling and Horrigan developed a 24-question survey for responsible students, and found that students agreed that restorative conferencing offered them an opportunity to apologize, to understand the impact of their actions, to discuss personal values and ethical responsibilities, and to contribute meaningfully to the outcome of the case. Responsible students also reported that they were less likely to repeat the same behavior (Darling, 2011b).

Demonstrating success and developing support from stakeholders around campus was a central aim of the restorative justice pilot. Thanks to Darling and the resources available to support a part-time graduate assistant position, they had a viable and well-documented set of processes, and a few success stories to share. But to make a restorative justice program sustainable and to integrate restorative

principles into USD culture and practices, they needed to expand their network of supporters.

**Developing buy-in and collaboration across campus.** Minnick, Horrigan, and Darling developed stakeholder support on campus from the top-down and from the bottom-up. In order to secure resources and some political or organizational approvals, higher-level administrators needed to understand and support the restorative justice program. Minnick and Horrigan both comment that even though leaders at the Dean and Vice President level did not have deep or experiential knowledge of restorative justice, and were not necessarily active champions of the program, their general support was invaluable in securing funding and advocating for restorative justice. Minnick also noted that in getting top leadership on board, it was helpful to share examples from other campuses and a few articles that described restorative justice as an innovative and cutting-edge concept in higher education.

Before they knew precisely where they were headed with a restorative program in student conduct, Horrigan and Darling looked for opportunities to introduce restorative practices to the campus community and to campus leadership. Darling describes facilitating a circle for about 15 campus leaders, including VPs, program managers, and other administrators. The circle focused on participants' reflections and experiences related to how the USD community addresses conflict. The circle was successful, both in eliciting meaningful reflection and community building and in introducing administrators to the power of restorative practices. Darling recalls that "there were tons of tears; there was tons of community building. It was a really intense and powerful experience for everyone there." Following the



circle experience, USD leadership asked for a formal presentation about how Darling and Horrigan would envision implementing restorative practices in student conduct.

Minnick and Horrigan also emphasize building collaborative relationships with other units within Student Affairs. Horrigan notes that these cross-unit relationships are especially important on their mid-sized campus, “this place works on relationships more than it does policy and organizational structure, so I have learned over the years that if I want to [...] have an impact, that I need to create relationships to support that impact.”

One of the first significant partnerships was with Residential Life. Knowing that funding for a graduate assistant position would not last more than two years, they started building capacity among Residential Life staff to facilitate restorative justice conferences:

We tried to transition to a more sustainable model, so that’s where I partnered with Residential Life, started doing some intensive and prolonged training around restorative justice, knowing that this wasn’t just going to inform them if they served as facilitators, but it helped them with some of the difficult and precarious conversations they were going to be having with their residents on a regular basis. (Horrigan)

Once the graduate assistant position ended, the trained Residential Life staff became the primary facilitators for restorative conferences.

These conferences could take a lot of time, so Horrigan notes that it took some consistent selling to get already-busy front-line Residential Life staff on board with

the new processes. Minnick also reflects on pushback from front-line residential life staff members who were used to more punitive sanctioning:

[W]hen [the staff have] been impacted and they want the student to kind of pay for what they did, it's hard to see how [restorative justice] could be a really good response, but then when they've participated, the feedback we get is really positive.

The partnership with Residential Life, which grew to include RA trainings, bore fruit beyond supporting the Student Conduct restorative justice program.

Horrigan remembers seeing the roots and branches of restorative practices grow beyond the conduct sphere as Residential Life began conducting floor meetings and roommate agreements in restorative circles, and ultimately created a new position for Community Director/Restorative Justice Coordinator. Horrigan points to these examples of restorative justice being integrated in the day-to-day practice of other units as essential steps to making restorative justice permanent and sustainable at USD.

Relationships and opportunities to demonstrate success with other campus stakeholders also secured restorative justice's place in USD's systems and culture. A positive relationship with Public Safety made it possible for officers to meaningfully participate in restorative conferences (Horrigan). A successful conference with a student who violated policies while abroad turned the staff of the Study Abroad Office into strong restorative justice allies and supporters.

Outside of Student Affairs, the nascent restorative justice program benefitted from an early partnership with USD's Institute for Peace & Justice. Faculty from the

school provided support and resources, and affiliation with an academic unit offered credibility as Horrigan and Darling were shaping the program.

**Broad-reaching training.** Through restorative justice trainings, Horrigan and Darling further developed stakeholder buy-in, built a sustainable pool of restorative conference facilitators, and introduced restorative principles and practices to USD’s campus culture. Horrigan and Darling developed, largely from scratch, training materials for professional staff, student staff and RAs, and student conduct hearing boards. They offered regular trainings that were open to interested staff members:

We started also institutionalizing two intensive trainings a year. We did one in August, a two-day training, and another two-day training in January, all for professional-level staff. And even people who weren't going to be facilitators were able to come and just learn about conflict resolution, mediation, restorative justice. And that was in addition to other trainings we would do with student leaders on campus that we would do during the first few weeks of each semester. (Horrigan)

These broad-reaching trainings are grounded in a belief that restorative justice principles and practices have applicability beyond the realm of student conduct. As Horrigan, Minnick, and Darling have presented at professional conferences about USD’s restorative justice program, they emphasize the importance of viewing “restorative justice as a lens, not merely as a process” and the power of training that “empower[s] broad-based action” (Darling, Horrigan, & Izmirian, 2011). Horrigan explained, “I think when we look at RJ as only informing our student conduct process, then we’re selling its potential incredibly short.” Horrigan and Minnick have

advocated for the use of circles and restorative practices in addressing other campus concerns and campus climate issues. When in the course of one academic year several USD students committed suicides, restorative circles became a productive space for sharing feelings and moving toward community healing.

**“It’s on the office door now.”** University of San Diego never formally adopted restorative justice practices as part of their hearing or adjudication processes, nor integrated it into their official code. Yet even without these steps of formal adoption, both of which would likely require input from the Board of Trustees, they have injected an ethos of restorative practice, an emphasis on harm and community impact, into their conduct practices, Residential Life structures, and campus culture.

Overall, Horrigan describes the process of considering, adopting, and implementing restorative justice at USD not as a series of discrete decisions, but as “little by little kind of turning up the temperature.” After the initial seed was planted, restorative justice grew from a concept into a pilot, and then solidified into a more developed set of conduct processes. Through trainings and interdepartmental partnerships, it was integrated six years later into the name of the “Office of Ethical Development and Restorative Practices.” It was only at this point that Horrigan believed that restorative justice was fully integrated at USD. He remembers thinking, “ok, it’s on the office door now. I feel like I can leave and this thing isn’t going to fall apart.”

### **University of Michigan**

University of Michigan (U-M) is a large research-intensive institution with a total enrollment of 44,718 undergraduate, graduate, and professional students in fall

of 2016. There are 9,500 undergraduate students living on campus (Katterman, 2017). U-M is known for its academic rigor and its high-achieving, driven student body (Vander Velde). It is a place where students, faculty, and staff think of themselves as progressive and outside the box, where “the Michigan difference” is a significant part of their identity (Schrage).

U-M’s institutional mission includes the goal of “developing leaders and citizens who will challenge the present and enrich the future” (president.umich.edu, n.d.). This principle of ‘challenging the present’ is evidenced in a strong student protest culture and an institutional culture of defending progressive principles and practices, even in defiance of the standard or accepted practices of the day. University of Michigan students were actively involved in 1960s civil rights and anti-war protests (Woodhouse, 2012), building a foundational culture of student activism. In 2003 the university chose to rigorously defend its affirmative action admissions practices in two Supreme Court cases (*Gratz v. Bollinger*, 2003; *Grutter v. Bollinger*, 2003). Responding to the Court’s favorable decisions, U-M president Mary Sue Coleman declared,

I am proud of the voice the University of Michigan provided in this important debate. We fought for the very principle that defines our country's greatness. Year after year, our student body proves it and now the court has affirmed it: Our diversity is our strength. (Michigan News, 2003, para. 6)

This ethos of challenging the status quo, of innovating, and of elevating the university’s educational mission constitutes the foundation on which U-M’s Office of Student Conflict Resolution (OSCR) and department of University Housing

integrated alternative conflict resolution and restorative justice practices into their student conduct processes.

In this section, I will relate the story of how these two offices decided to adopt alternative and restorative conduct practices. The data for these cases are drawn from *Reframing Campus Conduct* (Schrage & Giacomini, 2009), a book that introduces a “spectrum” model of student conduct processes developed by the staff of U-M’s Office of Student Conflict Resolution; from publically-available documents; and from interviews with Jennifer Schrage, former Director of OSCR, and Stacy Vander Velde, former Assistant Director for Student Conduct and Conflict Resolution within University Housing and former Associate Director of OSCR.

In the mid-late 2000s, both the Office of Student Conflict Resolution and University Housing adopted new approaches to addressing student conduct. Though the two offices work closely together, their adoption decision-making processes happened largely parallel to one-another. I will describe each process separately here.

### **University Housing Case Description**

In about 2004, Greg Merritt, the director of University Housing at U-M, attended an ASCA presentation about restorative justice. The presentation by Chris Loschiavo, then at the University of Oregon, sparked Merritt’s interest and he returned to Michigan energized and excited to integrate restorative principles into housing practices at U-M. According to Vander Velde, these ideas did not take hold immediately within the department because the conduct systems in place were not conducive to restorative practices and Housing staff at the time did not fully understand what Greg was attempting to achieve with restorative justice.

When Stacy Vander Velde was promoted in 2004 from Hall Director to a position overseeing student conduct for housing, Merritt shared his interest in restorative justice and encouraged her to learn about restorative practices and consider possibilities for University Housing. “I spent that first full year [...] trying to learn a little bit more about restorative justice and started to get really excited about the opportunities.”

As she learned more about restorative justice, professional conferences were a significant source of information. She recalls:

I went to my first ASCA conference that February after I took the position.

There were lots of sessions on restorative justice and I was starting to get it and [think that] we could make something like this work on our campus.

In addition to conferences, Vander Velde read and learned from colleagues in the field. She notes that learning about restorative justice does not need to be costly: “if you are committed to it and want to make the investment, you can get the resources and what you need at a relatively low cost.”

Vander Velde, whose past conduct experience had been in a “three-strikes-you’re-out” conduct system, found restorative concepts very compelling: “as a conduct administrator, if traditional adjudication is solely what we do, I think we realize there is something missing.” This dissatisfaction with traditional conduct systems motivated Vander Velde to pursue restorative conduct processes for University Housing.

Vander Velde saw a strong connection between the principles of restorative justice and the philosophy of University Housing:

It seems to align with all the ideals that we have in University Housing. We had just started to [...] adapt the community development model, which was really based on student needs. There was just a nice marriage between that and the other strong philosophy at Michigan and Housing of social justice. Those three concepts really married nicely together. [...] It gave us a lot of opportunity for phenomenal conversations with students around behavior, around decision-making, and so on.

A strong congruence of values convinced Vander Velde that restorative justice was an idea worth pursuing, but as “a one-person shop” managing student conduct for Housing, she quickly realized she did not have capacity to implement changes to the conduct processes.

**Piloting.** Recognizing that she might not be able to orchestrate a comprehensive implementation plan, but eager to integrate some restorative principles, Vander Velde concluded, “we’ll figure this out; we’ll just pilot it as we go.” Reflecting on her experience at U-M and her more recent experience at her current institution, Vander Velde emphasizes that one can integrate restorative principles and philosophies into any process, even without significant policy or procedure changes:

Talking with students about who was impacted or harmed, what are the things you might do to make that right, really more of a partnership with the student [...] Those are things we can ease into any process that currently exists. It’s not like it’s new, just changing the language a little.



