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Review: Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community

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seamless environment of in and out of classroom learning. This consistency in learning objectives across in-class and out-of-class environments well may be the type of “meaningful, reciprocal, and responsive partnership” described by Magolda (2005) elsewhere in that same issue of *About Campus*.

The assessment movement grew out of a need to provide evidence of student learning and development to students, legislators, parents, family members and other interested stakeholders. Some circumstances require that evidence to be scores from psychometrically rigorous instruments, sometimes developed by national vendors. Other circumstances may be well-served by locally-constructed measures of student achievement, particularly those that provide students themselves with indicators of the manner and degree to which they are mastering intended learning outcomes. Rubrics provide an excellent type of locally-constructed measure that can capture the nuances of a given institution and its learning and development objectives for students. That said, rubrics demand an “up front,” informed articulation of learning and development objectives, whether that measure is used in or out of the classroom. Attention to learning objectives – and to student achievement of those objectives – is precisely the impetus for much of assessment.

Rubrics offer a solid approach to assessment that can be tailored for local circumstances, preserving rigor and accountability, but allowing and supporting the uniqueness of each campus and the learning and development intended by its student affairs division. In short, rubrics offer student affairs professionals an opportunity to capture the nuances of student learning and development. Keeling (2004) noted, “We have come to understand that learning is far more rich and complicated than some of our predecessors realized when

they distinguished and separated learning from student life” (p. 5). Rubrics provide us with a way to evaluate and provide feedback on that rich and complicated learning.

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Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community

David R. Karp and Thom Allena (Eds.)

Springfield, IL: Charles C. Thomas, 2004,
267 pages, \$48.95 (softcover)

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All campus communities are affected by student behavior that violates campus policies and civil and criminal laws. The challenges of regulating and responding to the behaviors are tremendous. From relatively minor infractions to very serious criminal behavior, campus officials deal with it all. A variety of philosophies and strategies guide the approach to campus discipline systems.

Restorative justice (RJ) is “a collaborative decision making process that includes victims, offenders, and others seeking to hold offenders accountable by having them (1) accept and acknowledge responsibility for their offenses, (2) to the best of their ability repair the harm they caused to victims and communities, and (3) work to reduce the risk of reoffense by building positive social ties to the community” (p. xv). The purpose of *Restorative Justice on the College Campus* is to examine student discipline and RJ as an effective response to it.

In the first of the book’s four sections, Karp, a sociologist, presented an overview of RJ in chapter 1. Convinced of its effectiveness in criminal justice, he promoted the use of RJ in campus judicial affairs as well. He described five explanations for student misconduct: (a) Students arriving on campus for the first time face a “sudden, dramatic loss of supervision” (p. 5) and many lack internal controls to regulate their behavior appropriately; (b) Many students face peer pressure to use alcohol and other drugs, overestimate the amount others use, and seek to conform to that misperception; (c) Student culture is at odds with mainstream society and the law regarding drug use and underage alcohol consumption; (d) Colleges have utilized few alternatives to coercive techniques to seek compliance with campus policies and criminal laws; and (e) Because a quarter of all students are new each year, discipline must be educational and on-going. Karp argued that RJ “offers a communitarian alternative to liberal avoidance and conservative crackdowns” (p. 7). RJ emphasizes democratic participation, inclusion, and stewardship and encourages dialogue to hold offenders responsible for their actions and meet victims’ needs. Offender reintegration is key.

Karp described four principles to guide student judicial practices. First, the judicial

system must be accessible to students. They must know policies and they should be communicated with minimal legalese. Second, “community members should participate actively in the process” (p. 8). Third, “sanctioning should focus on repairing harm” (p. 8). Fourth, offenders are obligated to reassure the community that they will not further harm the community and the community must try to reintegrate the offender.

RJ promotes restoration and reintegration rather than retributive sanctions. Although suspension and expulsion remain a possibility, apology, restitution (not fines), and enlightened community service are promoted.

Victim offender mediation, conferencing models, circles, and boards are four restorative justice models, and three are described in part 2. Each “seeks an outcome that is morally satisfying to the participants in the decision-making process” (p. 13). Although RJ processes do not always succeed, Karp argued that they “may more closely reflect the overarching mission of higher education than contemporary judicial affairs practices” (p. 13).

