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The Use of Campus Based Restorative Justice Practices to Address Incidents of Bias: Facilitators' Experiences

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The Use of Campus Based Restorative Justice Practices
to Address Incidents of Bias: Facilitators' Experiences

A Dissertation

Submitted to the Graduate Faculty of the
University of New Orleans
in partial fulfillment of the
requirements for the degree of

Doctor of Philosophy
in
Educational Administration

by

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May, 2018

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DEDICATION

I dedicate this manuscript to my warrior, my guiding light, and the fierce queen who has shown me how to be simultaneously strong and graceful, my mother, Barbara. I am what you have allowed me to be.

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First, I want to thank the spirits that have guided me through these past 6.5 years. It has been an overwhelming and wonderful journey that was only manageable through the guidance and grace of those that came before me.

Even though this is dedicated to my mother I also want to acknowledge her presence in my life as a constant bearer of strength and support. I want to acknowledge those friends who have held me down from the day we met, Brandon Ball, Ebony Carpenter, Nicole Douglas-Sarver, Megan Karbley, and Angel Harris. You all have always been a force to give me strength when I did not have any of my own. Thank you to Dr. Proite, Dr. Hirschy, Dr. Cuyjet, and Carolyn Barber-Pierre for giving of your time to get me here. To those who came before me and those who will come after me, it is possible and I am living proof. I did it! I would also like to thank the members of my committee: Dr. Brian Beabout, Dr. Elizabeth Jeffers, Dr. Richard Speaker, and my chair Dr. Christopher Broadhurst. Your thoughtful suggestions and continued encouragement are appreciated.

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Abstract

Student conduct plays an integral role in the functioning of an institution and the moral development of students. As multiple models of student conduct exist, such as the Model Student Conduct Code or a Restorative Justice Approach, it is critical to have an understanding of the various structures and how to choose the most effective structure for addressing the diversifying needs of the campus community. Most college and university campuses use the Model Student Conduct Code (Dannells, 1997) which tends to place a heavy emphasis on authority and is more legalistic which creates an “adversarial environment” (Lowery & Dannells, 2004) on college and university campuses. It can be argued that the traditional student conduct code does not make space for individuals to engage in dialogue and for learning to take place. The focus of this dissertation is to understand the experiences of facilitators as they develop, implement, and use restorative justice models on college and university campuses, which provide a guiding framework for dialogue between victims/harmed parties and offenders/respondents and may be better suited as a means of managing bias and hate-motivated incidents. Restorative practices have been implemented in criminal justice, and K-12 environments and are seen by some as an antidote to overly legalistic campus conduct processes (Karp, 2004). This phenomenological research explores the experiences of individuals who have facilitated a campus-based restorative process and how that experience may impact their view of and the opportunities to improve campus climate through the lens of Critical Race Theory and Models of Moral development. Through this study, conduct and other campus administrators can gain valuable information on how restorative processes are developed, how facilitators gained and maintained institutional support, and how successful facilitators find the process in meeting their goals of student learning. Campus administrators will also gain insight on the perceived effectiveness of

restorative practices as a tool for managing incidents of bias and the perception of the campus climate.

Keyword: Restorative justice, Facilitators, Higher education, Bias-incidents, Campus response, Student conduct, Critical race theory, Kohlberg's model of moral development, Phenomenology, Qualitative study

Chapter 1

Introduction

The practice of restorative justice (RJ) has been used by indigenous communities ideologically for several decades (Braithwaite, 2002). The rise in global use began in the realm of criminal justice (Umbreit, 2010). The indigenous perspective of justice, which comes from the aboriginal inhabitants of North America, believe in a holistic philosophy that connects everyone involved in a conflict as a part of a continuum with all parties involved focuses on repairing harm and resolving issues to attain peace (Tso, 1989). Embracing traditions of holistic healing, the aim is to reconnect the offender with his or her environment and community (Sharpe, 1998). The first modern use of the term *restorative justice* is ascribed to Barnett (1977) as he described the practice of victim-offender mediation programs (VOMS) in the United States (Wright, 1991). As a movement, restorative justice advocates for a collaborative approach to handling issues of conflict that include victims, offenders, and others seeking to hold the respondent accountable (Zehr, 2002). Restorative justice is often referred to as an alternative approach to traditional disciplinary models. Advocates of restorative justice do not intend that offenders go without some form of *punishment*, but instead involve everyone wishing to hold the offender accountable, including the offender, to participate in the decision-making process of that punishment. As a result, restorative justice has taken root in a number of communities and agencies for its unique perspective on healing communities.

Traditional criminal justice systems are retributive and focus on three questions: (1) What laws have been broken? (2) Who did it? (3) What do they deserve? Restorative justice, on the other hand, seeks to answer an entirely different set of questions (Umbreit & Armour, 2011): (1) Who has been hurt? (2) What are their needs? (3) Whose obligations are these to heal the harm?

The goal in answering these questions is to foster accountability and provide healing in the midst of criminal action and conflict. As the restorative justice process expands from adjudicating criminal cases to substantial use in juvenile justice practice (Roche, 2003), and in K-12 school communities (Cameron & Thorsborne, 2001), it seems only fitting that restorative justice would expand into higher education.

Some scholars have argued that restorative justice is a better fit for the campus community (Clark, 2014; Giacomini, & Schrage, 2009; Karp, 2004) than the traditional more retributive forms of student discipline. As college and university campuses become increasingly diverse, “The diversity of our students and the issues they face demand creative and educational solutions in addition to the conscientious application of procedural safeguards traditionally provided by campus disciplinary processes” (Giacomini & Schrage, 2009, p. 7). Larger populations of historically underrepresented students continue to enroll in college and university campuses across the United States, and it is unclear if their presence has increased harmony or increased racial tension (U.S. Department of Justice, Community Relations Service, 2003). On the one hand, research suggests educationally purposeful peer interactions outside the classroom, especially with racially diverse peers, have positive influences on student learning, psychosocial development, and attitudes (Pascarella & Terenzini, 2005; D. G. Smith et al., 1997). Some scholars have also argued that increased numbers of minority students will benefit the campus community in developing a level of open-mindedness (Antonio et al., 2004), increase student participation in community organizations as adults (Gurin, 1999), increase rates of civic interests (Chang, Astin, & Kim, 2004), and provide a strengthened commitment to racial understanding, and cultural awareness (Chang, 1999, 2001; Pascarella et al., 1996). None of these arguments,

however, address the campus climate or campus culture, particularly for underrepresented students.

Green (1989) conceptualizes the campus climate as “the culture, habits, decisions, practices, and policies that makeup campus life. It is the sum total of the daily environment, and central to the ‘comfort factor’ that minority students, faculty, staff, and administrators experience on campus” (p. 113). Several studies have documented that about half of all students face some form of bias while attending college, particularly African Americans students (D’Augelle & Hershberger, 1993; Fisher & Hartman, 1995; Johnson et al., 2007) and, increasingly, Latina(o) students (Hurtado & Ruiz, 2012). Research has also shown that racial and ethnic minority students perceive the campus climate and its openness to diversity to be less hospitable than do White students (Ancis, Selacek, & Mohr, 2000; Cress & Ikeda, 2003; Hurtado, 1992; Johnson et al., 2007; Morrow, Burris-Kitchen, & Der Karabetian, 2000; Perry, 2010; Reid & Radhakrishnan, 2003; Worthington, Navarro, Loewy, & Hart, 2008).

Racial and ethnic minority students’ perception of the campus climate is substantially impacted by “diversity-related conflict or bias-related acts of ignorance or hate” (Giacomini & Schrage, 2009, p. 14). The U.S. Department of Justice, Community Relations Service (2003) noted that “under conditions of increasing cultural diversity . . . the differences between groups become salient on an everyday basis. For the first time, many students must learn to deal with classmates and roommates who are different” (p. 3). When roommate and classmate interactions are contentious, the unresolved conflict may lead to intergroup conflict. According to Engberg (2004), intergroup conflict has a deep history of unrest and violence on college and university campuses that have baffled campus administrators on finding clear resolutions. As unrest and intergroup conflict unfold on college and university campuses it is often conduct administrators,

sometimes referred to as conduct officers or judicial administrators, who are the individuals responsible for responding to such issues. In many ways, the student conduct office is at the crossroads of a number of important factors including legal, developmental, demographic, and organizational issues particularly in regards to issues of bias incidents.

When handled appropriately, conflict can be a powerful motivator to change social systems such as institutions of higher education (Shapiro, 2005). If handled inappropriately, conflict, particularly bias incidents, can create demoralizing tensions on college and university campuses, especially racial tensions (Bartlett, 2001). Bias incidents, which manifest in the form of slurs, degrading language, jokes, offensive graffiti and prejudiced skits, are

oppressive rather than just mean . . . because our society is structured in a way that overtly and covertly supports, encourages, and reinforces prejudices against people of color and gay, lesbian, bisexual, and transgender (GLBT) individuals or those perceived to be GLBT. (Holmes, Edwards, & DeBowes, 2009, p.53)

Similarly, hate crimes also require action by an individual or group towards a target group but may be violations of civil and criminal law, such as physically assaulting someone while using derogatory language. Considering the impact these incidents may have on individuals, it may be surprising that hate crimes and bias motivated incidents are underreported (Karp & Allena, 2004). Karp and Allena (2004) document there are three main reasons for this underreporting: faculty, staff, and students are unsure of what incidents should be reported, a fear that the institution's reputation will be harmed, and lastly but probably most significant, victims or harmed parties are fearful of retaliation, and they believe campus officials will not take them seriously.