Restorative questions can be used in traditional administrative hearings to prompt students to understand the impact of their choices and consider how they might repair any harm they have caused. This informal integration adds educational value to the conduct process and requires no structural changes.

Vander Velde needed additional staff support in order to implement more formal changes. She was contacted by a graduate student from Bowling Green State University looking for practicum opportunities. Vander Velde immediately agreed and tasked the student with researching what restorative processes would work best in University Housing. Over the next few years, Vander Velde worked with several graduate students to develop a restorative program for University Housing. They developed a formal community circle program and refined ways to use the philosophies of restorative justice in traditional one-on-one administrative conduct meetings. Vander Velde made formal changes to the community living handbook and the University Housing conduct process, integrating restorative circles. There were a few other colleges and universities using restorative justice in the mid-2000s. They benchmarked these programs and based much of the community circle program on what the University of Oregon had developed.

Community circles were an optional process for students who were readily taking responsibility for their behaviors. A student would meet with their Hall Director about the incident, and if the Hall Director determined that a circle might be appropriate, they would offer the restorative pathway to the student with the “carrot” that if the student successfully went through the circle process they would not have a

disciplinary record. Circles were facilitated by trained students, and when possible would happen in the location where the incident occurred.

Vander Velde found that the incentive of a clean disciplinary record was particularly effective with U-M students. She explains that University of Michigan students are, “very driven and many of them are pursuing professional degrees after they complete their undergraduate degree, so that record piece is very important to them.” She and her colleagues also found that students were motivated to participate in circle processes in order to make amends with people who had been impacted (Gallagher, Meagher, & Vander Velde, 2014).

As Vander Velde started implementing these new restorative justice practices, she continually learned from and refined the processes. She pointed to her first circle facilitation as a significant learning experience:

I learned from my very first one that [it] was probably a bit too ambitious and it failed. It was very intense. It had issues of gender/sexual orientation involved. It was three hours long and we did not close it successfully. That was a huge learning experience. And I did it myself; I didn't co-facilitate. [...]

There were so many things I learned from that and I was able to apply going forward.

In the first semester of piloting the community circles, Vander Velde and her graduate student held 13 circle processes and had 75 students apply to be facilitators. Vander Velde was surprised by the immediate positive response. In order to support the logistics of scheduling conferences and selecting and training facilitators, Vander Velde hired an undergraduate student staff member. In the second semester the

program grew and they had more than 200 students participate in community circle processes.

**Stakeholder buy-in.** A successful pilot and eventual permanent integration of new restorative justice processes would only be successful with the support of stakeholders within University Housing and around campus. Vander Velde focused first on training hall directors, who would play key roles in advocating for this alternative approach in their initial conduct meetings with students and referrals to community circles. However not all hall directors were immediately supportive of restorative justice processes:

I think what was challenging particularly early on was getting hall directors who were facilitating conduct cases to embrace and understand restorative justice. I think there are still critics. I remember distinctly conversations of hall directors being like, “Oh, go smoke your peace pipe.” There were some that had very strong values or philosophies around a more punitive model and weren’t ready to embrace something that could benefit the community. They felt like they really needed sanctions and interventions that kind of threw the book at the residents so they’d stop misbehaving. It took a while for the staff to see the values and the benefits of talking with students about harm and helping them understand their obligations that they created because of the behavior they engaged in, and what it would mean for a student.

Vander Velde dedicated a lot of attention to bringing these hall directors on board with restorative justice. She purchased copies of *The Little Book of Restorative Justice* (Zehr, 2015) for every hall director and office coordinator and provided

regular training sessions and coaching for them. Most came to understand and appreciate the restorative justice model, but Vander Velde also reflected that “over time some of the hall directors realized that philosophically maybe Michigan wasn’t a good fit and they made their choices to move on.”

At the same time, Vander Velde reached out to other university partners and stakeholders who worked closely with University Housing, especially those who were often impacted by students’ behaviors. She helped them to understand restorative processes so that they would be on board with participating in circle processes, either in person or by writing statements about the impact that incidents with students had on them.

In terms of backing from higher-level administrators, Vander Velde was fortunate to have a Director of University Housing who was already supportive of restorative justice and eager to see the changes she envisioned come to fruition. Structurally, Vander Velde also had a lot of latitude to implement changes without higher-level administrative approval. She noted that unlike many other administrators in the field, she could “make edits and changes to our community living handbook without having to go through any governing body.” This autonomy allowed Vander Velde to formally integrate restorative practices into University Housing’s policies and procedures much more easily than at other institutions.

### **Office of Student Conflict Resolution Case Description**

As Vander Velde and the staff in University Housing learned about, considered, and began piloting restorative justice practices, their colleagues in the Office of Student Conflict Resolution (OSCR) were also embarking on a path to

change student conduct procedures university-wide. University Housing and OSCR met regularly and communicated about the changes they were considering, but implemented restorative justice in parallel tracks. In this section, I will describe OSCR's decision-making and change process.

**Fertile Context for Change and Innovation.** In the mid-1990s, when administrators at the University of Michigan began the process of developing and adopting a student code of conduct, they were behind the field; most other colleges and universities had already implemented versions of Stoner & Cerminara's (1990) model code. U-M students rejected the idea outright. Students protested, declaring "we don't need a code," and suggested that the idea of being governed by a list of rules demeaned their concept of a community of scholars (Schrage). A compromise was reached; students co-authored the Statement of Student Rights and Responsibilities with U-M administrators. The Statement included prohibited behaviors and possible sanctions like a model code, but also placed high value on mediation and conflict resolution.

An office was created to administer the Statement and student conduct procedures, but unlike other "Judicial Affairs" offices around the country, U-M chose to call the new unit the Office of Student Conflict Resolution (OSCR). U-M developed a mediation program that was run out of OSCR and infused a "culture of mediation" into the ethos of the office and the campus (Schrage). But in practice the mediation program functioned separately from the office's student conduct processes, which largely mirrored the model code (Stoner & Cerminara, 1990).

The Statement of Rights and Responsibilities and the new Office of Student Conflict Resolution were accepted by students, but over the next 10 years or so, students began to lose trust in the office and its processes. Jennifer Schrage, who was hired in 2006 as the Director of OSCR, recalls that when she arrived there was “a need for trust in the conflict resolution office; that there had been an ‘us vs. them’ slippery slope.” Students and administration were aware of this growing tension and were open to new approaches and new leadership that might redefine the role of OSCR and its relationship with students and the community.

**New leadership.** When Schrage interviewed for the director position, she outlined in an interview presentation her vision for OSCR. She suggested that the work of the office should be centered on three goals: “to build trust, promote justice, and teach peace.” This vision was enthusiastically embraced by students, staff, and administration. Schrage explains that

[...] the community was sitting there open and ready under the idea of these three core values of build trust, promote justice, teach peace. [...] they didn’t see this as a conduct office, they didn’t see it as punitive, they wanted a unit that did those three things. That is from the leadership in Student Affairs to the student stakeholders involved in the office. In the interviews, the student government was very invested in who was going to come into this position.

As Schrage entered the role of director, she hired an innovative and diverse staff, assessed community needs, and jointly reimagined the role and vision of OSCR.

The staff of OSCR, both those that pre-dated Schrage and those that she hired, were a diverse group in terms of background, education, and social identities. Schrage

emphasizes that the diversity, energy, openness, and innovativeness of this team was central to creating, refining, and sustaining the changes that would come in OSCR.

One of the first steps that Schrage and her team took was to engage in a “learning tour,” meeting with stakeholders throughout campus:

I sat and met with a ton of people and just listened. I asked them three of the same questions and said, basically: What’s working? What’s not working? What advice would you give me? And asked that of [Office of the General Counsel] partners, the schools and colleges, our law school, our student government representatives, all the colleagues that interfaced with the unit. I think I had like four legal pads full of notes in terms of what people shared.

(Schrage)

The learning tour involved key stakeholders from the outset, an approach that Schrage notes is itself restorative, in that it meaningfully involved the community in determining the next steps.

Once the OSCR team had compiled and digested the community feedback, they developed a mission statement. The mission statement incorporated the three initial values that Schrage had come in with, but having gone through a community process, Schrage emphasizes that “everyone was buying in and affirming this mission statement. I think that is an important piece to start with.”

**Applying the mission and piloting.** With a mission statement in hand, the OSCR team started to evaluate their procedures and practices, considering whether they were aligned with the newly-developed goals of the office. Schrage felt strongly that the office should have alternative resolution pathways. Her legal background led

her to understand that “all the courts—whether you're in HR or in employment law or you're in the court system—everybody has other pathways that you can resolve things. You shouldn't have to discipline every time.”

They started first with the pathway for alcohol and other drug (AOD) cases because there were a large number of relatively similar AOD cases making it easiest to pilot a new process with this set of cases. According to Schrage, the team:

[...] went to the drawing board on how we could facilitate those cases in a way that put restoration and repairing harm and putting people in learning space rather than it being punitive. [...] and I think this is where the diversity of the team, in terms of background, comes into play in terms of the solutions we came up with. We had this psychologist sitting at the table, we had the education background, [...] student affairs background, policy background, and then my law background. We're all sitting there brainstorming—what are we trying to achieve—and that's when we came up with an entirely non-punitive pathway for certain cases that would qualify.

The team started from their foundational values and built, largely from scratch, an alternative AOD pathway.

Schrage and her team consulted with and received approval for the new process from stakeholders, including General Counsel, Housing, and wellness units on campus. Then they started processing cases through this alternative pathway. Students facing possible alcohol and other drug charges would have an option to engage in an alternative pathway, which if successful, would expunge the charges from their record. In the alternative pathway, student facilitators met with students



who had an alcohol or other drugs offense and used motivational interviewing techniques to engage them in “co-constructing, taking responsibility, and figuring out how to repair the harm [...] by understanding how this affected them, how this affected staff, and then also how this affected the community. And how are they going to fix that?” (Schrage). This set of procedures designed by the OSCR team reflected their central values of building trust, promoting justice, and teaching peace.

The new processes also reflected restorative justice practices, but to hear Schrage describe it, any similarity to restorative justice was coincidental. OSCR had not set out to implement a restorative system, but found their way to a set of principles that aligned nicely with restorative justice. This adoption process differs from the other cases I studied in which an office or an institution learns of restorative justice, finds it to be a match with their mission, and chooses to adopt and implement restorative justice practices. Schrage remembers that she and others in OSCR learned about restorative justice from Vander Velde, Merrick, and the Housing staff:

We had colleagues in our housing unit who were really passionate about restorative justice, so they were the ones who were the voice of restorative justice procedures and practices. They were the ones who talked about it as a concept and so that is the way that it found its way to help us name what we were doing.

This synergy between the system OSCR was developing and the procedures University Housing was putting in place was “really beneficial in both areas. We learned from each other and evolved accordingly” (Schrage).

Rather than focusing entirely on restorative justice as a model, OSCR developed what they called a “spectrum model” that outlines a continuum of options for resolving conflict ranging from informal to formal resolutions (Schrage & Giacomini, 2009). Implementation of this model rests on understanding and practicing social justice principles. OSCR brought together a large group of stakeholders for social justice mediation training that “truly changed the DNA of the organization for the long haul” (Schrage). Social justice considerations are imbued in each element of OSCR’s practice.