In chapter 2, Lowery and Dannells provided a brief history of campus judicial practice, review current discipline philosophy and issues and contemporary practice, discuss the strengths and weaknesses of current practice in student judicial affairs, and present the possibilities and challenges of RJ. They suggested that balancing legal and developmental concerns is the overarching issue facing student judicial affairs and argue that “overly legalistic student judicial affairs systems” create an adversarial environment and “do not provide the support necessary for personal and social development” (p. 21). That legalistic environment also makes it difficult to respond to the community impact of student behavior.

The authors argued that many institutions

are ready to embrace RJ procedures as evidenced by alternative dispute resolution programs on campuses. To be successful, however, RJ proponents would have to convince vocal critics who believe student judicial affairs should mimic courtrooms, not classrooms. Dannells and Lowery stated that RJ intended outcomes are “undeniably worthy” but significant policy and financial issues need to be addressed.

Part 2 includes seven chapters to introduce the major practices of RJ. Each of the three chapters explaining boards, conferencing, and mediation is followed by one or two chapters presenting a relevant case study.

In chapter 3, Karp described integrity boards. These boards are “particularly concerned with a process that encourages trust, emotional expression, and community” and “seek creative outcomes that strive to repair harm and reintegrate offenders and victims” (p. 29). He provided clear and specific details and examples regarding membership and training of boards; partnerships with academic programs and the criminal justice system; the five step process used in Skidmore College’s (where Karp works) restorative approach; reparative sanctions including sample guidelines for apologies and community service; reintegration sanctions and conditions for suspension and dismissal; and guidelines for choosing between four types of restorative practices, three of which are discussed in some detail in the book. (The fourth, circles, are not discussed since there are no known cases of their use in student judicial affairs.)

Written by Hastings, an administrator, and Becidyan, a student, both of whom served on the integrity board, chapter 4 describes an actual case involving students who shot a pellet gun from a residence hall room, how it was handled, and reflection on the process. They were very satisfied with the outcome of the

case and promote the educational potential of RJ.

Allena authored chapter 5 about restorative conferences. Some of the chapter addresses RJ in general and not conferencing specifically. The purpose of a conference is “to develop a shared community understanding of the offending behavior, the harm it has created, and some special ways to repair that harm” (p. 52). He argued that traditional judicial affairs processes do little to reintegrate students into the communities they have offended. He compared and contrasted the principles of RJ to traditional processes, described a four stage process for restorative conferences, and provided suggestions for those seeking to implement RJ.

In chapter 6, Sebok presented a conferencing case study about a student whose “celebration” got out of hand, affecting many others. The conference that Sebok facilitated was very time consuming and is described in detail. Although alcohol played a prominent role in events, the conference participants chose not to address it and the student refused to have others (e.g., his mother, who was affected by his behavior) attend the conference. In the epilogue, Sebok reported that the student continued to drink excessively and was eventually asked to leave the campus house in which he lived. Sebok reflected on what he might have done differently even though it would have been more directive than his usual approach.

A second conferencing case study, chapter 7, was written by Akchurin, Ester, Mori, and Van Meter. The absurdity of students lighting their leg hair on fire in a residence hall lounge and then destroying all of the furniture there will resonate with many residence life and judicial affairs staff. The offender did not identify other students as being affected by his behavior and they were not included in the

conference. The final agreement from the conference had nine components and required a significant time investment (150+ hours) from the student, an unlikely outcome in a traditional case.

In chapter 8, Warters described the third RJ practice, mediation, defined as “conciliatory interventions by a party (or parties) not directly involved in a problem or dispute, who works with the involved parties to facilitate the development of a shared and mutually acceptable understanding of and solution to the problem” (p. 80). He described the connection between mediation and community, the emergence of mediation programs on campuses, and models of mediation. The process of and core values for mediation are overviewed as are program development tools. Victim Offender Mediation is RJ-oriented and dispenses with the neutrality of regular mediation. It is emphasized in the chapter.

Duncan and Hadwen presented a mediation case study in chapter 9. The case deals with a conflict between students in an off-campus house and their non-student neighbors. The neighbor most affected chose not to participate in the mediation although the conflict was resolved and relationships improved.

Common campus issues are the focus of part 3. Again, a chapter describing the problem is followed by one presenting a case study. The issues and cases consider the impact of alcohol on campus life (chapters 10 and 11), academic integrity (chapters 12 and 13), fraternity and sorority culture (chapters 14 and 15), off-the-field deviance of college athletes (chapters 16 and 17), hate crimes and bias-motivated harassment (chapters 18 and 19), and crime and sexual victimization on college and university campuses (chapters 20 and 21).