While student conduct cases are implemented in varying forms, there is growing concern that some student conduct policies and procedures place the rights of one student over the needs of another (Dannells, 1997), which directly influences how students view and trust the systems within the college or university. This can be especially difficult to navigate with regards to bias incidents and hate crimes, which have a variety of legal ramifications. Prior failure to respond properly to incidents of bias and hate by campus administrators sends messages to the campus community that future incidents will be handled with the same lack of empathy and indifference (Giacomini & Schrage, 2009). If individuals harmed by these incidents believe the campus to be unresponsive to their concerns and needs, they may feel fearful, angry, and isolated (Karp & Allena, 2004). These feelings are further heightened when students believe the institution perpetuates oppression through its policies, practices, and procedures (Kivel, 2015) as it is “difficult to feel connected [to the campus] when there is conflict or victimization that is not addressed appropriately” (Goldblum, 2009, p. 140). Initiatives intended to enhance campus diversity and proactively prevent conflict have not been universally welcomed (Perry, 2010). Despite evidence that racism, sexism, homophobia, and other forms of oppression still exist, many individuals dismiss their persistence and as such “there is little sympathy for the contemporary experiences of women, the lesbian, gay, bisexual and transgender (LGBT) community, or racial and religious minorities” (Perry, 2010, p. 269). Specifically addressing the college and university environment that is intended to promote opportunities for critical analysis and to tackle difficult issues of modern society, Harper and Patton (2007) assert that “it is entirely possible for students to graduate from college without critically reflecting on their racist views, or having engaged in meaningful conversations about race” (p. 2). The lack of sympathy

and limited critical analysis through course work may result in a campus that is reluctant to discuss the realities of bias, racism, and other forms of oppression.

Administrative failure to engage campus communities in meaningful discourse around race, when appropriate, reinforces widely held misconceptions by students, faculty, and staff that these issues are resolved and harmless and are not as worthy of their concern which may result in the underreporting (Forman, 2004). Schlosser and Sedlacek (2001) explained administrators are often working in a reactive rather than proactive manner and those solutions are designed to provide a quick resolution, one that places “emphasis . . . more on ‘putting out the fire’ than working toward preventing future ‘fires’” (p. 25). Restorative justice, as a process, ideally puts out fires while simultaneously proactively preventing future fires by slowly changing the campus ethos. Ideally,

The Student Code of Conduct and related systems serve to educate students as to their civic and social responsibility to members of the college or university community as well as to provide them with opportunities for service and leadership; to resolve disputes in a cooperative, educational, and non-adversarial manner; to facilitate informed participation in the judicial process; and to increase awareness of and respect for differences in culture, gender, religion, race, sexual orientation, mental and physical ability. (G. Brown, 2012, p. 63)

However, as many higher education conduct models have shifted away from student development towards a more legalistic framework the ability to resolve disputes in an educational non-adversarial manner has declined (Lowery & Dannells, 2004).

As a result of this adversarial process, students are more isolated. Respondents also referred to as offenders, may leave the process with feelings of resentment or alienation having

learned nothing about the impact of their behavior on the harmed party or the campus community. Thus, the respondent may continue the very behavior that landed her or him in front of student discipline officers or leaving the campus community in no better shape than before the disciplinary actions were taken (R.H. King, 2012). The victim also referred to as the harmed party, may feel further disenfranchised, feeling as though their voice was not heard and are often left out of the results never learning what *punishment* their respondent received (Karp & Conrad, 2005).

Statement of the Problem

With the changing nature of student conduct and the increasing diversity of student populations on college and university campuses, new methods to address conflict must be developed. As conflict continues to flourish on campuses, without proper care to address said conflict, the campus climate and culture could become more adversarial in nature for both harmed parties and respondents. As Karp and Conrad (2005) explain, “Future studies must look for positive changes not only in offenders, but also in victims and other affected parties, and ultimately to campus culture” (p. 329). While it would be ideal to gather data directly from harmed parties and responsible parties, there are limited campuses that have instituted and facilitated a restorative approach to address conflict, particularly incidents of bias. However, student discipline cannot be handled on an individual level as there is continuous student turnover; student discipline must be handled at a community-level, as “solutions must continuously strive to socialize students to be community members, able to consider the consequences of their behavior on the welfare of the community” (Karp & Conrad, 2005, p. 316). As a result, it is necessary then to look at what is happening at the community level to address issues of conflict and bias. Hate and bias-motivated incidents affect the campus

community and remain a challenge in how best to address them. If bias incidents go unmanaged, they may produce negative perceptions of the campus climate, which exerts a negative direct influence on the academic and intellectual development for students (Nora & Cabrera, 1996).

When the campus climate feels inhospitable, it is less likely students will persist to graduation, hurting college and university retention, and graduation rates as well as their reputation (M. K. Brown et al., 2005). As student conduct officers and campus administrators strive to address issues of bias, their policies, procedures, and practices should endeavor to be inclusive and work to socialize students to be community members. Since the mid to late 1800s, student discipline moved away from being an administrative problem that needed strict regulation and instead was viewed as a developmental and educational problem (Harris, Fields, & Contreras, 1982); however, after several court cases in the 1960s, student discipline in higher education has regressed towards a more legalistic structure (Lowery & Dannells, 2004). Several campuses, however, have incorporated restorative practices into their conduct models (Giacomini & Schrage, 2009; Karp, 2004), asserting that this approach has the ability to transform society and culture with much of what is needed to impact the perception of campus climate. Braithwaite (2003) explains,

Restorative justice is not simply a way of reforming the criminal justice system; it is a way of transforming the entire legal system, our family lives, our conduct in the workplace, and our practice of politics. Its vision is of a holistic change in the way we do justice. (p. 1)

While there remain criticisms of restorative practices as a tool, some scholars have argued that restorative justice is a better fit for the campus community (Karp, 2004). Adhering to Braithwaite's (2002, 2003) assessment about the transformation restorative justice can provide in

the criminal justice system, then arguably such transformation should be as effective if not more in an institution of higher education which is designed to provide education at every level and in every interaction.

Purpose of the Study

The purpose of this study was understand how campus conduct administrators and restorative justice facilitators, developed and implemented restorative responses to incidents of bias. In this study, I focused on how institutions of higher education create spaces to address issues of bias, as well as cultivate a campus climate conducive to developing support for diversity and inclusion through offices of student conduct. Thus, the primary research question for this study was: *What are the experiences of facilitators in campus-based restorative justice programs?*

Chapter Conclusion

To transform campus ethos effectively, educators may need to consider rejecting the traditional lens for viewing and responding to a conflict involving race and other social identities and begin framing and addressing racism, bias, and hate as a problem that concerns and involves the whole campus community. Campus conduct is a growing and changing field and understanding the role that conduct can play in developing and shaping the campus climate is of vital importance.

Key Terms and Definitions

Throughout this paper I use several terms repeatedly and interchangeable I believe it is important to have a single space to return to when in need of a reminder of how I am defining these terms for the purposes of this paper.

Bias Incidents and hate crimes may overlap, the critical distinction common to both is the incident arises out of bias or prejudice due to difference or perceived difference between individuals. Where hate crimes and bias incidents differ are in their legality, bias incidents are legal acts while hate crimes are not (Pruntzman, 1994).

Climate—conceptualized as “the culture, habits, decisions, practices and policies that make up campus life. It is the sum total of the daily environment, and central to the ‘comfort factor’ that minority students, faculty, staff, and administrators experience on campus.” (Green, 1989, p. 113).

Counterstorytelling—a method of telling stories of individuals whose experiences have not been told, and a tool for analyzing and challenging the stories of those in power whose story is a natural part of the dominant discourse (Delgado, 1999).

Diversity (in higher education context)—a broad concept that encompasses the following three dimensions: 1) Structural Diversity – “the numerical representation of diverse groups;” 2) Interactional Diversity – “the frequency and quality of intergroup interaction;” and 3) Classroom Diversity – “learning about diverse people (content knowledge) and gaining experience with diverse peers in the classroom” (Gurin, Dey, Hurtado, & Gurin, 2002, pp. 332-333).

Hate Crime—“a criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, ethnic origin or sexual orientation” (U.S. Department of Justice, Federal Bureau of Investigation, n.d., para. 4).

Race—“a doing—a dynamic set of historically derived and institutionalized ideas and practices” (Moya & Markus, 2010, p. 21). Acknowledging a historical and institutional context is important for understanding the foundations of how individuals are subsequently placed into

races or “groups according to perceived physical and behavioral human characteristics that are often imagined to be negative, innate, and shared” (Moya & Markus, 2010, p. 21).

Racial Microaggressions—“brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults to the target person or group” (Sue et al., 2007, p. 273).

Restorative Justice—a diverse, multi-layered concept that does not easily lend itself to a universal definition (Johnstone & Van Ness, 2007; Woolford, 2009). Broadly, restorative justice views harm not primarily as a violation of rules or laws, but as a violation of people and relationships (Zehr, 2002).

Model Conduct Code—used to describe a form of student conduct that places heavy emphasis on authority and proceduralism to ensure equal treatment of students (Stoner & Lowery, 2004).