To understand what Michigan did only through a restorative lens [...] is to miss [the whole picture]; restorative was kind of the afterthought of naming it that when actually it was about education and social justice. It just happened for us to be very restorative. (Schrage)

OSCR continued piloting the alternative pathway for alcohol and other drugs cases, carefully documenting and assessing the process, and refining it where needed. About one year later, when the Statement of Student Rights and Responsibilities went under review by the student government and the faculty senate, OSCR was ready to codify the new mission and procedures. Schrage noted that because they had involved the community and been transparent throughout the process, all of the relevant stakeholders were on the same page when it came time to formally integrate the changes.

**Support from Stakeholders.** OSCR experienced strong support throughout their decision-making and implementation processes, in part because the community was open to change and because Schrage and her team intentionally included the

community throughout the process. Moreover, the institutional culture of University of Michigan is particularly supportive of innovation and unified in understanding and enacting the university's core educational mission. The collaborative relationship with University Housing also contributed to the development of OSCR's new processes, as both offices learned from and informed each other.

Schrage spoke highly of the role U-M's Office of the General Counsel (OGC) played in vetting and paving the way for OSCR's alternative pathways and spectrum model. OGC's clear support and willingness to take risks were essential conditions for the changes OSCR made to its policies and procedures. Schrage pointed to the 2003 affirmative action cases as examples of "the stomach the institution will have for risk and to do things differently." She remembers meeting with attorneys from the OGC:

[...] because of the educational mission [they] would be willing to take some risks if it means it's about the core value. That we'll go up against the law [...] we'll never be illegal—but when we're weighing the risk of what others are doing versus what we think we need to do, we're going to do what we think we need to do.

Other key stakeholders were U-M students. Students were involved at all levels of the implementation process. They participated as facilitators of the new alcohol and other drugs pathway, they reviewed and approved the new processes as part of the student government, and their input was solicited as changes were considered and implemented. As Schrage reflects, at "the University of Michigan,

[the Statement review is a] totally community-owned process. Students are intentionally in the driver's seat through the review process.”

**Early Adopter.** As one of the first handful of universities in the country to adopt alternative resolution options in student conduct, University of Michigan was not able to rely on models or examples from other institutions. OSCR developed most of their philosophy and their spectrum model independently, drawing on best practices in disciplines like psychology, law, education, and policy.

Schrage describes U-M as unique among other institutions in taking on this new approach to conduct: “We felt like we were on our own, [...] later we all found each other. There were other people doing similar things [...] But we truly felt like fish out of water at ASCA.” And yet Schrage also acknowledges that “it was ASCA that created the space for collaboration for other people that were interested in this in the early days and but for that organization, we wouldn’t have found each other.”

Connections with like-minded practitioners have become increasingly valuable as more institutions consider restorative justice and alternative practices. Staff from OSCR and University Housing have served as resources to other institutions. Schrage involved the OSCR staff, key Housing staff, attorneys from OGC, and leaders from Student Affairs in writing chapters for a book on the spectrum model and the ways in which U-M had implemented alternative resolution pathways. *Reframing Campus Conflict* was published in 2009 with an endorsement from ASCA and a forward by Edward Stoner, one of the primary authors of the model student code.

## **Salient Themes**

The University of San Diego and the University of Michigan differ greatly in institutional type, size, geographic location, and other demographic measures. Yet both institutions chose to integrate restorative justice practices into their institutional approaches to student conduct. This study aims to understand what conditions facilitate the adoption of restorative justice in student conduct. In this section, I highlight the salient themes that emerged from these cases. In each case, institutional culture and leadership were receptive to new and alternative approaches to student conduct, the idea of restorative practices was introduced at an opportune time, there were individual champions to shepherd and advocate for change, and there were opportunities to pilot and slowly introduce restorative practices into institutional culture and student conduct systems.

### **Receptive Institutional Characteristics**

In each of the cases, student conduct administrators succeeded in adopting restorative practices because their institution's culture aligned well with restorative values, because leaders were supportive of innovative change within student conduct, because institutional structures allowed the flexibility to introduce changes, and because they had access to institutional resources.

**Mission, Values, and Culture.** In telling the story of how restorative practices came to be a part of their student conduct processes, each of the administrators I interviewed started by describing the culture, values, and/or mission of their institution and their division or department. At the University of San Diego, Sean Horrigan and Marie Minnick each referred to USD's Catholic mission and five

core values as central to why restorative practices aligned with institutional culture. They expressed that traditional conduct processes missed opportunities to address individual dignity, to consider community, and to have conversations about harm and impact, all of which are essential to the Catholic social teachings that ground USD. Horrigan and Minnick also described an educational focus that characterized USD's approach to student conduct even before the introduction of restorative justice. The way in which administrators perceived restorative justice as fitting with USD's mission and values contributed to its ultimate adoption.

The principles of restorative practices were also well-aligned with University of Michigan's culture and values. Jennifer Schrage described the student culture of activism and social justice, as well as the institution's history of challenging accepted practices in order to defend its students and its educational mission (as demonstrated in the 2003 affirmative action court cases). Stacy Vander Velde referenced the Housing department's new approach to community development and its strong philosophy of social justice. These elements of U-M's culture and values shaped their journey to adopt restorative practices in Housing and adopt the spectrum model in student conduct. At U-M, restorative practices were the right "fit," not because they aligned with an explicit mission statement or set of core values, but because they reflected a campus ethos of social justice, academic community, and educational mission. U-M took pride in seeking and upholding the "right" practices even when those are different than peer institutions.

Both institutions have strong and prominent missions, values, and culture that ground the institution's identity and are actively known and understood throughout

campus. Any innovative practices being considered by administrators at these institutions would need to fit with these foundational values. Having a strongly mission-driven or educational values-based culture made these institutions more likely to initially consider restorative justice. Guided by their institution's mission and culture, student conduct administrators were more sensitive to deficiencies in their traditional processes and, if not actively searching, then at least open to alternative approaches that would better align with their educational values.

**Innovativeness and Competition.** Both institutions took pride in being places of innovative and forward-looking practices. USD had a Vice President for Student Affairs who wanted her division to be on the cutting-edge. U-M was an institution that prided itself on being innovative and different.

This desire to lead the field may motivate an institution to step away from traditional models and take on some of the risk, time, and energy required to implement innovative practices. At the time that USD and U-M were considering restorative practices, there were a few other institutions they could point to as examples, but they were still among the earliest adopters of these alternative practices.

**Flexibility Within Institutional Structures.** All three directors I interviewed noted that they were able to make at least modest changes within their spheres without too much bureaucracy. This looked different for each program, but this flexibility made it possible for these administrators to pilot various aspects of restorative practices.

At USD, Horrigan and Minnick found that they were able to implement many restorative practices without changing policies and process—formal amendments would have likely involved some form of approval from the Board of Trustees. At U-M, Vander Velde was able to make changes independently to Housing policy and processes. This administrative power, combined with a supervisor who was passionate about and supportive of restorative justice, gave Vander Velde latitude to integrate restorative practices. Schrage and her staff were required to consult with U-M's General Counsel and seek approval from the student senate and faculty senate for formal changes to the Statement of Student Rights and Responsibilities, but they found that because they had been transparent with these groups throughout the process, none presented any bureaucratic obstacles. In fact, Schrage pointed to U-M's Office of the General Counsel as a strong ally in the change process.

In each case, the latitude to make decisions and implement changes facilitated the decision to adopt restorative justice practices.

**Institutional Resources.** At both USD and U-M, student conduct administrators were able to hire staff support, especially graduate assistants, to research best practices and lay the groundwork of new restorative processes, systems, and trainings. Both institutions also directed resources toward training for staff within their offices as well as stakeholders and partners from other offices on campus.

The availability of financial resources was important for both institutions, but the resource of time was equally necessary. Minnick explains that implementing restorative processes requires a lot of commitment and time from staff, and highlighted that in the field of student conduct today, there are already increasing



demands on staff time, especially as Title IX regulations and requirements grow. Vander Velde also notes that without the support of a graduate assistant, hired specifically to help with restorative justice work, she would not have had time to research and then integrate restorative practices into the U-M housing conduct processes.

**Detractors.** There were many institutional factors that facilitated the adoption of restorative practices at USD and U-M, but not all institutional stakeholders were supportive initially. Both institutions encountered resistance, especially from front-line residential staff. Restorative practices diverged from familiar punitive approaches and the new processes added demands on staff time.

Both campuses relied on intensive training and positive experiences with restorative processes to respond to detractors and gain their support. Vander Velde bought copies of the *Little Book of Restorative Justice* by Howard Zehr (2015) for every hall director and conducted in-depth training sessions with them. At USD, Horrigan and graduate assistant Justine Darling conducted trainings with residential life staff, helping them to appreciate restorative principles and preparing them to facilitate restorative conferences.

Training and coaching did not convince everyone of the merits of restorative practices, and some staff decided to leave the institution due to philosophical differences. But overall, these trainings became essential tools at both universities to invite detractors into an understanding of the principles behind restorative justice and to foster a more receptive campus culture for restorative practices.

## **The Right Time**

Not only did the institutional characteristics of USD and U-M provide receptive environments for the adoption of restorative practices, but also the timing was right for each institution to introduce restorative practices. In this section I will describe some of the well-timed factors and events that primed USD and U-M to adopt restorative practices.

**New Leaders.** In each of the three cases where restorative practices were adopted, the office or unit had a newly hired director. Horrigan, Vander Velde, and Schrage each brought new perspectives and ideas to their roles. Within approximately a year of their start, each of these new directors had started exploring alternative approaches to student conduct and was beginning to test out or apply restorative practices in their work.

The openness, energy, and new perspective that often come with a change in leadership can facilitate innovation and change. New leaders may also have windows of opportunity to question established practices and invite suggestions and input from stakeholders. Schrage took advantage of the opportunity to do a “learning tour” in which she gathered and built relationships that paved the way for the sweeping changes that OSCR would implement in the following years. Vander Velde’s boss, Greg Merritt, knew she would have this window of opportunity as a new director, so encouraged her to pursue restorative justice. Horrigan worked with the Dean of Students at USD to initiate a comprehensive review of student conduct policies and procedures, opening the door to restorative justice.

**Review Processes.** Comprehensive review processes can provide the context and conditions that facilitate and open opportunities for institutions to consider alternative approaches to student conduct, including restorative practices.

Schrage's listening tour is an example of an informal review of existing structures and processes, but OSCR also engaged with the campus's formal review of the Statement of Student Rights and Responsibilities. This review process involves the student senate and the faculty senate, and occurs every two years at U-M, which provides the opportunity to propose a change.

USD also engaged in a formal review process around the time that they started considering restorative options. When Horrigan began his role as Director of Student Conduct, he and the Dean of Students and other colleagues recognized the need for a comprehensive review of their student code of rights and responsibilities. They charged a taskforce to review student conduct policy, processes, sanctions, training, and education. This review was such a significant undertaking that USD contracted with a consultant to manage the process. The review committee did not recommend sweeping changes; they reaffirmed some of the best practices in process and made slight revisions to policy. They also recommended, based on the information Horrigan had shared, that the student conduct office investigate and pursue a more restorative model. This recommendation, though not specific or prescriptive, offered an opening for Horrigan to pursue restorative options, and to do so with the backing of a wide range of university stakeholders.

**Catalyzing Events.** Administrators on both campuses pointed to events or campus climate preceding the adoption of restorative practices that either highlighted

deficiencies in the traditional conduct processes or heightened tensions between student conduct administration and groups on campus. These events or tensions, though difficult, opened dialogue about and opportunities for change.

