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### Restorative Justice in Colleges and Universities: What Works When Addressing Student Misconduct

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# Restorative Justice in Colleges and Universities: Case Studies of Restorative Responses to Student Misconduct

Chapter 14 in the Routledge Handbook of Restorative Justice  
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## **Introduction**

College students know how to get in trouble. At a large university in the United States, a conduct office will manage thousands of cases each year. In 2015-2016, for example, the University of Colorado at Boulder handled 6,143 conduct violations (University of Colorado 2016). Many conduct administrators have incorporated restorative practices into their work (Karp and Frank 2016b). At Boulder, a restorative approach was used for 417 of those violations.

In this chapter, we share how restorative justice (RJ) cases were successfully resolved on campuses across the U.S. Some were minor violations, such as a student who vandalized a sprinkler system. Others were serious. A restorative circle was used to resolve a conflict between football players after a white player called a black player the “N word.” A sexual assault survivor sat down with the student who assaulted her three years earlier after he read through her extensive writing about the assault. In a restorative conference with two students who drove through campus firing bb guns, a facilities worker explained that he chased them down to prevent them from being shot by police. A graduate student aspiring to work in higher education asked for a restorative process to make amends for falsifying data so that he could still pursue his chosen career. Despite their variety, all of the cases involved students who wished to take responsibility for their misconduct and harmed parties who had important stories to share and specific needs they wanted addressed through a restorative process.

This chapter examines what we know about what works when employing RJ for college student misconduct. We begin with a brief review of published studies that focus on “Campus RJ” and then examine six case studies from universities across the United States that illustrate how RJ benefits harmed parties and enhances student learning.

An RJ approach to college student misconduct is an inclusive process in which students who have caused harm, those who have been harmed, support persons, and other campus community members engage in a decision-making process that helps identify and repair harm as well as rebuild trust and strengthen campus relationships. A variety of restorative practices are used, with their own cultural and historical origins. Most typically, restorative conferences are used to manage individual incidents of misconduct. Restorative conferences, which have their origins in New Zealand and Australia, are convened by a facilitator who guides the process using a protocol of questions that allow the participants to share their perspective and collaboratively decide on an outcome (Karp 2009a). Restorative circles, which are based on Native American and First Nations Canadian practices, are often used for incidents that have caused widespread harm or are linked to ongoing conflicts (Llewellyn et al. 2015). Circle practices make use of a “talking piece” that is passed around the circle to establish who is to speak and to ensure equal participation.

## **Literature Review**

Our literature review suggests that studies of Campus RJ are divided into five categories: general proposals for a restorative approach, analyses of cases, descriptions of campus programs and best practices, applications of RJ to specific types of violations, and empirical studies of effectiveness.

Sebok and Goldblum (1999) published the first known article on Campus RJ, which described their project to build a programme at the University of Colorado at Boulder. After learning about a community-based RJ program in nearby Longmont, Colorado, the authors and other university staff developed the first Campus RJ program: “As far as we knew, if we proceeded, we were moving into uncharted waters... if we were to try RJ on campus, it would be up to us to do it” (p.15). As of 2016, Boulder’s Program, known as CURJ (Colorado University Restorative Justice), continues to thrive with 417 student offenders participating in RJ conferences during the 2015-2016 academic year (CURJ 2016).

Karp, Breslin and Oles (2002) mapped out the theoretical basis for a Campus RJ approach, based on a restorative approach they developed at Skidmore College one year after Boulder implemented its pioneering program. Subsequently, several others have provided theory and practice-based proposals

for implementing Campus RJ (Clark 2014; Goldblum 2009; Kara and MacAlister 2010; Karp 2009a; Karp 2013; Karp and Frank 2016b; Sebok 2006; Warters et al. 2000). Implementation models vary from campus to campus, with most adopting the conferencing model or circle practices. Traditionally, student conduct cases are adjudicated by hearing boards or, more simply, a one-on-one hearing between a student and conduct administrator. Some campuses have tried to infuse these hearing models with restorative questions and the restorative goals of repairing harm and rebuilding trust.

Karp and Allena (2004) published an edited collection of essays describing various models of practice and cases studies from several campuses such as vandalism, drug and alcohol abuse, bias incidents, and hazing. In depth case studies have also been published exploring restorative responses to various violations including theft (Karp 2011), disorderly conduct (Rinker and Jonason 2014), academic dishonesty (Karp 2009b, and sexual harassment (Llewellyn, Maclsaac, and Mackay 2015; Llewellyn, Demsey, and Smith 2015; see also Karp 2015). Blas Pedreal (2015) examines the implications of Campus RJ for students of colour. Wachtel explores how RJ practices can be used to build community in residence halls (Wachtel and Wachtel 2012; Wachtel and Miller 2013). Several authors have considered the potential of RJ for campus sexual misconduct (Brenner 2013; Karp, Shackford-Bradley, Wilson, and Williamsen 2016; Kirven 2014; Koss, Wilgus, and Williamsen 2014; Koss and Lopez 2014).