Interchangeable Terms

Students of color - historically marginalized - underrepresented

Judicial affairs - student conduct - conduct officers - conduct administrators

Restorative approaches - restorative practices

Victim – Harmed party

Offender – respondent - responsible party

Chapter 2

Literature Review, Theoretical Framework, and Restorative Justice

The overall purpose of this chapter is to present a review of literature related to incidents of racially motivated bias incidents on college and university campus and make connections between these incidents and the perception of campus climate. The chapter additionally asserts the role of student conduct as one mechanism for addressing incidents of bias. Next, the chapter provides a review of the theoretical frameworks for this study, which includes, Critical Race Theory (CRT) and models of moral development. The chapter concludes with an articulation of how restorative justice and restorative practices as a model and framework can be a tool to address incidents of bias and campus climate issues while aligning with the theoretical goals of CRT, Kohlberg's model of moral development, and Baxter-Magolda's self-authorship.

Literature Review

Student discipline has evolved significantly from the colonial era of higher education as student needs and demands have shifted with the increasingly diverse student body (Fitch & Murry, 2001). Support provided by college and university judicial systems and their effectiveness in addressing discipline problems play an integral role in student success; however, challenges in anticipating students' needs make managing proactive measures difficult resulting in a variety of discipline issues (Lake, 2009). As college and universities grapple with how best to address discipline issues such as incidents of bias it is important to understand the ramifications of such incidents to the campus climate and perception of it, specifically by students from historically marginalized communities. Conduct plays a central role in shaping the campus' understanding of what is *acceptable* behavior through the publication of their student codes of conduct (Stoner & Cerminara, 1990). While there are a variety of models and processes

in judicial systems across campuses, conduct officers in higher education share similar goals of student development and educational sanctioning (Karp, 2004; Karp & Sacks, 2014). The literature review will explore the role student conduct has traditionally played in higher education, how bias incidents manifest of college and university campuses and how those bias incidents shape the actual and perceived campus climate. This review of literature sets the stage for understanding what gaps exist in current student conduct modalities to address incidents of bias and how restorative justice, in theory, could fill in those gaps.

Brief History of Student Conduct

Since the establishment of colonial colleges, academic and extracurricular activities, as well as student behavior, have been relatively regulated by institutional authority (Fitch & Murry, 2001). Judicial structures in the early 1700s were implemented to handle what Thelin (2004) called “consumer complaints” (p. 21), or issues that students had with various aspects of the institution, like cleanliness or faculty. Guided by religious influences, the 1770s saw a shift in power and responsibility by disciplinarians that was designed to produce morally and religiously upstanding students (Brubacher & Rudy, 1997). In the 1800s faculty took on more responsibility in the handling of student discipline, which created what is termed *in loco parentis*, where faculty and staff served *in lieu of parents* while students were enrolled at the institution (Brubacher & Rudy, 1997).

By the mid to late 1800s, there was a call for more student governance when it came to student discipline through honor systems and student governments that had more developmental undertones (Brubacher & Rudy, 1997). However, as student populations change, higher education administrators must determine the standards of conduct for students to ensure not only the safety of the campus community but also to facilitate the educational mission of the institution (R. H. King, 2012). Higher education disciplinary models are generally designed to

not only address safety issues and concerns but to build moral development, to “allow students to demonstrate their capacities for accountability, responsibility, and respect for others” (R. H. King, 2012, p. 563). Higher education’s role in cultivating moral development through the avenue of student conduct has transformed dramatically over the years; specifically after the 1961 federal court decision in *St. John Dixon et al. v. Alabama State University* (herein *Dixon*) that required public institutions of higher education to grant students due process rights, including a notice of a violation and an opportunity to be heard in student conduct proceedings.

Prior to the 1960s, law played a minimal role in regulating higher education (Lake, 2009). According to Bickel and Lake (1999), “*In loco parentis* promoted the image of the parental university and insured that most problems were handled within the university, by the university, and often quietly” (p. 17). Since the demise of *in loco parentis* post *Dixon*, most campuses have been left without a guiding reason for engaging in student discipline, and most faculty are, at best, only marginally involved in day-to-day matters of student conduct. Even campus administrators are ambivalent about their overall duty for student behavior (Dannells, 1997). *Dixon* marked the beginning of several case laws, such as *Healy et al. v James* (1972) and *Goss v. Lopez* (1975) that would slowly alter the function and goals of student conduct.

In particular, *Goss v. Lopez* (1975) required a student “be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story” (p. 581). Although the Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education (1968) called for state-supported institutions “to develop students to well-rounded maturity, physically, socially, emotionally, spiritually, intellectually, and vocationally” and “to develop, refine and teach ethical and cultural values” (p. 137), student

discipline in higher education moved in a more legally-minded direction to ensure compliance with the changing laws and regulation of higher education. This “creeping legalism” (Dannells, 1997, p. 69) lent to more formalized investigations and the relationship between students and institutions was viewed as contractual in the eyes of the courts (Stoner & Cerminara, 1990). Caruso (1978) urged student conduct professionals, to find a balance between the required legal mandates and the development of students. To accomplish this balance, student conduct officers learned quickly that they must manage competing demands of the institution, the student, and what is in the best interest of everyone involved in the potential violation of the rules.

Student conduct administrators attempted to use these more formalized investigations as educational opportunities to help students view incidents more objectively (Lipka, 2009). However, “the pendulum ha[d] swung too far in the direction of legalism” (Lowery, 1998, p. 15) and judicial procedures had overtaken the educational purposes of institutions. This legal view of student conduct or what Stoner and Lowery (2004) call the Model Student Conduct Code “create[s] an adversarial atmosphere likely to produce harsher, not more lenient results” (Pavela, 1999, p. 906), and fails to provide the support necessary for personal and social development (Gehring, 2001). The code’s purpose is to provide a standard and objective response to *guilty behavior* that does not take into account cultural differences or needs of the harmed parties (Taylor & Varner, 2009). The Model Student Conduct Code does not allow offenders to have a “structured and informed chance to challenge their role and actions in a conflict” (Giacomini & Schrage, 2009, p. 17) or strive to intentionally repair harm to individuals or the campus community. Too often institutions have negated the educational climate and focused on the legal aspects of conduct to the detriment of learning opportunities (Gehring, 2001).

Taylor and Varner (2009) argue however that legal compliance is not at odds with “but rather aligns well with an educationally driven approach to the work of student conflict resolution and student conduct management” (p. 22). The authors argue that individual students’ needs can be met without compromising the health and safety of the community. According to Lake (2009), this emphasis on education and development may mean leaving legalisms and codes behind and seeking to help students help themselves when in college and long after. Ultimately, the structure should strive to provide an educational experience and an opportunity for students’ moral development (Dannells, 1997; Mullane, 1999). Student conduct should serve as a place to develop students in a way that they understand their personal and civic responsibility (Mullane, 1999) and foster growth. As Taylor and Varner (2009) explain, “A well-documented component for fostering growth is the presence of disequilibrium of ‘crisis’ that causes students to challenge (with support) previous assumptions about themselves, their external influences, and their micro and meta relationships in society” (p. 29). Student discipline should seek to create environments of care and compassion that deter hateful and destructive behaviors via a commitment to the community (Dannells, 1997; Hoekema, 1994) as well as provide avenues for students to challenge their worldviews and behaviors.

Colleges and universities and their students would benefit by thinking about student discipline in less adversarial and more developmental ways. Many disputes that now fill campus judicial systems might be better resolved through conduct procedures that resemble mediation, the practice of settling disputes through intermediaries (Bercovitch, Anagnoson, & Wille, 1991). As Dannells (1997) notes, student conduct should be a space on college and university campuses that embody a commitment to community and foster the goals and mission of said institution. Racially motivated bias incidents hinder opportunities to foster a sense of community for those

impacted and do not align with university missions. As Manning and Muñoz (2011) explain, while colleges and universities have become more structurally diverse they have yet to become multicultural organizations leaving many issues around race and bias to persist. Becoming a multicultural organization is an astonishingly nuanced process as developing support for institutional diversity and inclusion is further complicated by having unclear definitions of what diversity and inclusion mean to the campus, particularly by the students themselves (Brunner, 2006). For these terms to have meaning, there must be a commitment to engage the campus community in dialogue about their importance to the success of the campus environment. Without the institutional structure and support, it becomes far too easy for individuals to harm the campus community and infringe upon the campus environment making it a place that feels unsafe and unwelcoming for many students, especially those from historically marginalized communities.

The campus climate can inhibit or promote student learning and personal growth and development (Schrage & Giacomini, 2009). When students perceive the campus to be inhospitable, especially when faced with incidents of hate and bias, student learning declines and retaining those students becomes progressively more difficult (Perry, 2010). This divergence in academic learning negatively influences university missions. Research shows that student experiences and perceptions of the campus climate are linked to numerous educational outcomes including: cognitive and socio-cognitive outcomes, values and attitudes, competencies for citizenship in a diverse democracy, transitions and adjustments to college for underrepresented students, retention, and degree completion (Hurtado, Alvarez, Guillermo-Wann, Cuellar, & Arellano, 2012). It becomes imperative then that the arbiters of justice on college and university

campuses engage in practices that offer the most support in educating those that cause harm and providing support for those who were harmed so that all can thrive within the campus ethos.

Development of Bias Incidents and Hate Crimes on Campus

Addressing bias and hate-motivated incidents can be very complex, but the frequency by which students, faculty, and staff face marginalization, exclusion, and explicit racism, sexism, and homophobia play an integral role in their perception of a hostile environment (Perry, 2010). While hate crimes had been on the decline nationally, they are still a concern for campus safety as “there is no place where hate crimes are occurring with increasing frequency, more visibility and hostility, than in institutions of higher education” (U.S. Department of Justice, Community Relations Service, 2003, para. 1). In 2012, 8.2% of reported hate crimes occurred at schools or colleges (U.S. Department of Justice, Federal Bureau of Investigation, 2012) while in 2016 9.9% of hate crimes occurred at schools or colleges and 9.4% of race-based bias incidents occurred at schools or colleges (U.S. Department of Justice, Federal Bureau of Investigation, 2016). In that same year, of those incidents reported, race motivated bias incidents far outnumbered (57.5%) other forms of bias including; sexual orientation (17.7%), religion (21%), and disability (1.2%) (U.S. Department of Justice, Federal Bureau of Investigation, 2016).