At USD, there were several incidents related to diversity and inclusion that prompted protests and demonstrations. Some students involved were referred to the Office of Student Conduct, but the existing policies and processes limited Horrigan's ability to respond appropriately to these critical incidents. This experience, layered with strident criticism from faculty and students, made it clear to Horrigan and other administrators that they needed alternative tools to manage student conflict and student conduct.

At U-M, there was not a discrete event that catalyzed a need for change, but Schrage noted that when she was hired there had been some erosion in the campus's trust of the student conduct office. This recognition led Schrage and her team to include "building trust" as one of the three main foci of their change process, and contributed to their emphasis on meaningfully engaging community both in how they implemented changes and in how they designed alternative resolution options in the student conduct processes.

There may not be a direct causal link between catalyzing events and the adoption of restorative practices, but events and tensions on these two campuses contributed to the campus's receptiveness to alternative approaches to student conduct. Challenging events and campus climate issues highlight gaps and deficiencies that restorative practices may be able to address.

## **Champions**

In each of these three instances of adopting restorative practices, there were champions who advocated for change, kept restorative practices on the table, built alliances and partnerships, and ushered change into their spheres of campus. Horrigan described the role of champions, saying it is important to have “some people who are going to think RJ on a daily basis and when they read reports and sit on threat assessment teams, [...] they are thinking about RJ.”

Rogers (2003), in his explanation of diffusion of innovations in organizations, notes the significant role of champions. He defines a champion as “a charismatic individual who throws his or her weight behind an innovation, thus overcoming indifference or resistance that the new idea may provoke in an organization” (p. 414). Rogers (2003) suggests that champions need not be in the most powerful roles in an organization, but that they are most effective in mid-level roles where they are accessible to their staff, but also can exercise influence with higher-level decision makers. He describes these champions as occupying “a key linking position in their organization” (p. 415).

My findings regarding champions align with Rogers’s (2003) description; champions were essential to the successful adoption of restorative justice in each of the cases I studied. I identify the following champions: Horrigan and Darling at USD, Vander Velde and Merritt in U-M Housing, and Schrage and her staff team in U-M OSCR. In this section, I will explore what characterized the champions on each campus and what made them successful in their efforts to bring restorative practices to their university.

**Champions discover restorative justice.** Both Horrigan at USD and Vander Velde at U-M learned about restorative practices through a session at a professional conference. Horrigan points to a particular session at ASCA that planted the seed of restorative justice in his mind. Horrigan then returned to USD and shared what he had learned with graduate student Justine Darling. She had never heard of restorative justice. Her conversation with Horrigan lit the spark that ultimately led her to focus on restorative justice throughout her master's program and to join Horrigan as a champion for restorative practices at USD.

At U-M, Vander Velde was introduced to restorative concepts by her supervisor, Greg Merritt, who had attended an ASCA presentation about restorative justice. Once Vander Velde began her position overseeing student conduct for U-M housing, she started learning more about restorative justice, and professional conferences were a significant source of information.

Schrage did not point to any external spark that introduced restorative practices or other alternative practices to her team, suggesting that their process of developing the spectrum model was largely designed from scratch in-house. But OSCR did adopt some of the language of restorative justice from their colleagues in University Housing, especially Vander Velde.

Each of the champions for restorative justice at USD and U-M experienced some initial spark or introduction to restorative concepts. Professional conferences and workshops were notably where Horrigan, Merritt, and Vander Velde first encountered restorative justice. Other champions learned through a cascade effect,

from colleagues who had attended presentations then returned and eagerly shared the new ideas.

**Champions are receptive to restorative principles.** The individuals who championed restorative justice on their campuses not only learned about restorative justice, but quickly recognized value in restorative ideas. What made these champions particularly receptive to restorative principles?

One factor may be that each of them already had an educational mindset and developmental values that they believed to be central to their work in student conduct. To someone who is inclined to put educational and developmental goals first in student conduct, restorative alternatives are more likely to resonate. The champions in the cases demonstrated this preference for developmental approaches to student conduct.

Hand-in-hand with this educational mindset, each of these champions had some unsatisfactory experiences with the traditional student conduct model—cases that felt poorly resolved through adjudication, or sanctioning options that seemed incomplete, or community harm that had gone unacknowledged or unaddressed. Vander Velde reflects that conduct officers often “realize there is something missing.” This perception that their traditional processes were insufficient primed both Vander Velde and Horrigan to latch on to restorative concepts when they were presented.

Schrage and Darling, both champions for restorative and alternative approaches on their respective campuses, were motivated by the inadequacies they saw with the traditional model of student conduct, as well as by experiences they had

outside of the world of higher education. Darling saw injustice in the school to prison pipeline and her work with homeless youth. Schrage recognized through her legal experience the value of alternative resolution pathways.

Schrage was comfortable implementing a non-traditional system because she was confident in her legal training and her knowledge of legal systems, requirements, and boundaries. Because the field of student conduct has—out of fear of litigation and a desire to protect due process—sought security in legalistic processes, a champion for restorative practices in student conduct benefits from a comfort with legal boundaries and ability to understand and explain how restorative justice fits within and complies with these boundaries. Such comfort made Schrage more receptive to incorporating restorative justice in student conduct.

**Champions are not alone.** In all three of these cases where restorative practices were adopted, the champions were not alone in their quests. Having multiple champions at an institution strengthened their work by providing a partner or partners with whom to develop ideas, learn about restorative practices, and navigate advocacy with leadership and stakeholders.

Horrigan described “good synergy” in conversations with graduate student Darling. Together they developed and deepened their respective passion for restorative practices, and began to envision what a restorative justice program might look like at USD. As co-champions, Horrigan and Darling brought different capacities to their advocacy for restorative justice; Horrigan had more institutional power, access to resources, and collegial relationships across campus, Darling had connections and resources within the School of Peace and Justice as well as time to



dedicate to research and program development. Together they introduced campus stakeholders and administrators to restorative concepts and paved the way for piloting restorative practices. Minnick, in reflecting on how she came to understand restorative justice, said immediately, “I’ll credit Sean and Justine.” Both were strong champions individually, but their combined synergy and collaboration was necessary to successfully adopt restorative justice at USD.

At U-M, Vander Velde was clearly a champion of restorative justice in University Housing. As a one-person student conduct shop, she was empowered to make many changes to policy and processes on her own. But without an additional champion she may not have been as successful in adopting restorative practices. Vander Velde benefited from the enthusiastic support from the director of Housing, Greg Merritt. Merritt had encountered restorative justice in a presentation at a professional conference and had tried to introduce restorative practices in housing, but had limited success until Vander Velde joined the cause. There was something about having two champions that made change more achievable than it had been with one.

Schrage describes the Office of Student Conflict Resolution as having a full staff of champions. The diversity and passion of the OSCR staff team facilitated their development of an entirely new framework and set of pathways for managing student conduct. Schrage credits the diverse experiences and passions of the team for the strength of the spectrum model they created. Dynamic collaboration resulted in a much better, more solidly grounded, and more sustainable set of processes for the office.

It is one thing to be a lone champion for restorative justice, but in these cases it is apparent that one champion may not be enough. Much greater progress is possible, and the likelihood of an institution adopting restorative justice practices is increased, when there are multiple champions collaborating, encouraging, and strengthening each other. Though the OSCR case may suggest that in some cases one champion is sufficient if he or she can inspire a team to become equally passionate about the changes they are developing.

In observing the role of champions in these cases, it is not clear whether a champion must have some sufficient level of institutional power and influence in order to be successful. At USD and in both of the U-M offices, at least one champion was the director of an office. They were positioned to make decisions about student conduct processes, to direct resources, and to engage with higher-level stakeholders and leaders on their campuses. This aligns with Rogers (2003) description of mid-level champions who exercise institutional influence, but are still in touch with entry-level staff.

However, other champions, like Darling, did not hold influential positions, but contributed passion for restorative justice and time and energy to move the restorative justice agenda forward. Champions without institutional power are successful when they partner with other passionate individuals in higher-level positions.

**Champions receive and deliver training.** The champions sought training to enhance their own understanding of restorative practices and also used training as a tool to expand support and knowledge of restorative practices on their campus. Justine Darling at USD dedicated much of her master's program to deepening her

skills and understanding of restorative justice. She believed that in order to build a well-grounded program and ensure quality restorative work, she and anyone who would be facilitating restorative conferences at USD needed intensive training. Darling worked with Horrigan to develop comprehensive trainings for residential life staff and other stakeholders on campus.

Vander Velde deepened her learning about restorative justice through professional conferences, literature, and communication with other institutions implementing restorative justice programs. Once she had enhanced her own understanding of restorative justice, she immediately began developing trainings for housing staff, again expanding the network of people who understood and could support a restorative program.

In OSCR, staff brought their own professional background and expertise to the development of the spectrum model. They also sponsored social justice mediation training for office staff and stakeholders from across campus. Schrage explained that this training inspired and equipped staff to ask how identity, power, privilege, and oppression influence conflict, and to layer this complexity into their thinking about managing conflict and student conduct.

**Champions Need Time and Resources.** I have already mentioned the importance of time to adequately consider and begin implementing restorative practices, but it is worth noting that champions need adequate time. The champions in these cases would not have been able to advocate for, or even really learn about and consider, restorative practices without sufficient time.

Vander Velde realized that she needed support from a graduate assistant who had time to research and develop a restorative justice program. Horrigan relied on Darling's part-time graduate assistant work to develop processes, trainings, and documents for USD's restorative justice program.

### **Piloting**

Each of the programs studied here used small-scale implementation of restorative practices as a way to test the waters, demonstrate successes, and develop greater support among stakeholders, before diving head-first into implementation. This piloting was essential in each case to the ultimate implementation of new processes and policies. Piloting was strategic, in that administrators carefully selected cases and contexts in which restorative practices would most likely succeed.

At USD, Horrigan and Darling started “looking for low-hanging fruits”—ways they could implement restorative justice “without significant changes to policy and process”. They created a restorative justice “sanction” so that the outcome of an administrative hearing could be a referral to a restorative conference. They offered this sanction in cases where they felt a student was ready to take responsibility and both the responsible student and impacted parties were ready to engage meaningfully in a restorative process. Case by case they built up the restorative program, developed and documented processes and protocols, and tallied up demonstrable successes. Many of these strategically-selected cases also benefitted the program by engaging faculty or staff members who after participating in a conference would become “cheerleaders” for the restorative program.

At U-M, both OSCR and Housing used similar strategic approaches to testing out restorative practices. Vander Velde notes that restorative justice is particularly amenable to small-scale integration. Restorative principles can often be integrated into practice without or ahead of significant structural changes. In OSCR, the staff started by developing a restorative pathway for alcohol and other drug cases, a pilot that served as an entrée to developing their full spectrum of resolution options. Their experience implementing the alcohol and other drugs pathway provided experience and context on which to layer more complex considerations of social justice within conduct and mediation.

Horrigan describes the piloting process as “turning up the temperature” on restorative justice until ultimately it had worked its way into the foundations of how the Office of Student Conduct and other units on campus operated. This bit-by-bit process of adopting restorative justice contrasts with the discrete “adoption decision” suggested by Rogers’s model of organizational adoption of innovations, yet piloting was a consistent finding in all three cases of restorative justice adoption.

### **Summary of Findings**

Four major themes emerged from the analysis of the three cases. Across all the cases, 1) there were institutional characteristics that facilitated adoption of restorative justice, 2) restorative justice ideas were introduced at an opportune time, 3) there were multiple champions within the institution who advocated for and developed a restorative program, and 4) student conduct administrators piloted restorative practices, integrating them into existing structures.

The first two of these themes connect to categories in DeRousie's (2014) framework; the latter two are emergent themes that were not predicted by DeRousie (2014). In chapter five I will examine the implications of these findings for theory, student conduct practice, restorative justice advocacy, and research.