We are aware of only eight empirical studies of Campus RJ (Ahlin et al 2015; Gallagher et al 2014; Karp and Sacks 2014; Karp and Sacks 2013; Karp and Shum 2009; Karp and Conrad 2005; McDowell et al 2014; Meagher 2009). Technically, Ahlin et al. (2015) did not study Campus RJ, but they did examine college students' support for the philosophy of RJ and whether they would be willing to participate in an RJ process themselves. The researchers conducted an online survey of 195 students at a large, public university in the Northeastern U.S. They found that students were generally supportive of RJ, with higher support among female students, those further along in their education, and those who are more involved in their community. Karp and Shum (2009) conducted a survey of members of the Association for Student Conduct Administration to identify the extent of RJ implementation across the U.S. Among the 245 responding institutions at that time, 14% offered RJ as a conduct resolution option. We suspect many more institutions are using Campus RJ now, but do not know of any more recent surveys.

Gallagher et al (2014) studied what motivated student offenders to choose a restorative-based conduct process. They also looked at what benefits the students received from participating in an RJ dialogue and how the outcomes related to their original motivations. The study was conducted in the Midwestern U.S. at a large, public university. 191 students completed the survey instrument after participating in an RJ conference. 92% of the students were satisfied or very satisfied with the RJ process. 81% reported that meeting with harmed parties was somewhat to very beneficial. 80% believed the process helped strengthen their sense of community at the university. 95% agreed that if they had to do it over, they would again choose the RJ process. The researchers also conducted a cluster analysis to categorize the participants into four groups based on their initial motivation to participate in the RJ process. Motivations ranged from self-oriented, e.g., "remove the offense from my record" to other-oriented, e.g., "help the harmed party." The most common motivations were having their offense removed (82%), "take direct responsibility for making things right" (78%), and "offer an apology" (66%). Students were rarely motivated by the need to "satisfy my parents" (3%) or because they "felt pressured to participate" (7%). The study also found, perhaps not surprisingly, that the students with the most restorative or community-minded motivations also reported that they benefitted the most from the process.

McDowell et al (2014) measured the impact of a set of restorative justice community-building circles in a university residence hall. Five circles were facilitated by peer resident advisors over the course of a semester with groups of primarily first-year students. Topics of the circles included "communication styles, phenomenology, vandalism issues, student open discussion circles, and

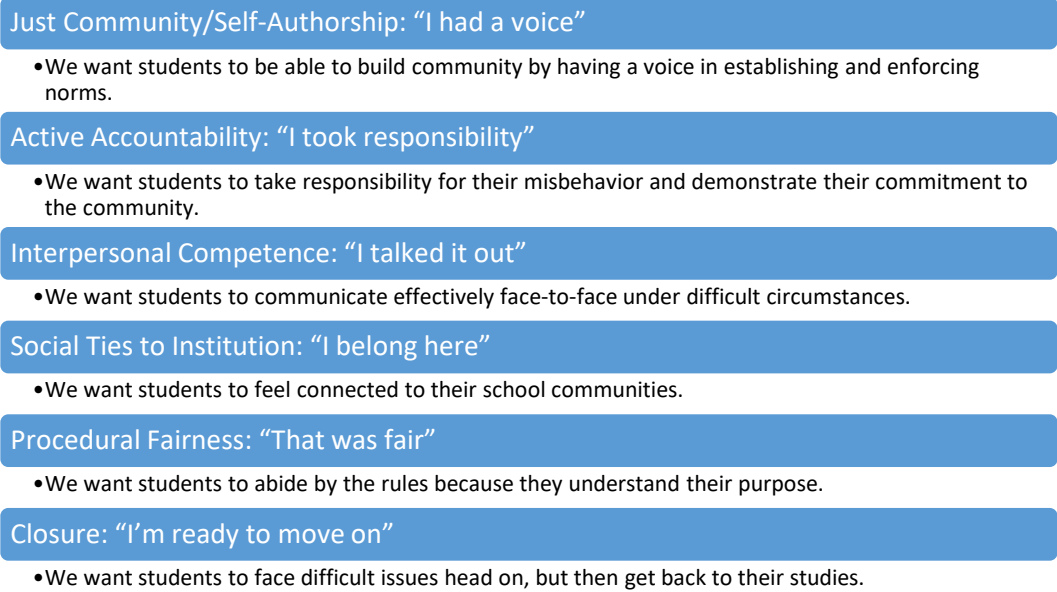
celebration circles” (p.351). A survey was administered at the end of the semester to 66 residents who had participated in the circles compared with 36 residents who did not. It is unclear from the study how well-trained the facilitators were or if the participating students who completed the survey needed to have participated in all of the circles or only one of them. Generally, results did not show statistically significant differences in community building between the two groups. However, students who did participate in the circles were more likely to say that they “attempt[ed] to see the perspectives of professors and family members” and “were more willing to listen to the perspectives of others regarding a conflict situation” (p.353).

For his dissertation research, Meagher (2009) interviewed 16 student offenders who participated in Campus RJ processes on three public university campuses in the Western and Midwestern U.S. He found that the process helped these students transform their view of themselves in relation to others by broadening their awareness of who was harmed, how their actions affected others, and changed their view of the harmed parties and about the incidents themselves. The process helped them come to a sense of resolution and learn new skills such as how to live harmoniously in a residential community, how to better manage alcohol consumption, and how to resolve conflicts. The students viewed the process as engaging, inclusive, and respectful.