Finally, in part 4 (chapter 22), Oles

examined RJ for the current generation of college students. He described RJ at Skidmore College where he is Dean of Student Affairs. Skidmore is a “liberal arts college committed to preparing students for informed, active citizenship” (p. 260) so RJ fits well with the campus mission. Oles made an honest, straightforward, and compelling case for the value of RJ; at the same time, he is no Pollyanna. He acknowledged major challenges, and there are many. Particularly difficult is the lack of consensus on what harms the community. Student culture regarding drug and alcohol abuse and music piracy, for example, are inconsistent with campus regulations and the law. Yet, “Students on the [Integrity Board] do not disapprove and faculty and staff are conflicted” (p. 266). Skeptics are plentiful and believe “the system invites a high level of disrespect for standards,” a potent argument as concerns for campus safety mount. To this argument, Oles responded that they are right if the goal is a tidy campus, but “liberal arts colleges aim higher.” It takes effort, patience, and a willingness to invest in students – even the difficult ones—to reach the goal of “educating citizens and leaders capable of strengthening communities and inspiring commitment” (p. 267) and RJ provides a path to that goal.

Perhaps the primary strength of *Restorative Justice on the College Campus* is the passion and honesty the authors bring to this text. Philosophically, I welcome and embrace their perspectives. Student affairs practitioners and others promote community development and RJ’s emphasis on that is very appealing. Karp’s argument that RJ more closely reflects the overarching mission of higher education than contemporary judicial affairs practices is probably true. Practically, I am overwhelmed at the prospect of incorporating RJ into many campuses that struggle already to keep up with

heavy case loads, particularly large, bureaucratic judicial systems. And although the authors do not claim that it is, RJ is not a panacea for difficult student behaviors.

I have some quibbles, some of which are borne out in the plentiful case studies. Often, those involved in cases could not secure the cooperation or involvement of community members affected by student behavior (e.g., friends, neighbors, parents). Desired long term outcomes are not always achieved, although that is certainly the case for traditional judicial affairs processes as well. I suspect some campus staff may be unwilling to participate and lack the skills to do so effectively. At a few points, statistics are used with no citation to support their origin.

I am uneasy about some language choices. A footnote explains that the terms “offenders” and “victims” are used because that is the convention of criminologists. In practice, Karp explained, “respondents” and “harmed parties” are used. I wish they would have been used in the book as well. Indeed, RJ has strong roots in criminal justice as do the editors and many of the authors. My discomfort is likely a function of the uneasy balance between criminal justice and campus judicial affairs. They are distinct systems and should not be confused by students or others.

The book should interest those contemplating new approaches to campus judicial affairs. Even if adopting a RJ program is unlikely, judicial affairs professionals will see their challenges represented here and find support for helping students consider the impact of their actions on the broader community. The book could be an excellent tool for professional development if staff used the case studies to discuss how a similar incident would be handled on their own campus, even if their judicial system is not based on RJ. And the Oles chapter could

reinvigorate many, reminding us all of the tremendous potential of colleges and universities to educate students who will strengthen communities and inspire commitment.



Faulty Towers: Tenure and the Structure of Higher Education

Ryan C. Amacher and Roger E. Meiners

Oakland, CA: The Independent Institute, 2004, 137 pages, \$14.95 (softcover)

Reviewed by Deborah J. Taub, Purdue University

Faulty Towers is an odd book. Although both the book's subtitle and the information on the back of the book indicate that the subject of the book is the controversy over academic tenure, that is not the focus of the book at all. In fact, authors Amacher and Meiners essentially dispensed with the problem of tenure after the first two chapters (and an appendix outlining recent court cases regarding tenure). What Amacher and Meiners really wanted to talk about is what they perceive to be the structural problems in American higher education that prevent it from changing to be more efficient and more competitive. And, despite the rhetoric, tenure is not one of those problems.

In the first two chapters of the book, Amacher and Meiners described the origins of tenure and its legal meaning. Supported by the court cases in the appendix, they demonstrated that incompetent faculty members, even if tenured, can be fired under the rules of tenure and that institutions of higher education can expect the courts to uphold these terminations. So, if not tenure, what are the sources of the problems in higher education?

Because both authors are economists, it should not be surprising that their answer is framed by an economic perspective. This