## Chapter 5: Discussion & Implications

This study aims to learn what motivates and facilitates an institution's decision to adopt restorative justice practices in its student conduct processes. It was guided by the research question: What are the conditions that influence institutional decisions to adopt restorative justice in student conduct? Institutional size, type, and geographic location are not determining factors in whether an institution adopts restorative justice—for example, it is not the case that restorative justice is mostly adopted by small liberal arts colleges, nor that only religiously affiliated schools are practicing restorative justice—so what *does* connect those institutions that have adopted restorative justice in student conduct?

I employed a multiple case study methodology to understand the conditions, decision-making processes, and influences surrounding institutional decisions to adopt restorative justice practices in student conduct. I selected two otherwise dissimilar institutions that had adopted restorative justice practices in student conduct: University of San Diego and University of Michigan. For each institution, I interviewed staff who had been involved in the adoption of restorative justice and reviewed documents related to the adoption process.

Review and analysis of the case study data informed my findings that some of the most salient conditions that affect institutional decisions to adopt restorative justice are: receptive institutional culture and leadership, favorable timing, individual champions, and small-scale piloting of restorative practices. Without these essential conditions, these institutions would have been less likely to adopt restorative justice practices in student conduct. I found that in all three of the cases I analyzed—

University of San Diego Office of Student Conduct, University of Michigan Office of Student Conflict Resolution, and University of Michigan Housing—the seed of restorative justice was planted at the right time, in receptive and fertile soil, and then nourished by champions who advocated for resources and support from institutional leadership and began piloting restorative practices.

These findings have implications for diffusion of innovations theory (Rogers, 2003) and my conceptual framework (DeRousie, 2014), for student conduct practitioners, for restorative justice advocates, and for researchers. In this chapter I will discuss my conclusions and elaborate on the implications of these findings for each group.

### **Implications for Theory and Framework**

For this study, I employed a diffusion of innovations framework, based on Rogers's (1962; 2003) foundational theory and on DeRousie's (2014) application of the theory to higher education. DeRousie's (2014) conceptual framework proved to be an overall good fit in understanding and describing the conditions affecting the adoption of restorative justice innovation within student conduct. However, based on the finding of my study, I recommend a few adjustments to DeRousie's framework, as well as to Rogers's (2003) model of organizational adoption of innovations. In this section I will explain how the diffusion of innovations theory and framework applied to these case studies, and also what my findings imply for modifications to the theory and framework.



## **Roger's Diffusion of Innovations**

Rogers's (1962) theory of diffusion of innovations describes the process by which a new idea is spread and adopted. Though largely applied to the adoption of innovations by individuals, Rogers (2003) also outlines a model of how organizations decide to adopt, and then go about implementing an innovation. This process is divided into two phases: initiation and implementation, which are separated by a line representing an organization's 'decision to adopt' an innovation.

I framed my study around that dividing line: an institution's decision to adopt restorative justice practices. I focused my inquiry on what conditions facilitated an institution saying 'yes' to adopting restorative justice. However, I found that the 'decision to adopt' line was far blurrier than Rogers's model suggested. None of the decision-making processes I studied had a discrete moment at which the institution, or even individual agents within the institution, decided definitively that they were all-in on adopting restorative justice. Rather, administrators described "turning up the temperature" (Horrigan) by starting with small pilots, testing the waters, and gradually introducing new processes. As described in chapter four, these pilots were an essential part of each office's successful adoption of restorative justice and alternative conduct processes.

Based on this finding, I suggest that the 'adoption decision' line in the model be expanded to suggest a piloting stage in which an organization may tentatively or incrementally adopt aspects of an innovation to test its viability (see Appendix F). This piloting stage may blur the boundaries between the 'matching' and 'redefining/restructuring' stages that precede and follow it. Rogers (2003) describes

that in the matching stage an organization engages in “conceptual matching of the problem with the innovation occurs in order to establish how well they fit” (p. 423). This “reality testing” (p. 423) is largely hypothetical in this stage, but is the essential predecessor to an actual pilot. The ‘redefining/restructuring’ phase is described as “when the innovation is re-invented so as to accommodate the organization’s needs and structure more closely, and when the organization’s structure is modified to fit with the innovation” (p. 424). Some of this restructuring may begin to happen with piloting, but the administrators I interviewed suggested that they initially piloted restorative justice practices in ways that required the least possible change to existing systems. It was only once they were more certain that restorative practices would work and be supported that they began modifying policies and processes to fit with restorative justice.

By adding this piloting phase into Rogers’s (2003) model with a porous border, I suggest that this piloting process is an essential part of the adoption decision, and that it may not always be easily discernable from the initiation and implementation phases that surround it. There may not always be a discrete moment at which an institution decides to adopt an innovative practice.

### **DeRousie’s Theoretical Framework**

DeRousie (2014) proposed a framework expanding on Rogers’s (2003) model of organizational adoption decisions. His framework outlines four categories of factors that influence an organization’s decision to adopt an innovation: attributes of the innovation, characteristics of the adopter, social network context, and environmental context.

DeRousie (2014) created this framework for his quantitative study of the adoption of four specific innovations at more than 1,300 colleges and universities. He identified variables to represent each of the factors in his framework, then reported the significance of their effect on adoption decisions. In his findings, DeRousie (2014) reported that ‘attributes of the innovation’ and ‘social network context’ had significant impacts on adoption decisions. However ‘characteristics of the adopter’ were only somewhat significant and ‘environmental context’ was too difficult to measure quantitatively. He suggested that qualitative research was needed to develop “an understanding of the contextual nature of each innovation and the adoption process” (p. 196).

My qualitative study sheds light on the factors in DeRousie’s (2014) framework that are hard to capture quantitatively. Where he found it difficult to find quantitative variables that reflected environmental context factors, I am able to paint a clear picture of the factors of competition, uncertainty/change, and environmental support/resistance facing each institution. Similarly, my study is able to expand on the effect of the complexity, trialability, and observability of an innovation. My qualitative perspective enhances the usefulness of DeRousie’s (2014) framework, by providing a more detailed picture of *how* the factors in his framework affect adoption decision-making.

Likely influenced by the fact that I used a qualitative approach, my findings differ somewhat from DeRousie’s (2014). DeRousie (2014) did not find institutional characteristics (or ‘characteristics of adopter’) to be very significant, but I found that positive institutional characteristics, especially the more qualitative institutional

characteristics like receptive organizational culture and innovativeness, were present in each of my case studies, and I suggest that these factors were important in the adoption decision. The cultures at each institution were different, but they each set the stage for restorative justice by being mission-driven, educationally-focused, and social justice-minded. Consistent with DeRousie's (2014) findings, I did not find institutional size to have a notable impact on whether an institution adopted restorative justice. I would also add to institutional characteristics that strong collaboration between units and flexibility within institutional structures contributed to institutions' decision to adopt (see Appendix F).

DeRousie (2014) was not able to measure the effect of environmental context quantitatively, but my qualitative evidence suggests that in each of these cases the idea of restorative justice was introduced at the 'right time' when there was new leadership, openness to change, review processes, and catalyzing events that fostered environmental support. These findings generally align with the factors already included in DeRousie's (2014) framework under environmental context, but I would suggest adding 'review processes' and 'catalyzing event(s)' as a separate factors within this grouping (see Appendix F).

Like DeRousie (2014), I found that the attributes of the innovation were important; each administrator I interviewed noted ways that restorative justice practices had a *relative advantage* over the traditional processes, and also noted the *compatibility* of restorative practices with their institutional values. However, where DeRousie (2014) did not find clear effects of *complexity*, *trialability*, and *observability*, I found that these three factors related closely to these institutions'

ability to pilot and incrementally implement restorative justice practices, which was essential to their adoption of restorative justice.

I did not find that my study permitted me to conclude much about the effect of social network context factors. Because the institutions I studied were relatively early adopters of restorative justice practices, there was not much of a social network of other adopters to draw on. Trainings and workshops at professional conferences did stand out as one of the primary ways that administrators (and ultimately restorative justice champions on their campuses) were initially introduced to restorative justice. These workshops, offered through professional organizations like ASCA, are a critical link in facilitating restorative justice adoption in student conduct. External workshops and trainings are not explicitly included in DeRousie's (2014) framework, but seem to fit best in the social network category. I would recommend expanding this category to better capture the effect of professional organizations and their trainings, workshops, and conferences.

The other piece of my findings that is missing from DeRousie's (2014) framework is the role of champions in the adoption decision process. In each of the cases I studied, individual staff members advocated for restorative justice practices on their campus. Without these champions, these institutions would not have adopted, or perhaps even considered, restorative justice practices in student conduct. DeRousie's (2014) framework does not account for the role that champions play in an organization's adoption decision.

It is interesting that DeRousie (2014) does not include champions in his framework because Rogers (2003) describes in some detail the role of champions in

organizational innovation processes and suggests that the presence of a champion contributes to the successful adoption of an innovation. He explains that a champion need not be an extremely powerful individual, but are often assistant directors or division directors that occupy linking roles in the organization. Rogers (2003) also suggests that successful champions have analytical and intuitive skills and demonstrate well-honed interpersonal and negotiating skills. He describes champions as “brokers and arrangers for an innovation in an organization, helping fit it into the organizational context” (p. 415).

In my cases, the champions I identified certainly fit this description; they used their positions as directors of their offices and their skill at navigating their institutional politics to push for the integration of restorative practices in student conduct. I would add to Rogers’s (2003) characteristics that the champions in my study were receptive to restorative principles, they encountered (in workshops and from colleagues) information about restorative justice, they received additional training, and they had time and resources to push their agenda forward. I also found that the institutions I studied benefitted from multiple champions that were able to work together, encourage, and strengthen each other’s efforts.

I recommend adding a champions “layer” to DeRousie’s (2014) framework. Just adding a ‘champions’ bullet point would over-simplify the question of champions, leaving out the attributes and circumstances that contribute to a champion’s success. It is important to consider the characteristics of the champions (Are they receptive to the ideas? Do they have interpersonal/negotiation skills? Do they have resources/time?), their social network context (Do they have access to

workshops and trainings? Are there multiple champions in the institution?), and their environmental context (Do they have power within the institution? Do they encounter resistance or support?). In order to capture these attributes of the champions, I suggest adding a ‘champions’ layer to the three boxes ‘characteristics of adopter,’ ‘social network context,’ and ‘environmental context’ in DeRousie’s (2014) framework (see Appendix F). This modification to the framework will better capture Rogers’s (2003) description of champions as well as the findings from my case studies.

Overall, Rogers’s (2003) model and DeRousie’s (2014) framework fit with my findings. Together they offer a valuable lens through which to understand how organizations, and specifically institutions of higher education, consider and decide whether to adopt innovative practices. My study contributed to the overall diffusion of innovations literature by focusing on the initiation and adoption stages of Rogers’s (2003) model; the majority of diffusion literature has studied the implementation phase of the model, leaving unexplored the questions of how organizations come to the decision to adopt an innovation. My study also provided a qualitative perspective on DeRousie’s (2014) framework. DeRousie (2014) developed the framework for his quantitative study of adoption of innovations by institutions of higher education. Through my qualitative lens I was able to expand on and add nuance to his findings.

I recommend only a few modifications to Rogers’s (2003) model and to DeRousie’s (2014) framework. I expand the ‘adoption decision’ line in Rogers’s model to a wider ‘piloting’ phase, acknowledging that in the cases I studied there was no discrete decision point, but rather a trial period and incremental implementation of restorative practices. I also added sub-factors to several of DeRousie’s (2014)

categories that affect adoption decision-making. And finally, I recommend adding a ‘champions’ layer to the framework, noting that champions play a crucial role in initiating and shepherding into implementation restorative justice practices in their institutions.