Karp and Conrad (2005) assessed the restorative justice program at Skidmore College in New York State. They reviewed 257 cases that appeared before a campus restorative justice board from Fall 2001 to Spring 2004. Their findings indicate that the process typically led to restorative outcomes such as apologies, restitution, and community service. They also led to reintegrative outcomes such as research or writing projects, counselling or educational training, and campus presentations or programming. Outcomes often included more traditional sanctions such as written warnings and placement on probation, meaning that the students would be suspended if they were to get in trouble during the probationary period. Of the 257 cases, two students were expelled, and 21 students were suspended. The suspended students all had to complete restorative and reintegrative tasks to prepare them for a successful return to the college. Recidivism was calculated to be 10.5%, but this was not measured against the rate for a traditional conduct process.

Karp and Sacks (2014) conducted a study called the STARR Project (Student Accountability and Restorative Research Project) comparing three types of conduct processes for 659 cases adjudicated at 18 higher education institutions across the U.S. They compared 403 traditional conduct hearings with 91 RJ processes that included harmed parties in conference, circle, or board practice. They also compared 165 hybrid hearings that involved a one-on-one traditional conduct hearing with a student and conduct administrator, but with restorative questions included. Although this was a large data set, the vast majority of cases included were for minor conduct violations, with conduct administrators rating them as not serious or mildly serious (87%). 34% of the cases involved violations of the campus alcohol policies. A separate analysis focusing only on these alcohol cases was also conducted, which found similar results (Karp and Sacks 2012). Karp (2013) reported STARR findings on harmed party satisfaction with their participation and the restorative outcomes. Mean scores were consistently positive across a range of satisfaction measures.

**Figure 1: Six Learning Goals for a Campus Conduct Process**



The STARR Project’s primary focus was on student offender learning and development, which is summarized in Figure 1. Students completed a survey instrument with several indicators for each learning outcome. Their mean scores for each outcome were compared across the three types of conduct process. The results demonstrated that student learning was improved when restorative questions that focused on identifying and repairing harm were incorporated into the traditional hearing process. They were further improved with students participating in the restorative process that included harmed parties. These results were consistently found across all six of the learning outcomes.

In sum, a limited number of studies have been conducted on Campus RJ. Most focus on the impact for student offenders, and these are generally positive, especially when compared with traditional conduct processes. In the next sections of this chapter, we highlight each of the six STARR Project learning outcomes by sharing restorative justice case studies from campuses across the U.S. We interviewed conduct administrators at six institutions ranging from small liberal arts colleges to large public universities. The cases provide a variety of conduct violations and restorative practices, revealing how harm was repaired and trust rebuilt between the participants. Each focuses on a different learning outcome.

**Just Community/Self-Authorship: “I Had a Voice”**

The first learning outcome draws on two related student development theories to emphasize the importance of having students develop self-efficacy through community involvement. Ignelzi’s (1990) “just community” model focuses on student participation in campus community governance while Baxter Magolda’s (2008) “self-authorship” concept focuses on how such participation helps students locate their own behaviour within the context of community. While a traditional conduct process may tell students of their violation, it does not provide a space for students to actively participate as key decision-makers in the process. Active participation allows students to realize their obligations to their community and reaffirm the values the community holds. Having a meaningful voice in the conduct process is illustrated in a case at a small, rural, liberal-arts college in the Midwestern United States.

A female student, Jenna (all names in these case studies are pseudonyms), was one week into her first year of college when she got in trouble. Jenna, along with her friend, Gabby, went to an on-campus party. Jenna and Gabby had gone to high school together. They got high on marijuana, but Jenna had a bad reaction to it. She had a panic attack and her friends were unable to help her. A campus security officer saw that Jenna was in a state of distress. Since Jenna was flailing and screaming, he held onto her to keep her from running or hurting others. With her fighting him off and hitting him, all he could do was hold tight; he asked Gabby to push his radio call button so he could get assistance. While waiting, Jenna's roommate, Beth, happened to walk by. Beth was able to calm Jenna down and when the ambulance came, Jenna was able to go peacefully to the hospital for evaluation and observation overnight.

Jenna's background further complicated this incident. Although almost all students new to campus feel out of place, Jenna was an African-American, first-generation student from a big city, who had just arrived at a small, rural, predominantly-white college. Even at an institution committed to diversity and inclusion, students of colour can be made to feel as if they are "guests," generously hosted by whites, rather than intrinsic members of the community (Blas Pedreal 2015). Jenna's actions caused harm to herself and to the officer who tried to help her, but her behaviour was triggered by her perception of herself as an outsider and not really welcome at the institution.

By Monday, Jenna had already apologized to the associate dean and expressed embarrassment about her behaviour. In fact, Jenna had cut off her long hair so that people might not associate her with the girl who had acted out that Friday night. The dean referred Jenna's case to an RJ facilitator, hoping the process would address concerns she had for Jenna's well-being as well as an accountability plan for the harm caused to others.