Congress has defined a hate crime as “a criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, ethnic origin or sexual orientation” (U.S. Department of Justice, Federal Bureau of Investigation, n.d., para. 1). The U.S. Department of Justice (2003) further explains that:

Hate crimes are intended to hurt and intimidate individuals because they are perceived to be different with respect to their race, color, religion, national origin, sexual orientation, gender or disability. The purveyors of hate use physical violence, verbal threats of violence, vandalism, and in some cases weapons, explosives, and arson, to instill fear in

their victims, leaving them vulnerable to subsequent attacks and feeling alienated, helpless, suspicious and fearful. These acts of hatred can leave lasting emotional impressions upon their victims as well as entire communities. (para. 4)

McDevitt and Levin (1993) found the majority of hate crime perpetrators were not members of organized hate groups, such as the Ku Klux Klan or Neo-Nazis, but were instead thrill seekers, or individuals seeking to get revenge, or even to defend territory. The most applicable category discussed by McDevitt and Levin (1993) was *retaliatory* hate crimes, where people who perceive that there is a wrongful incursion of racial/ethnic minorities into *White* spaces lash out as an attempt to preserve territory.

R. D. King and Sutton (2013) reiterate McDevitt and Levin's (1993) analysis as they further Black's (1983) theory that people commit crime as a form of self-help, "the expression of a grievance by unilateral aggression such as personal violence or property destruction" (Black, 1983, p. 34). Black (1983) argued that in some cases innocent people are attacked simply because of what he termed collective liability. Collective liability, in essence, means that if someone from a particular group "hurt" an individual the hurt individual may seek retribution in the next person who fits the profile of their offender. R. D. King and Sutton (2013) take Black's theory a step further and posit that "hate crimes are more likely when the group harboring the grievance cannot turn to the law to rectify the conflict or otherwise find closure" (p. 874). R. D. King and Sutton (2013) argue that there may be triggering events that can serve as a catalyst such as abrupt changes in the political and cultural environment that result in anger and resentment. According to West and Wiley-Cordone (1999), the National Center for Hate Crime Prevention listed several issues that may result in increased hate crimes: (a) demographic changes, (b) increase in immigrant population/new waves of immigration, (c) new family

structures, (d) cultural changes, (e) political issues (referendum/ballot questions), (f) growing levels of religious intolerance, and (g) differing economic factors. As documented in legal cases such as *Grutter v. Bollinger 2003* and *Fisher v. University of Texas 2013* and the passage of strict anti-immigrant state laws, new rights and privileges conferred on historically marginalized groups may prompt a backlash (Manza & Uggen, 2006). In essence, the backlash stems from “some students [who] regard their minority classmates as the undeserving recipients of financial aid and compensatory programs—what they believe to be special attention and special treatment” (U.S. Department of Justice, 2003, para. 6). Until recent history, many colleges and universities had been traditionally “White” spaces, the increased presence of racial and ethnic minorities may trigger resistance prompting race-based hate or racially motivated bias incidents.

Bias-motivated violence or threats targeting students, staff, or faculty not only creates an atmosphere riddled with feelings of fear and intimidation but also harms the educational mission of an institution of higher education. While many bias-motivated incidents do not escalate to the level of physical violence or property damage, the emotional harm can be just as impactful (Karp & Allena, 2004). Contemporary research suggests the expression of bias occurs both unconsciously and intentionally (Blair, 2001). Often, the unconscious bias comes in subtle forms, which may include social exclusion, racial joking, making assumptions about intelligence on the basis of race, and denying the existence of racism or bias (Sue et al., 2007). Subtle bias, which sometimes manifests as microaggressions may not be as intense as blatant prejudice or racism, it is however still detrimental.

Garcia and Johnston-Guerrero (2015) found 205 news-making incidents within 129 diverse institutions (including 2- and 4-year, public and private, large and small, predominantly White institutions [PWIs] and Minority Serving Institutions [MSIs]) in 38 states. Their criteria

included a Lexus-Nexus search of incidents between August 2005 and May 2010 at 2- and 4-year institutions in the United States that used the terms “college,” “university,” “racial slur,” and “illegal-immigrant game.” After coding each incident through the lens of delivery (party, verbal remarks, physical media), content or symbol (how the incident become racial), and the type of microaggression identified by Sue et al. (2007) they found the most common incidents manifested in graffiti/vandalism, physical media (flyers), noose hanging, themed parties/party incidents, verbal remarks, and assaults/fighting. What the authors found is while Sue et al. (2007) argue the majority of racially motivated incidents that occur on college and university campuses are at the psychological level or microaggressions, the events that make the news are more blatant. The focus on more blatant forms of racism and bias makes it all too easy to dismiss the more subtle forms of bias and make it harder for those who commit acts of bias to understand their impact (Harper, 2012).

Whether or not acts of bias are intentional, blatant, or subtle, the impact on campus ethos may be damaging for the recruitment and retention of historically marginalized students. According to Hurtado, Milem, Clayton-Pederson, and Allen (1998), there are four factors that influence students’ perceptions of the campus climate: racial tensions or the psychological climate, institutional history of inclusion/exclusion, behavioral dimensions (e.g., social interactions across races), and structural diversity which includes the demographic make-up of the campus population. While structural diversity is an important factor in influencing students’ perceptions of campus, a larger presence of visible minorities does not mean the campus is without institutional, interpersonal, and intrapersonal discrimination, bias, and violence (Perry, 2010). Merely increasing numbers of historically marginalized students does not automatically mean improved campus climate, their presence only opens the doors of opportunities for

interaction (Gurin, 1999). Interactions that are both limited and revolve around incidents of hate and bias whether personally or as a secondary harmed party increase the potential that the perception of campus climate will be viewed negatively with very few opportunities to repair that perception.

Development of Campus Climate and Culture

Intergroup relations are difficult to manage when interaction is minimal (Brewer, 1979). Minimal interaction leads to misunderstandings and conflict and “Perception alone allows conflict to manifest itself . . . one only need to feel as though he or she is at odds with others sharing the same space or sense that the institution’s systems are oppressive for the foundation for conflict to set” (Holmes, Edwards, & DeBowes, 2009, p. 57). The perception is often based on small but emotional experience that is sustained over time when those perceptions are not challenged by experiences that counter that narrative (Yeung & Johnston, 2014). In the 2012 study by the Higher Education Research Institute (HERI), it was reported that 47.9% of Latina(o) and 37.5 % of Black students reported experiencing derogatory verbal comments at institutions where underrepresented students comprise more than one-third of the student body (Hurtado & Ruiz, 2012). Aguirre and Messineo (1997) ask the question: “If the at-risk position of minority students on college campuses increases the chances they will become the target of racial bigotry, then how can one observe this in the campus climate?” (p. 26). To answer this question, they developed a framework for identifying and classifying acts of racism that affect racial/ethnic minority students on campus between 1987 and 1993. During that period the authors identified 106 incidents of racially motivated acts that they then categorized into three categories: person focused, cultural bias, or structural bias with person-focused being the most common form of racism on college and university campuses. The least common they found was structural bias

which is most related to ideals of White supremacy. Cultural bias was seen in more symbolic forms such as hosting “slave auctions” or wearing Black face paint.

In a study to explore how students in different racial groups experienced their campus climate, Rankin and Reason (2005) found students of color experienced “harassment, defined as any offensive, hostile, or intimidating behavior that interferes with learning, at higher rates than White students, although female White students reported higher incidence of gender harassment” (p. 43). The authors collected data from 10 campuses, which were geographically diverse. Sampling varied depending on the campus, but all participants completed a survey that was previously tested in a study conducted by Rankin in 1994. The participants consisted of 7,347 undergraduates, 3,244 staff, 2,117 faculty, and 1,297 graduate students. Focusing on just undergraduates 5,308 identified as White, while 2,039 identified as non-White. When asked “if they ‘observed any conduct on this campus that you feel has created an offensive, hostile, intimidating working or learning environment?’ Over 40% of respondents had observed this type of conduct on campus” (Rankin & Reason, 2005, p. 50). Of these results, 49% of students of color compared to 39% of White students reported observing harassment. Of those who reported offensive or hostile conduct on campus, 84% were derogatory remarks. Like other studies, White students perceived the campus climate to be improving while a significantly higher population of students of color believed the campus climate to have worsened (Hurtado, 1992; Mack et al., 1997; Nettles, Thoeny, & Gosman, 1986).

Much like arguments made by R. D. King and Sutton (2013), Aguirre and Messineo (1997) contend there are triggering events that essentially activate bias and hate crimes. One such triggering event is the social force that creates a “competitive context between non-White and White students over access to a valued resource, a college education” (Aguirre & Messineo,

1997, p. 28). As a result, historically marginalized students, Black and Latina(o) students in particular, on predominantly White campuses have repeatedly reported feelings of isolation and racial microaggressions (Sue et al., 2007). While White students do recognize discriminatory and biased acts, it is certainly not to the degree in which students of color recognize such acts. The historical exclusion of students of color can have a lasting influence on present-day racial climate (Hurtado, Milem, Clayton-Pederson, & Allen, 1999; Milem, Chang, & Antonio, 2005) and an institution that ignores the history of race and racism may continue to perpetuate inequities or imply that issues of diversity are not of great importance (Hurtado et al., 1999). By choosing to ignore current and historic forms of oppressions, college and university administrators are tacitly supporting an ideology of color-blind racism (Worthington et al., 2008). Color-blindness functions by asserting that all people become a part of the melting pot and assimilate into the dominant culture (Bonilla-Silva, 2001). This ideology requires people of color to separate their race from their identity, in order to be seen as equal (Ladson-Billings, 2009). Essentially, people of color can be seen as equal if they forego acknowledging racial disparities.