### **Implications for Practitioners and Advocates**

The findings of my study have implications for student affairs and student conduct practitioners who are interested in restorative justice and might be interested in integrating these practices into student conduct processes at their institution. The findings also have implications for the restorative justice advocates who are training and encouraging practitioners to use restorative practices. In this section I will highlight some of these implications for practitioners and advocates.

### **Impactful Trainings and Workshops**

Each case of restorative justice adoption I studied started with a seed planted in a workshop or a presentation at a professional conference. Sean Horrigan attended a workshop by David Karp, found the restorative concepts compelling, and returned to USD eager to share his ideas about integrating restorative justice on campus. Stacy Vander Velde, who became the main champion for restorative justice at U-M, learned about restorative practices because the director of University Housing came back from a conference presentation excited to share what he had learned about restorative justice.

Advocates are already using professional conferences, workshops, and trainings effectively to spread the word about restorative justice. My findings largely suggest that they should continue with these efforts, but may also offer some ideas



regarding what makes a workshop or training successful in sparking interest that ultimately results in an institution adopting restorative justice practices. I will note these recommendations for training in the following sections.

### **Understand Institutional Culture and Mission**

My case studies demonstrate that an institution's culture, mission, and values are central to whether restorative practices will be perceived as a natural fit. At both University of San Diego and University of Michigan, restorative justice practices were perceived by champions, and ultimately by leadership, as aligning with institutional values. University of San Diego administrators identified parallels with their institution's Catholic social values, and leaders at the University of Michigan pointed to their institution's activist culture and social justice values.

A practitioner wanting to bring restorative practices to their campus should start by understanding their own institutional culture, mission, and values, and asking how restorative practices fit within those values. Advocates of restorative justice should identify ways that trainings can help participants recognize and describe the alignment between their institution's identity and restorative principles. A successful campaign for incorporating restorative practices will be grounded in the identity and mission of the college or university.

### **Identifying, Developing, and Empowering Champions**

I found that in each of the cases I studied there were multiple champions who worked together to advocate for restorative practices on their campus. A practitioner who is interested in bringing restorative practices to their campus would do well to identify or cultivate a partner champion on their campus. Successful champions

encounter something that sparks their interest in restorative justice, they are receptive to restorative principles, they have some degree of institutional power and influence, they are skilled in persuasion and negotiation (Rogers, 2003), they receive additional training in restorative justice, and they have time and access to resources. One might identify a co-champion who can contribute some of these characteristics.

For example, as Director of Student Conduct at USD, Sean Horrigan had institutional power, relationships throughout campus, and access to resources, but he did not have much time. His co-champion, graduate student Justine Darling, contributed her time as well as her connections with the School of Peace and Justice and other restorative justice organizations. Individually, one of them may not have successfully advocated for adoption and developed materials and processes for pilot programs, but together they could shepherd restorative justice into student conduct practices at USD. One could imagine another scenario in which someone with little institutional power might find and develop a champion who is more connected on campus.

A co-champion need not already know about restorative justice practices; both Justine Darling at USD and Stacy Vander Velde at U-M Housing were introduced to restorative justice by another campus champion. The key was that they were primed by past experiences to be receptive to restorative principles, and then once they had been introduced to restorative justice they were able to learn more through trainings and workshops.

Recognizing the importance of champions in getting institutions to adopt restorative justice practices, advocates of restorative justice in higher education

should focus their training efforts on identifying, developing, and empowering champions.

One method of empowering champions is enhancing the cascade effect. That is, making it easier for participants in a presentation or workshop to take ideas and information back to colleagues at their home institution. This information cascade extends the reach of the training well beyond those who attend in person. Presenters can enhance participants' ability to share their learning by providing take-away resources like presentation slides, handouts, bibliographies of relevant books and articles, and training outlines. Presenters can also prompt participants to develop an action plan, outlining how they will share restorative concepts with colleagues once they return to campus. An action plan could also focus on a champion's plan for beginning to advocate for restorative practices within their institution.

My findings suggest that when there is new leadership within a student conduct office, there is a window of opportunity for introducing innovative ideas and advocating for process changes. In each of the cases I studied, new directors became champions for change within their units. Based on this finding, advocates of restorative justice may consider appropriate ways to reach out to new directors of student conduct offices to invite them to trainings, or may develop a training curriculum specifically tailored for directors of student conduct.

Finally, because champions were most successful when they had a co-champion, advocates for restorative justice may experiment with strategies to encourage institutions to send multiple participants to a given training. Discounting registration fees for pairs or groups might be one way to do this. Then during the

training, presenters could facilitate activities that would engage groups from an institution to work together to consider how restorative justice fits with their institutional mission and culture, to imagine potential applications for restorative practices within student conduct and other units on campus, and to develop action plans for their return to campus.

### **Start Small and Strategic**

In each of the cases I studied, administrators found incremental ways to introduce restorative justice into their conduct practices. They were also selective in identifying the initial cases in which they piloted restorative justice practices. With these early cases, selected to be likely successes, administrators gathered success stories and won over participants who became cheerleaders and allies for further development of the restorative justice program. Practitioners attempting to integrate restorative justice into their university's student conduct practices will benefit from starting with small and strategic implementation. Trainings should demonstrate for practitioners how they might be able to implement restorative practices in their work even without totally changing their conduct processes.

Small-scale implementation or piloting may take the form of integrating restorative questions and concepts into administrative hearing conversations. As Stacy Vander Velde of U-M Housing explains, this type of integration does not require any formal process changes: “[restorative principles] are things we can ease into in any process that currently exists. It's not like it's new, just changing the language a little.” USD took another approach to small and strategic implementation; Horrigan and Darling created a restorative justice “sanction” so that the outcome of

an administrative hearing could be a referral to a restorative conference. The conference did not replace the traditional conduct process, but served as an alternative to purely punitive sanctioning. In the Office of Student Conflict Resolution at U-M, Schrage and her colleagues started by developing an alternative pathway for alcohol and other drug cases. Rather than changing all of the conduct processes at once, this approach allowed them to test out an alternative pathway on a subset of similar cases. A practitioner interested in integrating restorative practices into their student conduct processes could use one of these approaches, or develop another way to implement small elements of restorative justice in their processes.

Student conduct administrators piloting restorative justice emphasized the importance of selecting initial cases that are relatively straightforward and likely to succeed. Horrigan and Darling selected a case that included a professor they knew would engage meaningfully with the student in the conference process. Vander Velde reflected that the first conference she facilitated was too complex and intense; it did not end successfully. From that experience she learned to be more selective and to have intake meetings with all parties to prepare them prior to a conference.

When these initial cases and conferences go well, they serve as success stories for champions to share when advocating for restorative practices. Moreover, as more campus partners and stakeholders have opportunity to be involved with restorative processes and have positive experiences, they become cheerleaders and supporters of the nascent restorative justice program. Marie Minnick at USD described how a restorative conference they facilitated with a study abroad student turned the whole study abroad office staff into fans of restorative justice. And Sean Horrigan pointed to

the value of gaining the buy-in of influential faculty members through their participation in a restorative conference. Gaining these success stories and cheerleaders throughout campus facilitates the transition from testing or piloting restorative practices to fully implementing them in student conduct processes.

### **Application Outside of Student Conduct**

Practitioners excited about introducing restorative justice to their campus may consider how restorative practices can be integrated into units and programs beyond student conduct. Introducing restorative practices throughout campus can encourage the uptake of restorative philosophies in campus culture, can facilitate cross-unit collaboration on restorative programs, and can contribute broad value to the university.

Throughout my interviews I heard administrators refer to applications of restorative practices beyond the realm of student conduct. At USD, Horrigan collaborated with staff in Residential Life to introduce restorative concepts into RA training, room agreement conversations, and student-staff interactions. This collaboration in turn strengthened the student conduct restorative justice program as residential life staff facilitated conferences and referred appropriate cases.

Understanding the application of restorative principles broadly across the campus will also prime practitioners and the campus community to use restorative practices in times of crisis. USD was able to draw on restorative practices to facilitate community support following several student suicides. Minnick reflected that “we were able to use restorative circles to get to the impact and it gave people a place where they could start coming up with ideas on response. And some really good

things came out of that.” Having a strong restorative program and trained restorative facilitators on campus prepared the university to respond to community needs in a time of crisis. Minnick also noted that it was important for campus leadership to recognize this value of restorative practices beyond student conduct: “leadership saw some of that, so it's not just a conduct thing, it's a way to deal with community concerns, and then also community conflicts.” USD has been able to use restorative practices outside of student conduct in residential life, in responding to campus crises, in addressing conflict within student organizations, and addressing conflict in staff groups. Practitioners will miss much of the value of restorative justice practices if they think of them as purely applicable within the student conduct setting.

### **Network of Restorative Institutions**

The institutions I studied were relatively early adopters of restorative justice practices in student conduct, so they did not benefit from much consultation and cross-pollination with other institutions. But they nonetheless suggested that there is great value in connecting with other institutions and practitioners who are interested in or are implementing restorative practices. Justine Darling at USD benefitted from connections with organizations outside of higher education, through which she was able to receive training and hands-on experience with restorative justice. Jennifer Schrage from the Office of Student Conflict Resolution at U-M noted that though she and her U-M colleagues often felt like they were on their own developing their alternative resolution program, “it was ASCA that created the space for collaboration for other people that were interested in this in the early days, and but for that organization we wouldn't have found each other.” Having collaborative relationships

across universities strengthens an institution's ability to imagine and implement a restorative justice program.

Much of this networking is already happening today. Stacy Vander Velde of U-M Housing shared that as restorative practices have gained popularity in the last 5 years she has been able to offer support and training to several schools implementing restorative practices. Vander Velde also suggested that it can be helpful for champions to tell their institutional leaders that their peer institutions are using restorative practices: "we're all about our peer institutions, so generally if you can get support saying, hey our peer institutions are doing this work in this area it is easier for us to get buy in from our campus administrators." Practitioners are connecting through professional conferences, sharing implementation stories and suggestions, and supporting one another in adopting alternative resolution processes. Books like Schrage's *Reframing Campus Conflict* (Schrage and Giacomini, 2009) and Karp's *Little Book of Restorative Justice for Colleges and Universities* (Karp, 2013) include descriptions of implementation models from a wide variety of institutions. This is another way, albeit indirect, that institutions are learning from one another.

Advocates for restorative justice in higher education should continue to facilitate connections between practitioners interested in restorative practices. This may take the form of individual introductions, a formal or structured network, or indirect connections through books and articles. Trainings and workshops can also serve as forums for connecting colleagues who will support each other once they return to their respective campuses.



## **Implications for Future Research**

My study focused on addressing a specific gap in the literature: what conditions facilitate institutional choices to adopt restorative justice practices in student conduct. Through the course of my study, I encountered several questions needing further research. In this section, I outline several potential areas for future research.

### **Current and Recent Adopters**

My sample of cases included three conduct offices at two universities that adopted restorative practices in the mid-2000s. These were relatively early adopters of restorative justice practices in student conduct. The earliest adopters started integrating restorative justice into student conduct in the late-1990s (Sebok & Goldblum, 1999), but the number of schools with restorative programs remained small through the 2000s. Because each case I studied was an early adopter, some of my findings—especially related to the effect of social network on adoption decisions—may be unique to early adopters. I would recommend that future research focus on institutions that are considering restorative justice now or that have very recently adopted restorative justice practices.