When Jenna met with two co-facilitators and learned about RJ, she looked at them with disbelief that there was actually a process that could support her, include who she wanted to join her, and give her a voice in what would happen. For the restorative conference, the facilitators convened Jenna, her roommate Beth, her friend Gabby, the campus security officer, and the associate dean.

When they all met, Jenna explained that she had smoked weed once before and did not have any adverse reaction, so she was not expecting what happened. On the night of the incident, she thought she was going to die. Afterward, she was convinced that she was going to get herself and her friends kicked out of school. She was also ashamed that her parents were informed about the incident. She said that she felt hopeless and discouraged. She explained to the officer that she was brought up to distrust police. Her high-school friend, Gabby, agreed and said they were always told the police were out to get them. The officer replied that he had just wanted to make sure she was okay, that he worked at the school because he cared about the students and hoped to keep them safe, not get them in trouble. Both Jenna and Gabby were moved by this; it was unlike anything they had heard growing up. Jenna and the campus security officer hugged. The girls also agreed to help with a campaign to improve campus security's image among students. The officer expressed gratitude for the opportunity to participate in the conference because he worked night shifts and had not previously had a chance to follow up with a student in this way.

The conference also addressed tension that had arisen between the three students. Beth thought Jenna was mad at her for intervening that night and had not known how to talk this through. The conference helped Beth and Jenna to process the incident and the two agreed to get dinner together to work on their friendship. Gabby was disappointed that she did not know how to successfully help her long-time friend after seeing how Beth had so capably intervened. The opportunity to share their feelings helped bring the three of them closer together.

By convening Jenna with the various harmed parties and supporters, the RJ process gave her a voice in the decision-making process. The dialogue gave her the space to explain her actions, convey her

remorse, and empower her to be an active member of the community—not a guest, but a student with the freedoms and responsibilities of campus membership.

### **Active Accountability: “I Took Responsibility”**

Punishment is often framed in terms of accountability. When people are released from prison, you might hear them say that they have “paid their debt to society.” But what was the payment? Braithwaite and Roche (2001) distinguish between passive and active accountability, arguing that punishments are often passive: sitting in a jail cell does not demonstrate remorse or commitment to responsibility; it does not repair the harm that victims may have suffered. Similarly, expulsion from a campus is passive and does not engage a student in taking active responsibility for the harm they caused. A restorative approach obligates people who cause harm to make amends as best they can. Some harms can never be undone, but active responsibility signals a recognition of the harm and a commitment to restoration. In this case study, we see how one student sought to make amends after violating the campus sexual misconduct policy.

Anwen and Sameer met during their first semester at a small, liberal arts college in the Pacific Northwest. They went on a date or two and then decided to remain friends. Fast forward to their second semester when they ran into each other at a party. Anwen noticed that Sameer was very intoxicated, but danced with him anyway. He became more sexually aggressive, isolating her in a private room. She tried to leave, but all of her friends had already gone, and she did not have her dorm key or phone with her. Rather than assist her to get back to her room, Sameer persuaded her to go to his room instead. Once there, Anwen felt trapped and pressured into sexual activity she did not consent to and did not want. Afterwards, she said she walked “around for several days feeling disgust with myself, feeling a ghost hurt between my legs where he rubbed me, feeling dirty, blocking the thoughts.”

Anwen stayed silent about her assault for the next three years. Throughout that time, she came into contact with Sameer on numerous occasions, especially through their roles as student orientation leaders. Her assault and their following interactions affected her both socially and academically. In the spring of her senior year, Anwen reported the incident to the campus conduct administrator. She specifically requested that it be handled through an informal resolution process that would let her meet with Sameer so she could share how much she had been hurt by him. Otherwise, she did not want him to be suspended or expelled, nor did she want to involve the local police.

The college did not have a restorative justice program in place, but the conduct administrator had participated in RJ training and thought an RJ process could help meet her request. He met with Sameer, told him of Anwen’s complaint, and Sameer immediately admitted to the violation and expressed his deep remorse. He agreed that he did want to do whatever he could to meet Anwen’s request and make up for what he had done. The administrator met individually with Anwen twelve times and Sameer seven times before bringing the two together. His conversations with Anwen were focused on regaining the power that she felt she had lost. The conversations with Sameer explored how he could take ownership and responsibility for his actions; what he could do to repair the harm he caused.

The facilitated RJ dialogue lasted for two hours. It allowed Anwen to share the pain she felt. Initially, she had felt isolated and intimidated. Later, she started to blame herself for not calling security or ringing one of the blue lights on campus. She felt guilty thinking that she had led him on. These feelings of self-blame were triggered each time she saw him. Her role as an orientation leader was compromised due to his presence. Anwen’s relationship with her new partner never felt whole because she prevented herself from feeling vulnerable with him. As a creative writing major, much of her work had been about the assault. She wanted Sameer to read her papers and write a response.

Active accountability for Sameer began with a commitment to fully hear about the harm he caused and to take responsibility. He agreed to be found formally in violation of the campus sexual



misconduct policy and have a formal “conduct reprimand” in his file. Since Sameer had no other conduct charges in the three years since this incident and as it was just weeks before their graduation, the administrator decided that Sameer was not a threat to others and would not need to be suspended or expelled.