A color-blind ideology makes it easy to be hyper-aware of overt racism while classifying more subtle and covert forms of bias as unworthy of discussion. Harper (2012) explains that “The minimization of racism frame compels Whites to view discrimination through the narrow lens of overt, outrageously racist acts. Anything that falls short is often misperceived as minoritized persons being ‘hypersensitive’ or unfairly playing the ‘race card’” (p. 12). As Gallagher (2003) found, in his interviews with 89 White college students, they believed the life opportunities afforded to racial/ethnic minorities were not constricted by prejudice and discrimination. Additionally, most White students expressed that everyone had the same opportunities, but hard work determined who was able to capitalize on these opportunities.

Gallager (2003) explained, “Ignoring the extent or ways in which race shapes life chances validates Whites’ social location in the existing racial hierarchy while legitimating the political and economic arrangements that perpetuate and reproduce racial inequality and privilege” (p. 29). Similarly, Hikido & Murray (2016) found that White students at minority-majority institutions (schools where White students constitute a numerical minority) minimized racial differences and opted for more unifying themes and ideals to “absolve them of feelings of guilt... and ultimately, advocating this protocol allows whiteness, in its unrelenting ability to claim legitimacy and authority, to reclaim space and voice only very recently won by minority groups” (p. 406). The denial of racism and all other forms of oppression only add to the further discrimination of students on college and university campuses. Much of this denial comes from the students’ definition of racism.

Bonilla-Silva and Forman (2000) found students defined racism as “prejudice based on race,” “a feeling of racial superiority,” “hating people because of their skin color,” etc. (pp. 65-66). The students saw racism as an individual act rather than a systemic issue. Administrative failure to make race and racism an issue on campus may further legitimize this bigotry and denial (Aguirre & Messineo, 1997), because as Hu and Kuh (2003) report, diversity is often addressed structurally by changing demographics and implementing curriculum changes, which can be effective, but these are often top-down measures that do little to affect campus ethos. Instead, they recommended for institutions to enhance opportunities for interaction between students of diverse backgrounds in “educationally purposeful ways” (Hu & Kuh, 2003, p. 321) to expand the learning and development of all. They express that gathering individuals from different backgrounds in settings where they can engage in dialogue positively affected all students. It is

important that students are engaging around issues of race and racism and that there is a shared definition of diversity and inclusion.

Conversations around issues of race, racism, and bias often only occur on college and university campuses when an incident transpires. There must be more intentionally designed spaces to engage in these conversations to proactively address students' sense of belonging and to show the institution's commitment to diversity (Yeung & Johnston, 2014). Yeung & Johnston (2014) explain further,

Any one singular incident is a manifestation of deeper racial issues on campus. Indeed they may just be the tipping points of a hostile racial climate given that students are experiencing these types of incidents, whether physically or in virtual space, every day. (Yeung & Johnston, 2014, p. 261)

When student behavior impacts the community in a way that contradicts the mission of the institution, it is most often student conduct officers who are the first contact within the university, therefore taking both reactive and proactive steps in the judicial process to include educationally purposeful dialogue that can enhance the capacity for student educational and moral development and create opportunities to structurally alter campus climate and culture.

Theoretical Framework

Campuses across the country have taken proactive steps to improve intergroup relations and interactions through events that are designed to enlighten students' awareness and understanding of their *difference* through literature, history, and the arts (Banks, 2001). College and university administrators have placed special emphasis on the importance of intergroup contact in order to address and explore group differences, build communities, and recognize different perspectives and worldviews (Zúñiga, Naagda, & Sevig, 2002). There has been a

remarkable growth in the number of programs, such as women and ethnic studies programs, as well as requiring students to take diversity-related courses, which are designed to bring these issues to the center rather than the periphery (Perry, 2010). These intergroup interactions help build community and moral development, as described by Hoekema (1994) and both Baxter-Magolda (2008) and Kohlberg (2005) respectively. While intergroup interactions can help to build community, there is also a deep history of unrest (Engberg, 2004). This unrest stems from a “lack of knowledge, experience, and contact with diverse peers; peer-group influence; increased competition and stress; the influence of off-campus groups and the media; alcohol use; changing values; fear of diversity; and the perception of unfair treatment” (Engberg, 2004, p. 473).

Intergroup interactions are often met with intergroup bias making community building across racial differences very difficult. Hewstone, Rubin, and Willis (2002) describe intergroup bias as the “systematic tendency to evaluate one’s own membership group (the in-group) or its members more favorably than a nonmembership group (the out-group) or its members” (p. 576).

Intergroup bias presents in four major forms: prejudice, stereotypes, affective reasons, and discrimination (Dovidio, Brigham, Johnson, & Gaertner, 1996). Strange (1994) maintains that to best understand how policies and practices can be used to rectify issues is to understand them through the application of theory. As such, intergroup bias is best understood through the tenets of Critical Race Theory which asserts that race and racism are a pervasive part of our society. To combat this Hoekma’s model for student discipline articulates that student conduct should build community and provide opportunities for moral development that help to minimize the unrest that exists between out-groups. The theoretical frameworks provided by Kohlberg and Baxter-Magolda help to connect how intentionally designed intergroup interactions help to build the community and moral development Hoekma describes.

Critical Race Theory

Critical race theory (CRT), which initially emerged from the field of critical legal studies (Delgado, 1995; Matsuda, Lawrence, Delgado, & Crenshaw, 1993), is the normalcy and permanence of racism (Delgado & Stefancic, 2001). Critical race theorists assert that racism is and has been an integral feature of the United States life, law, and culture, and any attempt to address and eradicate racial inequities must be grounded in the socio-historical legacy of racism (Delgado & Stefancic, 2000). Ladson-Billings (1996) notes a CRT lens allows one to examine the fundamental flaws and biases within societal institutions both educational and legal. Although higher education has been a forerunner in moving the country forward, higher education, as an institution has a history of perpetuating bias and racism that exists in the country (D'Andrea & Daniels, 1999). Bowen (1977) notes, it is higher education's responsibility to advance social progress.

As a framework for studying racism in higher education, CRT has been used to challenge dominant paradigms and to dissect the history of access and success for students of color. Studies conducted by Solòrzano, Ceja, and Yosso (2000) and Yosso, Smith, Ceja, and Solòrzano (2009) used CRT to study the ways that African American and Latina(o) college students experience subtle forms of racism in the university environment as well as to analyze the hostile campus climate for these students at predominantly white institutions (PWIs). Similarly, Cress & Ikeda (2003) found that the negative campus climate was predictive of Asian American students' depression levels, "Asian American students' experiences and observations of discrimination and prejudice are corroborated by students of differing racial and ethnic backgrounds" (p. 86). The effects of a hostile campus climate enhanced feelings of rejection, isolation, a sense of stress, and increased exposure to stereotyping.

Despite racialized events, like race-themed parties (Bartlett, 2001) or racial slurs spray painted on the side of a building and students dressing up in black face (Svrluga, 2016), some may still question whether race—a dynamic set of historically derived and institutionalized ideas and practices (Moya & Markus, 2010)—is based on the underlying power and privilege of some groups and if that then equates to being racist. As defined in key terms, my operational definition of race takes the emphasis off of the actions of individual students and instead focuses on the structural, cultural, and political ways racism is operationalized on college and university campuses. It can be argued that the behaviors of students who commit biased acts are merely symptoms of cultures of institutionalized racism that exist on the campuses of many PWIs. For White students to engage in such behavior, they must either believe their actions are not offensive, or their behavior is acceptable or in line with the majority culture on their campuses. Campus bias incidents are often treated by administrators as a “technical issue at the expense of its moral harm” (Aguirre & Messineo, 1997, p. 29). This type of response only works to reinforce and perpetuate the privileged positions of some students over others (Aguirre & Messineo, 1997). Treating bias incidents as technical matters avoid addressing the effects of the behavior not only on its victims but also on the community as a whole. If the campus reaction by administrators and students is that of indifference, then it sends a response to those in marginalized communities that their feelings and beliefs are invalid and unwarranted.

By understanding racism and bias at an institutional level rather than an individual level, it becomes readily understandable how offenders are unaware when they commit acts of hate or bias. The belief that discrimination is a thing of the past is central to maintaining a color-blind society that is entirely unaware of how their actions impact others, and that can be very dangerous. Bonilla-Silva (2001) argues that color-blind racism “has become a formidable

political tool for the maintenance of the racial order [serving] as the ideological armor for a covert and institutionalized system [of racial oppression] in the post-Civil Rights era” (p. 3). This covert or subtle form of racism is what has often been referred to as microaggressions—“brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward target groups” (Sue et al., 2007, p. 271). Microaggressions manifest in many forms as seen in Figure 1. Microaggressions may manifest as microassaults (often conscious and explicit demeaning verbal and behavioral interactions), microinsults (usually unintentional actions or remarks that demean one’s racial heritage), and microinvalidations (behaviors or environments that invalidate a person’s racial reality).