### **Impact and Effectiveness of Restorative Justice in Student Conduct**

As I noted in Chapter 2, there is very little research on the effectiveness of restorative justice in higher education student conduct. There is only one published quantitative study on the impact of restorative justice practices on student learning in conduct processes (Karp & Sacks, 2014) and one phenomenological dissertation studying the experiences of respondents in restorative justice processes (Meager,

2009). Expanding this area of research will be essential to any further growth of restorative justice in student conduct and restorative practices in other areas of higher education. As we reach a point when some institutions have been using restorative practices for as long as a decade, there may be opportunities for qualitative studies of the experiences of students in these well-established programs. Alternatively, newly implemented or soon-to-be implemented programs offer the possibility of comparing results of the traditional process with results of the alternative restorative processes.

Karp and Sacks (2014) offer a helpful starting place for this sort of research. They developed learning objectives for student conduct processes, and quantitative methodology for studying the effectiveness of traditional, restorative, and mixed processes in achieving these objectives.

### **Impact of Regulatory Environment and Legal Risk**

Through my interviews with student conduct administrators, I encountered several unanswered questions that either they or their colleagues have about restorative justice. Without answers, these outstanding questions may prove to be significant barriers to institutions currently considering implementing restorative practices in student conduct.

Practitioners have questions about how restorative practices fit with Title IX regulations and with due process requirements. They have concerns about legal risk. Jennifer Schrage suggests that a good dose of fear about violating due process rights, even if that keeps an institution holding onto more traditional processes:

It is good to have that safe map if you have not invested in populating your office with independent thinkers. You're going to be super dangerous

exploring restorative justice if it is this thing you understand from a very surface level and you don't understand all the fundamentals of the operation of student affairs work and the risk management lens and the education lens, if you don't have deep grounding in all of that, then to pick up restorative justice you're going to start violating rights all over the place.

Schrage believes that practitioners must have firm grounding in legal boundaries and social justice philosophies in order to implement restorative justice or other alternative pathways well.

Researchers can support practitioners by investigating how the changing regulatory environment, especially Title IX guidance, is affecting the decision-making of practitioners within student conduct. Are practitioners more or less amenable to alternative resolution options? Understanding the role that the national, or even state, regulatory environment plays in affecting institution's decisions to adopt or not adopt restorative practices could help direct the policy advocacy efforts of restorative justice advocates and ground the decision-making of practitioners. Without this grounding and an understanding of legal implications, institutions will either choose not to implement restorative practices at all, or worse: they will implement restorative practices poorly and risk violating students' rights.

### **Limitations**

The limitations of my study are largely related to my sample. The cases I studied represent two different types of institutions—a large public research university and a mid-sized private religiously affiliated university—but my study is missing the perspectives of several other types of institutions. It is important in

applying the findings of my study to remember that decision-making processes for adopting innovative practices may be different at different types of institutions. For example, my findings may not be applicable to small private liberal arts colleges or associates degree-granting community colleges.

Constrained by time and practicality, I limited the number of staff members I interviewed from each institution. Because of this small participant sample, I have fewer accounts of each case and fewer perspectives of the decision-making processes. I was limited in my ability to triangulate various facts and versions of the events, potentially limiting the real or perceived validity of my case descriptions.

My sample of documents was also smaller than I had expected. Only one participant was able to provide internal decision-making documents. And after a thorough search, I only found a few public-facing documents related to U-M's adoption decision and implementation process. Because the data available regarding the two cases at U-M was less plentiful, my case descriptions of these two cases are not as rich as the description of USD's decision-making process.

Additionally, as mentioned in implications for research, the cases included in my study were all relatively early adopters of restorative practices. This may limit the applicability of this study's findings to the decision-making of institutions currently considering restorative practices. The decision-making context has changed in several ways since the universities in my study adopted restorative practices in the mid-2000s. In the years since their adoption processes, ASCA has formally endorsed and encouraged member practitioners to consider alternative resolution options and more institutions have integrated restorative justice practices into their student conduct

processes, creating a greater network of peer institutions to look to as examples of successful adoption. Additionally, the 2011 Dear Colleague Letter from the Department of Education has changed the landscape of Title IX compliance, prompting many institutions to develop or hold onto more conservative and formal student conduct processes. These constitute changes to the environmental and social network contexts that may make adoption decision-making different for schools now than they were for the schools represented in my case studies.

My study is also limited by the memories of my participants. Because the adoption decision cases I studied happened just over 10 years ago, the individuals I interviewed did not have perfect memories of the decision-making processes they engaged in. Three of the participants I interviewed were no longer working for USD or U-M. It was also difficult to obtain internal process documents since few individuals had kept or still had access to files from a decade ago. Moreover, where today reports or articles about significant process changes might be published online, I found fewer of these sorts of public documents online than I had anticipated. While the major findings and conclusions of my study do not rely on perfect memory or abundant documentation, the case descriptions might have included greater detail had I studied more recent adoption processes.

Finally, as with many qualitative studies, the transferability or generalizability of this study might be limited. Though the fact that I analyzed multiple cases makes my conclusions more robust, it is still true that case study research is not designed to produce statistically generalizable findings (Yin, 2009). Instead, I present observed

patterns across the three cases and develop “naturalistic generalizations” that readers can learn from the cases (Creswell, 2013; Stake, 1995).

### **Summary of the Study**

This study investigated the conditions that influence institutional decisions to adopt restorative justice practices in student conduct. By addressing this question, the study has filled a gap in the literature. The literature on restorative justice in higher education incorporates examples, case studies, and advice for those attempting to implement restorative practices at their institutions (Allena, 2004; Karp, 2013; Karp et al., 2016; Karp & Allena, 2004; Schrage & Giacomini, 2009; Wachtel & Wachtel, 2012). However, there are only a few anecdotal mentions (Karp, 2013; Wachtel & Wachtel, 2012) of what led institutions to make the initial decision to adopt restorative justice practices. Additionally, diffusion of innovations literature tends to focus on the implementation phase rather than initiation and adoption decision phases (Wisdom et al., 2014). This study uses DeRousie’s (2014) framework to focus on the adoption decision and the conditions affecting it.

Employing a multiple case study methodology, I identified four salient themes that emerged across the cases. Adoption decisions in each case were influenced by receptive institutional characteristics, advantageous timing, the advocacy of strong champions, and the ability to pilot restorative practices. Based on these findings, I identified implications for theory and frameworks, for practitioners and advocates, and for future research. These implications include adding a *champions* layer to DeRousie’s (2014) framework, maximizing the impact of restorative justice trainings in empowering practitioners to become champions for restorative justice on their own

campuses, and focusing research on the impact and effectiveness of restorative justice practices.

## Appendix A

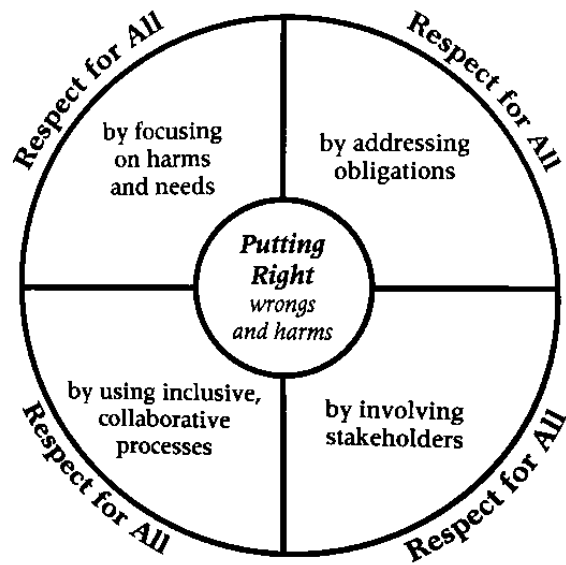


Figure 1. Zehr's (2015) diagram of restorative justice principles. (p. 44)



## Appendix B

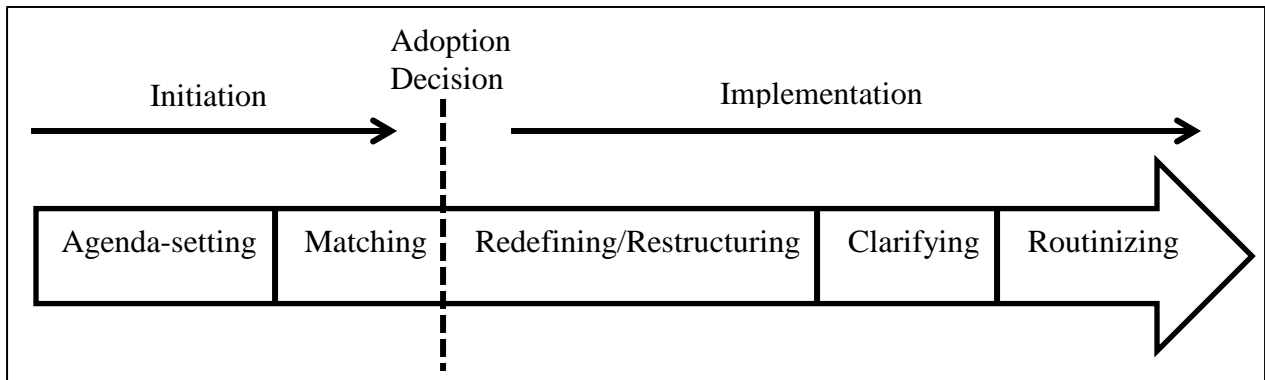


Figure 2. Rogers's (2003) diagram of the innovation process in an organization. (p. 421)

## Appendix C

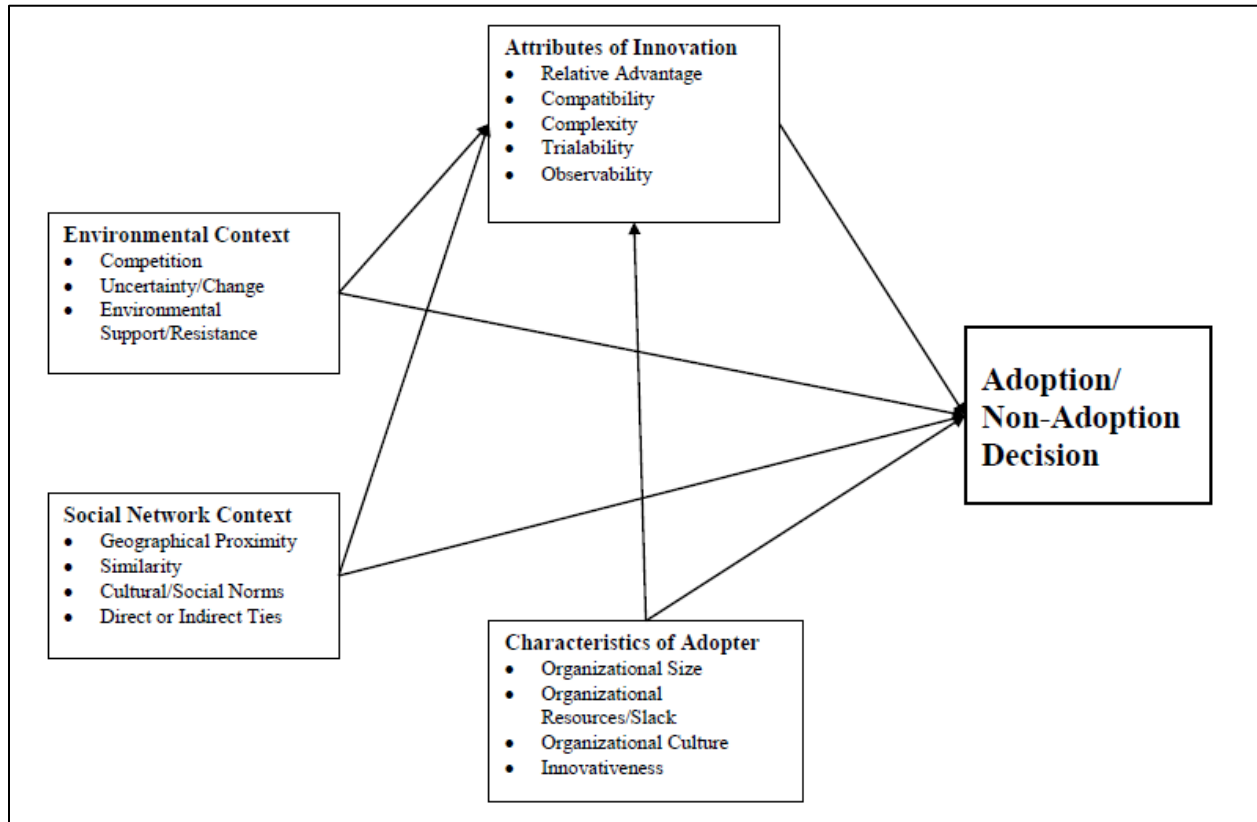


Figure 3. Conceptual framework of factors affecting organizational decision to adopt an innovation, from DeRousie (2014).