Collaboratively, they developed a list of remedies that best met Anwen’s needs and the concerns of the institution:

- Reading and responding to Anwen’s extensive writing about the incident.
- Writing an article openly discussing the misconduct for a student magazine that focuses on issues of gender and sexuality. She would use a pseudonym, but he wanted to use his real name.
- Teaching others about the incident. Both Anwen and Sameer agreed to present their story together at a campus bystander intervention workshop, focusing on how power, privilege, emotional manipulation, and coercion help facilitate and perpetuate campus sexual misconduct.
- Collaborating with gender violence programming on campus to advocate for mandatory bystander intervention and other prevention training for all student athletes and Greek Letter organizations as well as developing strategies to encourage sincere and engaged participation by these students.
- Reaching out to students who provide peer support for sexual assault survivors to identify ways in which student offenders could speak with them and learn from them.
- Developing sexual violence prevention education programming for local middle and high school students.

After the RJ dialogue, Anwen and Sameer met regularly to plan their presentation and worked together to create a video where they recounted the night of the assault, each sharing what happened from their perspective. Sameer, after he graduated, continued to work with the conduct administrator for six months in order to finalize the community service project focused on prevention education in the local schools.

This case acted as a catalyst for bringing RJ to this college. It demonstrated to faculty, staff, and administrators that an event, which created harm and fear within the community could result in greater knowledge and increased conversation. The remedies gave Sameer the opportunity to be actively accountable, and ultimately, created the space for Anwen to forgive him. At one of their shared presentations, Sameer stated, “I have raped. I am a rapist. Fuck Rape. We need to end rape.” He said this in front of friends and fellow students, making himself extremely vulnerable, in an effort to create change and for others to learn from his actions. Sameer wanted people to see that although he was well-known and well-liked on campus, he had also engaged in unacceptable sexual misconduct. He wanted to shatter the concept that only bad people commit sexual assault—even he was capable of it. But he was also capable of personal change and being a catalyst for improving campus climate and culture.

### **Interpersonal Competence: “I Talked It Out”**

People successfully co-exist in a community when they listen to, understand, and respect the opinions, feelings, and preferences of those around them. A central goal in student development is social and emotional learning (SEL), which benefits students both socially and academically. Durlak et al (2011, p. 406) provide evidence of the value of SEL and define it as “the process of acquiring core competencies to recognize and manage emotions, set and achieve positive goals, appreciate the perspectives of others, establish and maintain positive relationships, make responsible decisions, and handle interpersonal situations constructively.” Restorative practices provide a space for open and honest conversation that brings participants a deeper understanding of those around them, helping

them to develop interpersonal competence. A restorative circle was used for this purpose at a mid-sized, Mid-Atlantic, public university in response to a bias incident with the football team.

A late-night argument occurred between five white and five black freshmen football players in their residence hall. Although it was clear to residence life staff that the conflict remained unresolved, they were unable to sort out the problem. The associate dean had been recently trained in restorative justice and explained the premise to his colleagues and the football coach. They agreed to organize a restorative circle as a way to better understand the nature of the conflict and seek resolution.

The dean gathered the ten players on a weekday evening. He explained that they would be using a circle process to help the group work through the ongoing tension. The teammates already knew each other well, so the dean asked them to begin by sharing something they would not likely know about each other. He modelled this by sharing challenges he faced when in college. Then he passed a talking piece so that each player would have a chance to speak sequentially around the circle. The first student to go said that his dad was an alcoholic who beats his mom on a regular basis. Another said that he had been adopted three times by three different families. Another said that he was struggling with an ongoing addiction to pain killers. Immediately, these players were being more vulnerable with each other than they had ever been before.

Next, the dean asked each to share their account of the night the conflict began. They shared that the conflict began over a girl, but escalated when a white player called one of the black players the “N Word.” The next person to receive the talking piece was a student of colour, who said that they should forget about the slur because they are a team and need to move on. When the piece was passed to another student of colour, he said that he did not want to forget about it. His teammate hurt him by using the “N Word,” and by saying it with such malice. He did not trust the player and was not willing to just get over it.

The talking piece reached the student who said the “N Word.” He admitted what he had done and broke down crying. He said that he had used his intoxication as an excuse, but the truth was that he grew up in a poor trailer park where his family and neighbours used that word all the time. He apologized and asked what he could do to make things right. Once the teammates talked about the racial slur, they began to raise other issues that they had never before felt comfortable discussing, such as their friendships off the field and how they treated female students.

They committed to making a bigger effort to develop their relationships and spend more time together. They talked about needing to decrease their alcohol use. The players of colour told the student who used the “N Word” that it would take a long time for them to forgive him and he would need to work day in and day out to regain their trust.

The students left with a greater understanding of each other and better able to speak with each other openly and honestly. They learned more about each other’s backgrounds and the struggles each faced. This increased their sense of connection with one other. They learned that it is okay, even for football jocks, to be vulnerable with their friends. The circle provided a safe environment for them to talk through their concerns and challenge each other to be accountable for their words and actions.