Minikel-Lacocque (2012) however argues the term microaggression has been misused in academia. She notes, “it is not the definition of microassault that I challenge; rather, I question placing this type of racism under the umbrella term of microaggressions, and I argue that doing so can be misleading” (Minikel-Lacocque, 2012, p. 455). Part of her interpretation of her data is that mitigating the experiences of students as *micro* minimizes their experiences and again invalidates their experiences while still giving power to the perpetrators of racism and bias. Minikel-Lacocque (2012) reiterates her claim that “adding intentional, overtly racist offenses to the category of ‘microaggressions’ has a deleterious effect in the effort to combat racism” (p. 460). She also introduces a new idea to the already well-developed theory of microaggressions. This addition is called contested microaggressions.

Minikel-Lacocque (2012) argues there is further research needed to understand what happens in the aftermath of when an individual makes a choice to confront a microaggression (contested microaggression), therefore, “Understanding the experience from both the targets’ and

the perpetrators' points of view would significantly add to our understanding of the various processes at work surrounding a racially microaggressive act, thus helping in the effort to curb racism” (Minikel-Lacocque, 2012, p. 461).

Figure 1
Categories of and Relationships Among Racial Microaggressions

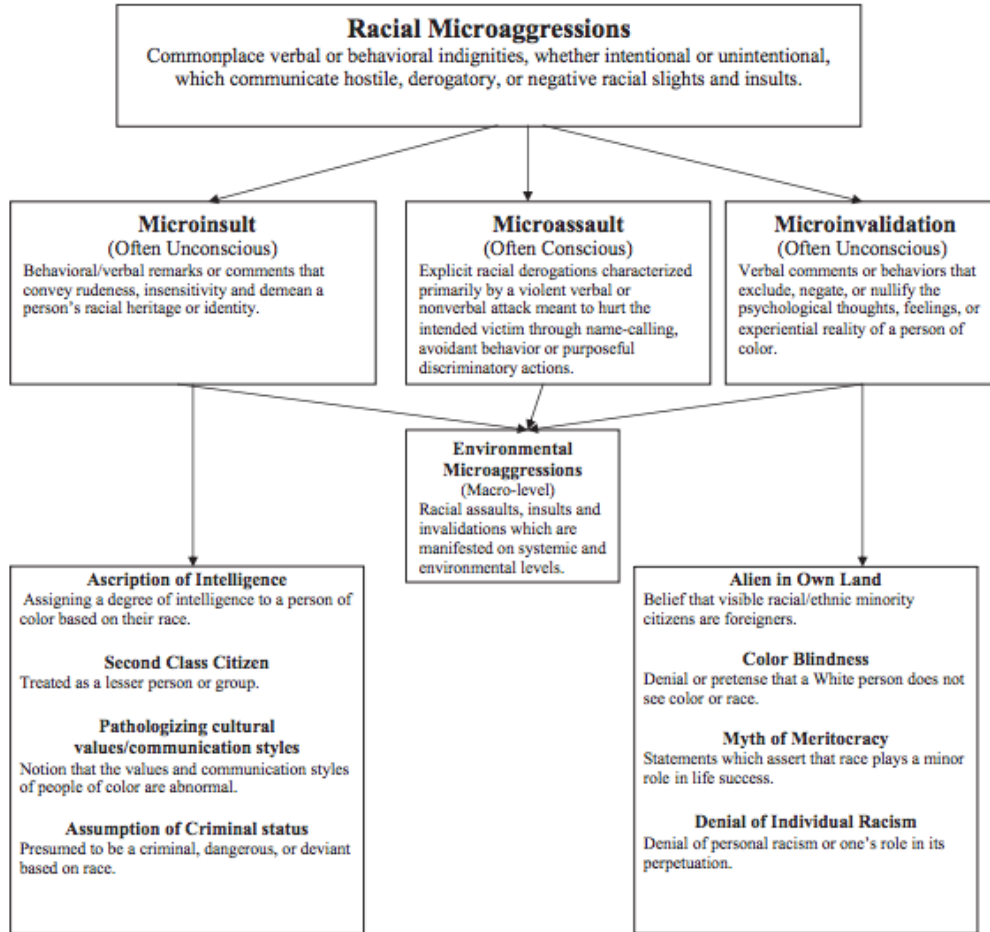


Figure 1. Categories of and relationships among racial microaggressions. Source: Sue et al., 2007.

The consistent encounters with microaggressions can lead to what Smith, Allen, and Danley (2007) call racial battle fatigue which results in “painful psychological stress responses” and “feelings of anger, disgust, distress, and a diminished sense of belonging on their respective

campuses” (p. 573). These microaggressions can slowly sap away the “psychic and spiritual energy” (Sue et al., 2007) of the people who are the recipients of them especially when there is not a space to have those feelings heard and validated.

When students encounter racism and bias, there are few spaces on campus to vent those concerns. Students may report incidents of racism and bias to campus conduct offices or to campus departments that focus on issues of diversity. However, as previously stated, students under report their experiences with bias because they believe campus administrators will not take them seriously or will minimize their impact (Karp & Allena, 2004) and as a result, the students feel like their voices are silenced (Allen & Solòrzano, 2010). Additionally, as many acts of bias are not policy violations, campus administrators are often stumped on how to respond to those issues (Davis & Harris, 2015). CRT seeks to provide those silenced voices an avenue to be heard through what is termed counterstories (Dixson & Rousseau, 2006). Delgado (1999) refers to counterstorytelling as a method of telling stories of individuals whose experiences have not been told, and a tool for analyzing and challenging the stories of those in power whose story is a natural part of the dominant discourse. Counterstorytelling helps to validate students’ feelings of isolation and invisibility. Counterstorytelling and the inclusion of narratives as a mode of inquiry offer a methodology grounded in the detailed particulars of the social realities and lived experiences of racialized peoples (Matsuda, 1993).

Colleges and universities should proactively provide opportunities where the history and experiences of students from historically marginalized groups can be shared in order to create a deeper connection to the campus as well as to challenge dominant assumptions, and to address the racial battle fatigue that those students encounter fairly regularly from dealing with racial microaggressions, racism, and bias. Sue, Capodilupo, Nadal, and Torino (2008) assert that

“understanding racial microaggression empowers People of Color by making ‘the invisible, visible,’ by validating their experiential realities, and by providing them with a language to describe their experiences” (p. 281). Better understanding of racism, bias, and microaggressions can open the doors for campus administrators to listen better and validate marginalized students voices.

There are many ways that campuses are trying to address acts of hate and bias, but it is also essential, as Minikel-Lacocque (2012) asserts, that we also hear from the targets (victims/harmed parties) and not just the perpetrators (offenders/responsible parties) to gain a better insight into how aggressively bias incidents develop and how to curb them going forward. In many ways, student conduct administrators play a pivotal role in collecting data on what motivates students to behave a certain way. The conduct or judicial office is also essential in helping students to navigate racial tensions and the campus climate through the conduct process. While the role and design of student conduct has changed over the years, judicial officers often view student conduct as an educational opportunity for students. While student discipline in higher education has become more litigious, Greenleaf (1978) asserts that if student discipline is handled properly, student development is a viable outcome:

Those concerned for student development can stay within the legal guidelines set by courts and at the same time assist a student violator in developing insight into personal behavior, in furthering a self-identity, in developing an understanding of authority and in developing personal values and attitudes. (p. 45)

The conduct process then is one that can incorporate learning while also holding students accountable for their actions. The conduct process can be a tool to help mend wounds in the

campus community by incorporating tools, techniques, and approaches that not only clarify what rules have been violated but also acknowledging that the campus community has been hurt.

Hoekema's Model of Student Discipline

Hoekema (1994) reviewed the purpose and goals of codes of conduct at colleges and universities and found that to achieve success with students; these codes should strive to achieve three main objectives: *prevent exploitation and harm*, *promote an atmosphere of free discussion*, and *nurture a sense of community*. Each code within a student code of conduct should, therefore, align with one of the three main objectives.

The first two objectives emphasize student safety and the protection of students' rights and freedoms while on the campus. These policies relate to alcohol/drugs, sexual harassment and assault, residence life ordinances, off-campus guidelines, discrimination, free speech, and academic freedoms. The third objective or category considers the development of students. Hoekema (1994) argues schools *nurture a sense of community* through the promotion of a campus environment that "should seek to create an atmosphere characterized by respect, openness, and mutual recognition of both rights and responsibilities" (p. 129). The development of this type of collegial atmosphere is only possible when mutual responsibility and moral development are central to the institutional mission, which Hoekema (1994) argues was once a core principle of higher education.

A person's character has already begun to be shaped by the places, things, and people, he or she interacts with before arriving on campus. Colleges and universities have the opportunity to build upon this development by promoting a certain climate and enforcing certain rules that would further reinforce what the school would deem to be upstanding citizens (Hoekema, 1994). To accomplish cultivating this type of atmosphere, it is essential to put in place policies that reflect the culture and the school's mission as "disciplinary action alone, punishing the

individuals without addressing what may have led to their behavior, is inadequate as a response” (Hoekema, 1994, p. 130). Hoekema described three steps to building a moral community: administrators should acknowledge the importance of the values, administrators and faculty should engage students actively and creatively in resolving problems, and institution leaders should seek to shape behavior by identifying positive models in the campus community. Therefore, the institution should align its policies and practices with rules and regulations, beliefs, and an overall school culture that would reflect a place where a profound moral character can be fostered.