## Appendix D

### Semi-Structured Interview Protocol

Research Question: What are the conditions that influence institutional decisions to adopt restorative justice in student conduct? [Connections to DeRousie's conceptual framework noted]

- 1) Tell me a bit about yourself and your career.
  - a. How long have you been at [name of school]?
  - b. What is your role here?
- 2) What were your student conduct processes like before adopting restorative justice?
- 3) Could you tell me how your school came to use restorative justice?
  - a. When did you all adopt this approach?
  - b. What was the rationale for adopting this approach?
- 4) Could you walk me through each step in the decision-making process that led to adopting restorative justice?
  - a. Who was involved in the decision-making process?
  - b. Was there a catalyst or spark that got you all interested in restorative justice?
  - c. How did you (and/or others at your school) learn more about restorative justice? (e.g., individuals, conferences, books)
  - d. Were there any particular champions or detractors of RJ?
  - e. What factors did you all consider in deciding to adopt restorative justice? (For example, ease of implementing RJ, peer institutions using RJ, ...)
  - f. Did you do any sort of pilot or test out restorative justice? [[Attributes of Innovation: trialability](#)]
  - g. When did you shift from thinking about whether to adopt restorative justice to considering implementation?
- 5) In what ways did you all think restorative justice was the right fit for your school? [[Attributes of Innovation: compatibility](#)]
- 6) In what ways did being a [research-extensive/small liberal arts/religiously affiliated] institution affect the decision to adopt RJ? [[Characteristics of Adopter](#)]

- 7) In what ways, if any, were you all influenced by other institutions or organizations as you considered adopting restorative justice? [Social Network Context]
  - a. What is your (or your school's) connection to [institution they consulted or looked to]? [Social Network Context: geographic, similarity, cultural/social ties, direct or indirect]
- 8) Did you all foresee any challenges with implementation? [Attributes of Innovation: complexity/Environmental Context: support/resistance]
- 9) In what ways do you think that the culture of your institution or division/department makes new initiatives like this any easier or harder? [Characteristics of Adopter: org culture, innovativeness]
- 10) Outside of this initiative, were there any other significant changes in you institution or in student affairs at your institution? [Environmental Context: uncertainty/change]
- 11) Based on your experience, what advice would you have for student conduct professionals considering adopting restorative justice at their schools?

## Appendix E

### Data Sources

#### University of San Diego

##### Interviews

- Sean Horrigan, former Director of Office of Student Conduct
- Marie Minnick, Assistant Dean of Students
- Justine Darling, former Graduate Assistant for Office of Student Conduct and former Community Director/Restorative Justice Coordinator

##### Publicly Available Documents

- Ashoka U Changemaker Campuses:  
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[www.sandiego.edu/conduct](http://www.sandiego.edu/conduct)
- Restorative Dialogue Circles guide:  
<http://www.sandiego.edu/conduct/documents/RestorativeDialogueCircles.pdf>
- USD Student Affairs Annual Reports (2010-11, 2011-12, 2012-13, 2013-14):  
<http://www.sandiego.edu/student-affairs/resources/annual-reports.php>
- USD Summary of Student Affairs Assessment Findings (2009-10):  
<http://www.sandiego.edu/student-affairs/documents/2009-2010StudentAffairsAssessmentSummary.pdf>

- University of San Diego website: <http://www.sandiego.edu>
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### **Internal Documents**

- Restorative Justice Process Timeline
- Restorative Justice Learning Goals
- Restorative Justice Executive Summary, 2013-14
- Restorative Justice Outcomes for 2012-13
- Restorative Justice Facilitator Meeting Minutes, February 23, 2012
- Restorative Professional meet up, April 19, 2012
- Restorative Justice Report, 2011-12
- Restorative Justice Committee Meeting Minutes, September 22, 2011
- Restorative Justice Committee Meeting Minutes, October 25, 2011
- Restorative Justice Committee Meeting Powerpoint, October 25, 2011

### **University of Michigan**

#### **Interviews**

- Stacy Vander Velde, former Assistant Director of University Housing for Student Conduct and Conflict Resolution and former Associate Director of Office of Student Conflict Resolution
- Jennifer Schrage, former Director of the Office of Student Conflict Resolution

#### **Publicly Available Documents**

- *A Commitment to Collaboration*, OSCR and University Housing: <https://www.skidmore.edu/campusrj/documents/Darling-2011-campus-programs.pdf> (See Appendix E)
- Community Living at Michigan (CLAM): <http://www.housing.umich.edu/undergrad/hscr>
- Gallagher Dahl, M., Meagher, P., & Vander Velde, S. (2014). Motivation and outcomes for university students in a restorative justice program. *Journal of Student Affairs Research and Practice*, 51(4), 364–379.
- Housing Student Conduct and Conflict Resolution website: <https://sites.google.com/a/umich.edu/clam/services/housing-student-conflict-resolution>
- Knott, K. (2016, October 18). How one university went all-in on restorative justice. *The Chronicle of Higher Education*. Retrieved from <http://www.chronicle.com/article/How-One-University-Went-All-In/238093>

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## Appendix F

### Recommended Revisions to Frameworks

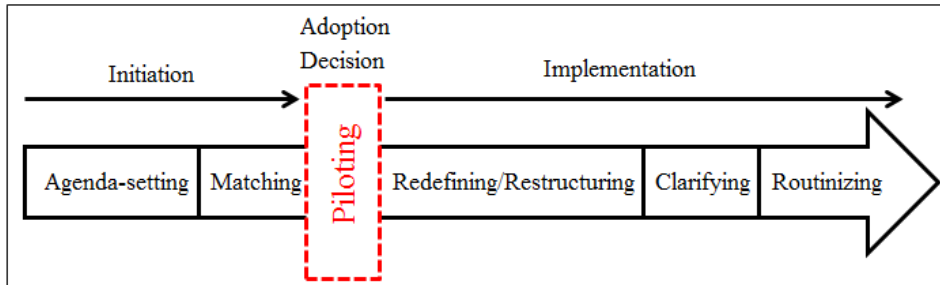


Figure 4. Rogers's (2003) diagram of the innovation process in an organization. (p. 421) with recommended addition of "piloting" phase as part of adoption decision.

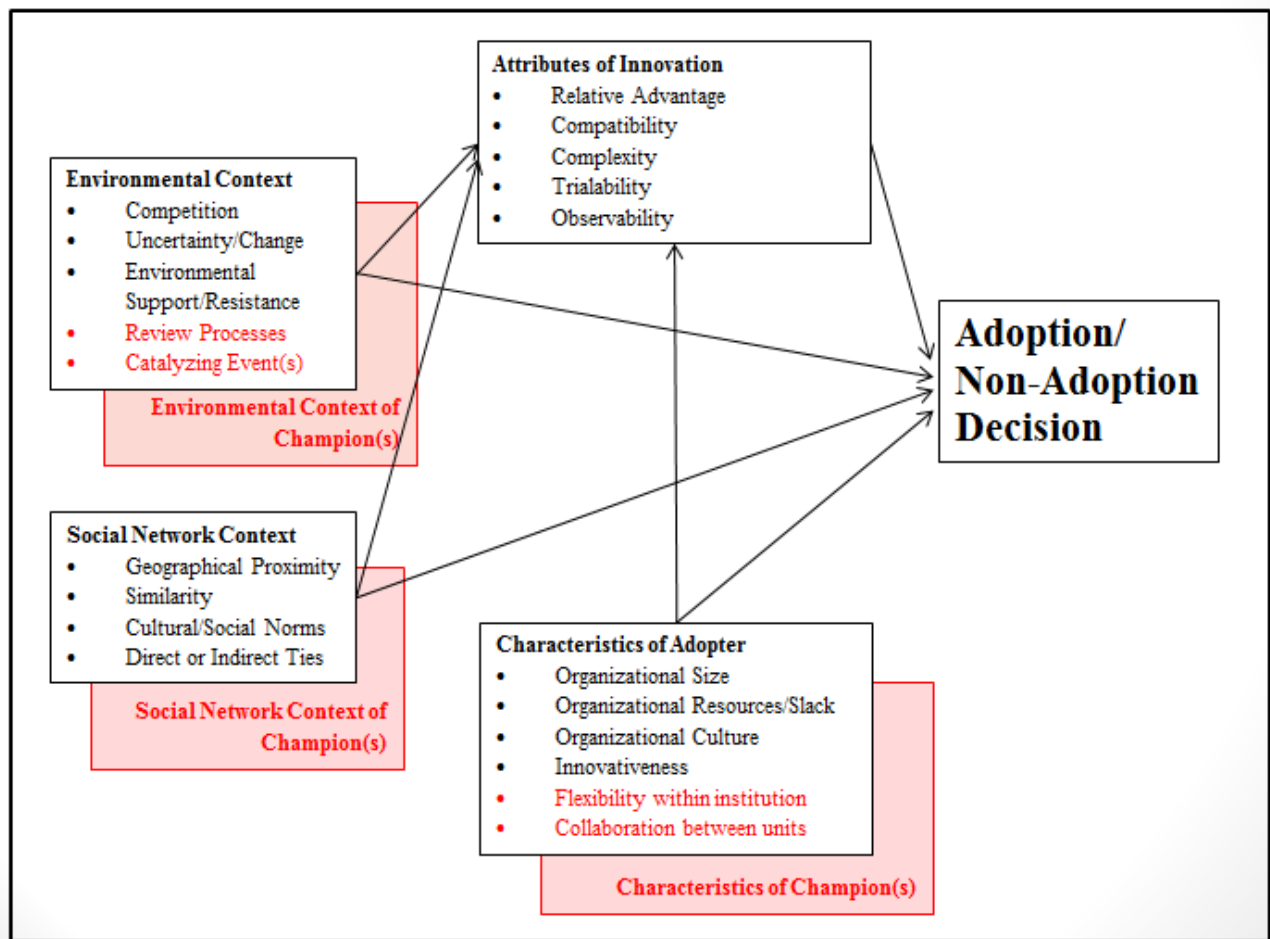


Figure 5. DeRousie's (2014) revised conceptual framework. I recommend adding factors to "characteristics of adopter" and "environmental context," and adding a champions layer to capture influence of champions on the adoption decision.



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