After the end of the circle, two of the students told the dean that they had never before shared what they said at the beginning of the circle. They asked to meet with him on a regular basis. Following the circle, the coach said it felt like he had an entirely new team. For the rest of the time these students were on campus, they would seek out the dean, share a “bro hug,” and talk openly about how they were doing. This early success was instrumental to building what has now become a strong RJ program on that campus.

### **Social Ties to Institution: “I Belong Here”**

In Sampson and Laub’s (1993) study of crime across the life course, an important predictor of juvenile delinquency was found to be school attachment: “...when the bonds linking a youth to society—

whether through the family or school—are weakened, the probability of delinquency is increased” (p.122). The STARR Project provides evidence that restorative justice can strengthen students’ connections to campus and sense of belonging. This case illustrates how a restorative process following from a BB gun incident at a Northeastern liberal arts college resulted in stronger social ties to the institution.

After a full day of summer term classes, Hugo and Dennis were invited to an off-campus barbeque. On their way, they stopped at Walmart to pick up supplies and stumbled upon the gun section, a display that was particularly mesmerizing for Hugo, an international student from France. They bought a BB gun for under \$30, returned to campus to gather a few more things, and then left for the barbeque. Driving across campus, they tested their new gun by shooting at trees. Several people saw them and made frightened calls to the campus safety department that someone was shooting a handgun. The flurry of activity on the campus radios brought the incident to the attention of a facilities worker who saw the two students, jumped in his truck and chased them down. He escorted them to the campus safety office where they were met by local police and arrested for reckless endangerment and weapons violations.

The students admitted responsibility and a restorative justice conference was arranged. Led by two restorative facilitators, the dialogue included Hugo and Dennis, a faculty support person of their choosing, a campus safety representative, and the facilities worker who chased them down. The facilitators first gave Hugo and Dennis a chance to explain what happened, what they were thinking at the time, and what they had thought about since the incident. They expressed their remorse, their fear regarding criminal charges and the possibility of suspension, and a willingness to do whatever they could to make things right. Hugo spoke expressed confusion about guns in America. On the one hand, he had been told about gun rights and been amazed at how easy it was to make the BB gun purchase. On the other, he was shocked to be arrested for using what he thought was only a toy.

The facilitators then asked the harmed parties what happened from their perspective and to share their concerns over the incident. The campus safety representative shared what it was like to receive several panic-stricken calls from across campus from people who believed a school shooter was on campus. The facilities worker described himself as an avid hunter who immediately knew that the students were using a BB gun and was not personally afraid. He, in fact, was chasing the students down to protect them. As they were heading off-campus, he believed the local police, fearing lethal confrontation, “would shoot first and ask questions later.” Hugo and Dennis were very surprised to learn how their actions caused panic and had put their own lives at risk. They expressed their embarrassment and then gratitude to the facilities worker for his intervention. They apologized to the harmed parties and committed to writing additional apology letters to other first responders in the situation. Later, both harmed parties said they appreciated the opportunity to participate in the process. Campus safety officers often write students up for violations, but rarely hear about the outcome, let alone have a voice in the decision. Facilities staff are even less connected to students and this individual believed he gained a better understanding of the situation and that he had made a positive difference for these two.

The students also talked about what it was like to be arrested and how they were treated at the police station. They had felt humiliated and threatened as the police interrogated them and led them to believe they would be facing serious criminal charges, jail time, and possible deportation for Hugo. Later, they reflected on how different the restorative conference was from the criminal justice process. While they were challenged to accept full responsibility, they felt supported. They believed their perspective and ideas mattered, which in turn helped them appreciate the perspectives of the harmed parties.

The group pondered what the students could do to take responsibility beyond apologizing. Since they had not understood the campus weapons policy, state laws about gun use, or much about the broader issue of gun violence, they decided to work to increase that knowledge among the student

body. Hugo and Dennis agreed to research these issues and create an educational campaign for the campus community. Hugo additionally committed to making a presentation to the international student club.

In a situation like this, a traditional conduct policy might have suspended these students. In this process, however, a primary goal was to strengthen these students' connection to the college. Through support, mentoring, and taking leadership roles in an educational campaign, the students were challenged to fulfil an obligation for responsible community membership rather than be stigmatized and separated from the campus community. When the group learned that the incident and its aftermath caused Dennis to drop one of his summer classes, they explored the impact this had for completing his major requirements. His faculty support person agreed to supervise an independent study to make sure he could fulfil the requirement and graduate on time.

The students were able to build relationships with these other participants. Some weeks after the restorative conference, the students stopped by the facilities office to thank the facilities worker for his support. Both students successfully completed their obligations. Neither got in trouble again. Hugo decided to join the campus restorative justice program and participated in facilitator training, so that he could be a part of the team that works on cases like his. Both students, through their RJ process, were able to use their experience to strengthen their connections in the community and move past their incident successfully.

### **Procedural Fairness: "That Was Fair"**

Procedural fairness as a learning outcome is based on the theory that students will follow the rules they understand and respect. Tyler (2006, p.317) argues that, "The procedural justice model focuses on everyday rule following. It suggests that the key to motivating compliance based on internal social values is to maintain the legitimacy of the law and of legal authorities. To do so, legal authorities need to focus on exercising legal authority fairly." The restorative justice process allows for students to gain a better understanding of such rules, reducing the risk of recidivism and increasing trust in authorities. This is illustrated by a case involving a graduate student at a large, public university in the Southeastern U.S.