Model of Moral Development and Self-Authorship

Fostering moral development should be a central principle in disciplinary actions. It is vital for students to know that not only is their behavior unwelcoming and in violation of school rules, but it is equally if not more important that those students understand how their behavior impacts their campus community and the atmosphere institutions of higher education have attempted to cultivate (Schrage & Giacomini, 2009). Rest (1993) concluded that if educational and developmental climates exist within an institution’s judicial affairs, the effect will go far beyond the classroom, the residence hall, and the university environment. The conduct process can help what Baxter Magolda (2008) describes as self-authorship. She describes self-authorship as the “shift of meaning-making capacity from outside the self to inside the self” (p. 270). In a student conduct situation, “meaning-making” would refer to the student’s ability to understand the impact of their misbehavior on others, understand their behavior within the setting of community membership, and imagine alternative future pathways that demonstrate personal responsibility. Baxter-Magolda (2008) notes, “[s]elf-authorship evolves when the challenge to become self-authoring is present and is accompanied by sufficient support to help an individual make the shift to internal meaning making” (p. 269). Similarly, the most widely used theory

applied to student discipline is Kohlberg's theory of moral development (Baldizan, 2008; Dannells, 1997; Lopez-Phillips & Tragesor, 2008).

Kohlberg's (2005) model has six stages that are grouped into three levels: Level I or preconventional (Stages 1 and 2); Level II or conventional (Stages 3 and 4); and Level III postconventional (Stages 5 and 6). Kohlberg's model rests on the nature of the relationship "between the self and society's rules and expectations" (p. 550). For Level I, the individual sees rules as external to him or herself. For Kohlberg's Level II, the self has "internalized the rules and expectations of others, especially those of authorities" (p. 550). At this level, peer influence can play a major role in the conduct process because "behavior can be far more effectively shaped by the desire to live up to the standards of a community of which one feels a part than by the attempted enforcement of rules" (Hoekema, 1994, p. 143). This desire to be a part of a community can lead to a greater degree of compliance and cooperation in the process. In Kohlberg's Level III, however, the self is "differentiated" from society and has chosen his or her own values (p. 550). The person is less concerned about what their society holds as true and what should be upheld to benefit all people in that society.

Individuals in Level III believe that individuals should be viewed with basic dignity and rather than being concerned with maintaining an already constructed society; people in this level are concerned with what makes a more just society (Crain, 2000). Moral judgment is developed through social interactions where the differing perspectives of other people, groups, and institutions challenge and bring into question the individual's own viewpoints. This can lead to changes in that individual's moral understanding. This third level of moral development shifts the accountability of the offender from one that was passive to one that is active. Moving accountability from one that is passive to one that is active is exactly what restorative justice is

designed to accomplish. Braithwaite and Roche (2001) note, “Our argument is not that restorative justice abandons passive responsibility, but that restorative justice uses passive responsibility to create a forum in which active responsibility can be fostered” (p. 64).

Restorative justice, as an approach, “focuses on moral education by integrating academic learning, student participation in the campus judicial process, and restorative justice principles” (Karp & Conrad, 2005, p. 317) providing a holistic approach to student discipline that places an emphasis on community building. Minor and Morrison (1996) have argued that restorative justice may be able to further moral development by emphasizing mutual problem-solving, communication, negotiation, compromise, and responsibility.

Restorative Justice

Traditional, retributive conceptions of accountability are passive; the offender is identified as responsible for the transgression and subject to the community’s determination of a commensurate punishment sometimes resulting in social exclusion from the community they have grown to embrace. Similarly, traditional or model code forms of student conduct is a more formal process that emphasizes authority as a means to guarantee fairness and legitimacy (Dannells, 1997). A restorative justice philosophy of accountability; however, is active. The model moves in a direction, much like Kohlberg’s (2005) model of moral development Level III, that places emphasis on the offender developing their own sense of self as students learn best when they ascertain for themselves cognitively, affectively, and experientially (Blimling, Whitt, & Associates, 1999). As restorative justice is a growing field, especially in higher education, the next few sections will describe the various uses of restorative justice particularly focused on secondary education to offer an understanding of how higher education has borrowed from these areas of practice.

Restorative justice's beginning

Restorative justice takes a broader view of wrongdoing. Crime or misconduct is not only breaking the rules but a “violation of people and relationships” (Zehr, 2002, p. 21), rather than of the law or the state as the traditional legal approach would claim. Until recent history, Braithwaite (1999) explains, “Restorative justice has been the dominant model of criminal justice throughout most of human history for all the world’s peoples” (p. 2). He further explains the decisive change came with the Norman Conquest of much of Europe at the end of the dark ages, “transforming crime into a matter of fealty to and felony against the king . . . [which] was a central part of monarch’s program of domination of his people” (Braithwaite, 2002, p. 5). With this in mind, restorative justice could be regarded as seeking a return to an earlier justice that has since declined from the early 11th century. What we now describe as restorative justice did not gain prominence in the United States until the 1970s (Zehr, 1990). The restorative paradigm focuses heavily on relationship building and repairing harm caused by respondents (Bazemore, 1998; Morrison, 2003; McCluskey, Lloyd, Kane, et al., 2008; Wearmouth, McKinner, & Glynn, 2007). The restorative approach focuses on creating and maintaining a social support network to bring about an honest dialogue and personal investment in the process.

The restorative philosophy focuses on creating an environment where all parties are considered equals and everyone has a chance to share their thoughts and feelings (Zehr, 2002). The voices of victims and offenders should dominate the dialogue regarding the conflict leading to a process that empowers the community to agree on how best to repair the harm (Ashworth, 2002). For this reason, restorative justice and restorative practices are viewed as effective for building community as well as addressing conflict, misconduct, and harm. As building a community is a vital part of restorative practices, many have moved away from using victim and

offender to harmed party and respondent as to not re-victimize the victim and demonize the offender.

Restorative approaches in secondary education

Restorative approaches in education, which developed out of restorative justice, are not just reactive, but proactive. Restorative approaches have the capacity to develop and increase empathy within a school community and to building a more positive ethos (McCold & Watchel, 2003). Changing the ethos of a community through the use of restorative approaches will take more than simply enacting some practices of restorative justice; one will need to include the means to explore the values, attitudes, and expectations of the school or campus community by “focus[ing] on the idea of the group, a collective understanding of how things are done” (Munn, Cullen, & Lloyd, 2000, p. 49). A school’s ability to develop is linked to the students, faculty, and staff’s opportunity to learn, particularly from one another. Restorative approaches allow for these developmental opportunities that can enhance the school and campus community.

While the definition of restorative justice is elusive, there does not appear to be any difference between how restorative justice is conceptualized between the criminal justice system and the educational system (Casella, 2003). In each community the process emphasizes repairing the harm done to victims, having offenders take responsibility for their actions, and reintegrating both parties back into the community. Restorative practices in schools were first introduced in 1994 in Australia (Cameron & Thorsborne, 2001). The introduction in the United States, was born out of a recognition that the legal system of Western culture is not always able to meet the needs of victims and offenders and that “the process of justice deepens societal wounds and conflicts rather than contribute[s] to healing or peace” (Zehr, 2002, p. 3), especially as schools continuously enforce exclusionary models of discipline like zero tolerance.

Today, many secondary schools in the U.S. rely on zero tolerance policies. Zero tolerance grew out of the passing of the 1994 Gun Free Schools Act which provided funding to schools upon the adoption of school disciplinary policies that mandated expulsion for the possession of weapons (U.S. Department of Education, 1994). Schools moved away from rehabilitative models and instead employed rigid *get-tough* policies, similar to those seen in the penal system. These policies “are designed to suspend or expel students from public schools for a single occurrence of a proscribed conduct” (Haft, 1999, p. 796). The single greatest risk factor for future involvement in the criminal justice system is a history of disciplinary referrals in schools (Fitzgerald-Fowler, Lightsey, Monger, Terrazas, & White, 2007). It is not surprising to learn that in 1997 68% of state inmates had not completed high school (Sentencing Project, 2003). Certainly, not all students who are suspended or expelled end up dropping out and not all dropouts end up in prison, but there is definitely a strong relationship between the educational pipeline and the prison pipeline. This pathway has been referred to as the school-to-prison pipeline. The American Civil Liberties Union (2014), also known as the ACLU, describes the ‘school-to-prison pipeline’ on their website as a set of policies and practices that push our nation’s school children out of classrooms and into the juvenile and criminal justice system.

Schools are entrusted with the privilege of nurturing, developing, and educating a wide range of children. The educational pipeline can help shape and regulate the socio-economic, cultural, and moral development of young and impressionable humans. Schools often reflect the ideals of their communities and work to define and create model citizens in their students (Tyack, 1995). At the same time, schools often reflect the negative aspects and practices of society by contributing to racial and socioeconomic divides. Such practices include:

- tracking disproportionate numbers of students of color, low-income students, and English language learners into special education (Noguera, 2003);
- disproportionately referring those same students for disciplinary referral, also known as the discipline gap (Skiba & Peterson, 1999);
- not always ensuring that students in gifted and advanced placement programs are proportionate to the school's student population (Morris, 2001);
- and schools in high-poverty and high minority communities tend to be staffed by teachers who are inexperienced and not fully qualified as well as under-resourced (Ladson-Billings, 1996).

As a result of these policies and practices students of color, English language learners, and students in special education are disproportionately represented in suspension and expulsion rates (Losen & Skiba, 2010; Wallace, Goodkind, Wallace, & Bachman, 2008). Specifically addressing students of color; “National and state data show consistent patterns of Black disproportionality in school discipline... Specifically, almost 1 in 5 Black students (19.6%) were suspended, compared with fewer than 1 in 10 White students (8.8%) and Asian and Pacific Islanders. (Gregory, Skiba, & Noguera, 2010, p. 59). Like higher education, primary and secondary education has become increasingly punitive and isolating and the impact of these policies; repeated suspensions, retained a grade, disproportionate placement in special education, and high stakes testing, create what is often described as the school-to-prison pipeline in which students eventually drop out of school or get *pushed out*.