Tommy was a graduate student in an education administration program with a career goal of working in college student conduct administration. While taking courses, he obtained a position in the Office of Residential Life working on student conduct cases. This university had a strict substance abuse policy. If a student is found possessing drugs or alcohol, they obtain a strike. Additionally, the student must complete community service, attend a fee-based drug and alcohol education program, and is placed on probation for one year. If a student receives a second strike while on probation, they are automatically suspended from school for at least one semester.

One night, students in a residence hall were having a party and were caught drinking by their resident advisor. They were reported, but because of the strict alcohol policy and a fear of being suspended, no one was willing to take responsibility for purchasing the alcohol. Several of the students were assigned to Tommy. Parents and lawyers began contacting the office in defence of their children and clients, causing a supervisor to scrutinize how the cases were being handled. A tracking feature in the case management software showed that Tommy had ignored the students' denial of responsibility and entered only that they had admitted guilt, undermining their ability to defend themselves. The supervisor confronted Tommy and he admitted to the falsification as well as to an attempt to hide this by changing the online data later.

Tommy went through both the student and employee conduct processes. He was immediately banned from working on conduct cases. However, Tommy had heard of restorative justice and was hoping a restorative response might help him regain the trust of his colleagues and salvage his career aspirations. He requested a circle, which would allow him to explain himself fully and express his

remorse to the people he affected. Circle participants included students he worked with, residential life staff members, and student conduct staff members.

During the circle, Tommy was able to share his deep regret for falsifying the conduct records. He explained that he had cut a corner because he believed the students were in violation of the alcohol policy. When people began to pay more attention to the case, he became nervous and changed the information. Throughout the circle, people supported him while explaining the impact that his decision and actions had on them. They believed his actions had undermined a crucial dimension of their office—that students would be heard fully and treated fairly. Without that, their work would only become more difficult. In addition, conduct and housing staff had to take on his workload. Many stated that they had lost trust in him, but were willing to work with him to mend that. The circle concluded by creating a plan for Tommy to regain their trust. In addition to the restrictions on his job, he was asked to write a reflective paper discussing the impact of the incident. His paper focused on how this experience would affect him while applying to jobs. The participants also helped him reconfigure his job as a graduate assistant, without his role in student conduct. He would begin conducting presentations in the residence halls and with first year students about the campus alcohol policy and how the office works with students to hear cases fairly.

The restorative process affirmed for Tommy the importance of procedural justice. By hearing how his actions affected others, he came to a deeper appreciation for why fairness in the conduct program was so important and how quickly its legitimacy can be undermined by missteps such as his. He also became an enthusiast for restorative justice through his direct personal experience of it in practice.

Tommy finished his master's degree and was able to get a job in student conduct. During the application process, his supervisor volunteered to be a reference and both were forthcoming about this incident. Tommy's experience and insight demonstrated to his new employer the effect that RJ had on this individual and was one of the principle reasons they hired him. His own positive experience inspired Tommy to implement RJ at his new university. This student went from thinking the rules did not apply to him to a deep understanding of how procedural fairness legitimizes a campus conduct system. But this was only achieved through the open, inclusive conversation that RJ creates.

### **Closure: "I Can Move On"**

The final student learning outcome of a restorative dialogue is closure. The goal is for a student to take responsibility for the misconduct and learn from the experience without allowing it to hinder future success. This is illustrated by a junior, named Jordan, at a large public university in the Western U.S. Even minor conduct violations, such as the case illustrated here, can lead to emotional turmoil, causing a student to perseverate about the incident and distract them from their studies (Mischel and DeSmet 2000). Through a restorative process, this student was able to face up to his misconduct, but also close the chapter and successfully move on.

Jordan and his friends "pre-gamed"—a form of binge drinking—together and then walked to a house party near campus. One stomped on a sprinkler on the campus grounds without damaging it. Jordan followed suit, but broke it and water began gushing out. A witness got the attention of a nearby police officer, who wrote Jordan a citation for criminal mischief.

In a partnership between the city court and the university, Jordan was provided a restorative option as a form of court diversion. His charges would be dismissed if he successfully participated in an RJ dialogue and completed all remedies that the group developed. The RJ facilitator spoke to the director of irrigation about the incident and recruited the grounds manager, a campus police officer, and Jordan's father for the conference.

The RJ conference provided Jordan with the opportunity to see how a seemingly trivial act of vandalism could have significant consequences for his institution and the people who worked there. The grounds manager explained that they had been short-staffed and were struggling to make time for daily

maintenance, let alone repairs. The sprinkler, which was broken months prior, was still not fixed. In a part of the West with almost no rain, a large area of grass was now dead. The irrigation director talked about the pride his department feels for maintaining a beautiful campus for students, faculty, staff, and prospective members of the community. The officer expressed his frustration over the consequences of student criminal behaviour on campus. For Jordan, this was an eye-opening discussion; he simply never considered that his actions could have such an impact on others.

The most difficult aspect of the situation was the effect it had on Jordan's relationship with his father, which was affecting Jordan's ability to focus on his academic work. His family was very close and he had younger siblings who looked up to him. His father was angry and disappointed in Jordan, believing his behaviour to have been poor role-modelling. He had lost trust in his son and was worried about his future. As Jordan sat hunched over in his chair and staring at the floor, it seemed like this news was hard to hear.

Jordan wished to take responsibility for what he had done and offered to volunteer twenty hours of community service with the campus facilities office to help maintain the grounds. The group discussed how Jordan could learn to fix the sprinkler head. The harmed parties forgave him and Jordan seemed embarrassed, but relieved. The campus staff said they were impressed that he was willing to meet them face-to-face and the officer noted that he could tell Jordan was doing everything he could to right the situation. Jordan said he did not want this incident to define him and that it did not reflect the way he would like to be seen by others.

As Jordan's father watched his son take responsibility and saw others forgiving him for his actions, his attitude towards Jordan began to change. He liked that Jordan wanted to make a positive impact on the community and work off his debt. He was relieved that the campus staff had forgiven Jordan, which made it possible for him to forgive Jordan too. After everyone but the facilitators had left the conference, Jordan's father said he was proud of how Jordan had handled himself. This was the last thing Jordan needed to hear to fully move forward, and it seemed like a weight had been lifted from his shoulders. With a face-to-face reconciliation with his father and the university staff as well as a clear plan for taking responsibility, Jordan was able to put the incident behind him. The restorative process allowed Jordan to rectify the damage, repair his relationships, and find the closure necessary to get back to his studies.

### **Discussion: The Future of Campus RJ**

Colleges and universities have become excellent laboratories for restorative justice. Beyond student conduct, faculty are publishing a wide stream of studies that explores the philosophy and practice of RJ across social sectors, while building strong evidence of its effectiveness (Karp and Frank 2016a). Faculty are also using restorative practices to create more inclusive classrooms (Contemporary Justice Review 2013). Numerous academic RJ centres conduct research and provide technical assistance to RJ practitioners in the criminal justice system and in K-12 schools (Karp and Frank 2016a).

As the case studies illustrate, much of the focus of Campus RJ has been for incidents of student misconduct. While our literature review reveals that empirical studies of Campus RJ are very limited, the research indicates positive outcomes and support for RJ among students, especially among those who have participated as harmed parties and as students who have caused harm. It is an approach that resonates among students who wish to have input into decisions that affect them and who may be sceptical of systems they believe replicate social inequalities and convey impersonal or arbitrary authority. Although sometimes caricatured by people who have not experienced RJ as an "easy out," actual participants find the process emotionally and intellectually engaging, serious, relevant, and challenging.

The case studies were selected to illustrate how RJ works—when it is working well. Of course, not all conduct incidents are resolved to everyone's satisfaction. Much more needs to be learned about

best practice and applications to complex situations that may include serious sexual harm, intimate partner violence, dangerous hazing, or bigoted acts of hate or discrimination. The cases hint at the tension between traditional punishment and the goals of RJ, especially when cases are simultaneously adjudicated on campus and in the courts. Should, for example, an accused student admit fault and try to take responsibility for their behaviour through a restorative process if that puts them at risk of prosecution in the criminal court? We know even less about the experience of harmed parties in the Campus RJ process. Although research on victims who participate in RJ in the criminal justice system is very positive (Strang et al. 2013), sometimes their participation takes place years after the crime. Such a waiting period is unrealistic for the short period students are in college. We would wonder, for example, if Anwen would have benefitted from the RJ process in the same way if she had done it in the weeks or months after her assault rather than three years later when she was a senior.

Restorative justice is proliferating across K-12 school communities (Armour 2016) and more students will arrive on college campuses expecting to have restorative options available to them. As they bring this knowledge or learn about RJ on their campuses, they may also wish to serve as restorative mentors to youth during service-learning partnerships between universities and nearby K-12 school districts. We expect to see student support and participation in RJ grow in response to the movement in K-12 schools.

While conduct administrators often make use of RJ for minor conduct violations, they are also exploring wider application for more serious cases, such as the sexual assault incident described above. Some campuses create partnerships with local courts, so that students who are arrested in the community can participate in an RJ program to resolve both the criminal complaint as well as the violation of the student code of conduct. Student affairs professionals are also using RJ to address campus climate issues, particularly surrounding racial tension (Mok 2012). RJ can also be a method for prevention education and community-building, often through circle dialogues in residence halls (Wachtel and Miller 2013).

When RJ programs are implemented in K-12 schools, one best practice is to use a “whole school approach” (Armour 2016). This calls for training and use of RJ by students, faculty and staff through a tiered system of application that includes community-building dialogues for everyone and targeted responses for those who get in trouble. The same philosophical approach can apply to the higher education setting where full implementation of RJ would include widespread use of RJ practices in the classroom and in faculty scholarship; community building and problem-solving in residential life, athletics, student organizations, and service-learning community partnerships; and situations when faculty or staff cause harm, not just students (Acosta and Cunningham 2014). Once a campus begins to experiment with RJ, it can discover a nearly endless array of possibilities.

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