As a result of the pandemic that is zero tolerance policies, some schools have begun implementing restorative practices as an alternative to school disciplinary models but also in an effort to change school ethos. Karp and Breslin (2001) contend that authoritarian controls, such

as zero tolerance policies, may increase delinquent behavior. Scholars argue that restorative practices are not only more beneficial than zero-tolerance and have the potential to create safe schools (Cavanaugh et al., 2007), but can also lower expulsion and suspension rates (Karp & Breslin, 2001) without resorting to student exclusion.

While student misbehavior can be an act of retribution, it is often a reflection of more than what is happening in the classroom. “Too often, schools react to the behavior of such children while failing to respond to their unmet needs or the factors responsible for their problematic behavior” (Noguera, 2003, p. 342) and the prevalence of zero-tolerance policies has greatly impacted the way schools handle disciplinary problems. Youth problematic behavior and violence can be seen as mirroring societal norms, values, and the socially constructed popular culture (Jull, 2000), which then further perpetuates more violence. Violence among our youth then is not solely as a school problem, but a societal problem that has transferred into the domain of school systems (Jull, 2000).

Reliance on punitive disciplinary practices thwarts teacher and administrative creativity in developing more constructive and nurturing ways of dealing with behavior issues and classroom conflict (Adams, 2000), and in some ways reproduces the violent behavior in students (Watts & Erevelles, 2004). In a study done by Guetzloe (1992), he indicates seven factors that assist with the reduction of violence:

- (a) public education as to the origins and preventions of violence;
- (b) providing food, jobs, child-care and medical care for all;
- (c) providing for the basic needs of all young children;
- (d) encouraging prosocial behaviour in all children;
- (e) regulation of the media to reduce or eliminate the representation of violence;
- (f) reducing the availability of illegal drugs; and
- (g) gun control. (p. 6)

Violence is multifaceted and convoluted; it takes more than one action step to help curb its appeal. According to Day, Golench, MacDougall, and Beals-Gonzalez (1995), a long-term solution involving a concerted effort from partnerships with community groups, parents and guardians, the juvenile system, government agencies, law enforcers, health centers and racial and ethno-culturally minority organizations are needed. All of these partners may not be available to assist but can certainly be involved in some way.

Watts and Erevelles (2004) argued that “[a]lthough a pragmatic response to school violence has been the general trend of contemporary research on school violence, some scholars extend beyond the pragmatic to examine the social, cultural, political and economic environment within which school violence is situated” (p. 272). Similar to the assertions of Bonilla-Silva and Forman (2000), Watts and Erevelles (2004) explain “that the pragmatic response treats school violence as an individual act, so that programs instituted to prevent violence seek to assign individual blame and instill individual responsibility” (p. 272). These pragmatic responses, however, are not effective in the long-term. A study done by the National Center for Education Statistics found that after four years of zero tolerance, schools with those types of policies were just as unsafe as they were before and less safe than schools that did not have those policies (Skiba, & Peterson, 1999). What may have been once handled by cleaning up the classroom after class may be met with in-school or out-of-school suspension.

School discipline can range in form, from teacher reprimands in the classroom to parent-teacher conferences. More formal action can include in-school suspension (ISS), out-of-school suspension (OSS), Saturday detention, or after school detention. ISS suspensions typically involve placement in a specialized, segregated setting within the mainstream school for a specified and relatively short period of time that may range from a school day to several school

days. OSS suspensions can also be short-term, e.g., three to five days, after which the student returns to his or her school. However, OSS suspensions may be long-term, typically involving placement in an alternative school or other educational setting. Long-term OSS and expulsions are often considered one and the same, although there are differences in how states implement these actions.

Schools are increasingly using OSS as the method of choice and in the short term appear to be most effective for handling cases of truancy—unexcused absences (Flannery, Frank, & Kato, 2012). However, “repeated ongoing exposure to OSS has a strong and significant effect on the growth of truancy occurrences over time” (Flannery et al., 2012, p. 132). Repeated exposure to suspension has been correlated with drug use, poor academic achievement, grade retention, and feelings of isolation. While there has been little to no evidence to suggest that these expanded zero-tolerance policies have manifested any measurable impact on school violations or violence (Kupchik & Monahan, 2006), schools continue to use these practices as opposed to promising alternative practices in part because zero tolerance policies are in the short-term more cost-effective. Zero-tolerance type policies are efficient, require very little time or resources, and are very straight forward.

While restorative practices can take a lot of time to develop and can be more costly, Zehr (2002) argues restorative practices are designed to not only repair harm or reduce repeat offending, but to meet “the needs which crimes create” (p. 13). Wachtel (2009) suggests:

The fundamental unifying hypothesis of restorative practices is disarmingly simple: that human beings are happier, more productive and more likely to make positive changes in their behaviour when those in positions of authority do things with them, rather than to them or for them. (p. 7)

The potential benefits of restorative practices may be worth the cost and time it takes to implement.

This is not to say that there are not problems with the restorative approach. As mentioned above it is a major investment of time and resources. If there is not complete buy into the system by the teachers, administrators, or students, the approach will not be very effective. There are inconclusive studies as to how effective restorative approaches can be in part because the pre and post-intervention measures are so different. However, there have been several studies that have shown that suspensions and physical aggression have decreased (Chmelynski, 2005; McCluskey, Lloyd, Stead, et al., 2008). While the reduction of aggressive or disruptive behavior is important, a shift in the way relationships are built and maintained is equally if not more important because that is a lasting effect beyond the classroom.

Payne, Gottfredson, and Gottfredson (2003) noted the restorative approach could provide schools with a more holistic school environment that is more intrinsic to community values. Cavanaugh (2009) explains that restorative practices “[provide] students . . . with a space to voice their emotions and concerns and listen to the voices of others who had been affected” (p. 59). Teachers have also found that being in a communally organized school provides for better morale and overall satisfaction with their relationships with students and as a result, they have seen fewer cases of truancy and more academic interest (Payne, 2008). Several researchers (Chmelynski, 2005; McCluskey, 2010; Morrison, 2002) reported teachers in schools that use a restorative approach found the overall school culture and climate to have improved, the students were calmer and more respectful, and there was a greater mutual respect among the staff. Kane et al. (2007) attribute the change in school ethos with a positive adjustment in relationships with parents, the community, between students, and staff. Kane et al. (2007) also found staff

collaboration improved, including opportunities to learn through discussions and observation that helped staff learn more about each other as well as the students. Cavanaugh et al. (2007) also noted restorative practices in schools have the potential to teach students how to be responsible, democratic citizens who will ultimately contribute in a positively to the school, local, and national community.

Restorative approaches in higher education

Developing democratic citizens is also an essential mission of many colleges and universities (Hurtado, 2007). Restorative practices could benefit most, if not all, institutions because it is a system that helps students to understand all sides of their actions and restore what they have taken from their community, essentially aiding in the personal and social development of civic responsibility (Karp & Allena, 2004). Similar to k-12, higher education has built-in communities, where the harm caused by a code of conduct violation rarely if ever affects only one person (Sebok & Goldblum, 1999). Conduct violations create obligations and the main obligation in restorative justice are to put things right. For active accountability, as Kohlberg's (2005) moral development calls for, the offender or respondent must understand not only that the behavior was a violation of rules, but also the consequences of the behavior on others. She or he must also be treated as an autonomous actor capable of taking responsibility for rectifying the harm. This would include repairing the harm and taking demonstrative steps that reassure the community that the offender can be trusted going forward.

Restorative justice is an approach to wrongdoing that seeks to involve harmed parties, respondents, and communities in problem-solving process aimed at repairing harm (Zehr, 2002). As such, "Several developments over the past decade have suggested that a large segment of the higher education community is ready to embrace restorative justice as an alternative approach to

enhance, or perhaps reclaim, the educational nature of student judicial affairs” (Lowery & Dannells, 2004, p. 22). Restorative processes are facilitated face-to-face encounters (Zehr, 2002) where all those affected by the breakdown of a relationship participate and contribute to decisions about how harm should be repaired which may “have [a] greater emotional impact and seem more valid to all involved than outcomes imposed by administrators or as a result of bureaucratic processes” (Sebok & Goldblum, 1999, p. 14). This is accomplished by having the respondent (a) accept and acknowledge responsibility for their offenses, (b) to the best of their ability repair the harm they caused to victims and communities, and (c) work to reduce the risk of re-offense by building positive social ties to the community (Karp, 2013).

Restorative justice broadly uses the term harm, which can include material losses, physical and psychological injuries, and relationship problems between the victim, offender, and community (Doolin, 2007). In the campus community, harms, like acts of bias, can be obvious or subtle. This harm is felt by more than just the harmed party and the respondent; it affects the entire campus community. The restorative justice approach advocates for a more informal resolution to rule infractions that involve the community that can uplift the student and support them while acknowledging their wrongdoings and repair relationships with the campus community (Braithwaite & Drahos, 2002). This is ideal for the generation of students attending colleges and universities today as they “bring with them a strong team orientation and desire for community” (Lowery & Dannells, 2004, p. 22). As the continuum of sanctions has swung towards “punishment and outcasting” (Karp, 2004, p. 9), restorative justice places emphasis back on educational and developmental approaches that are essential to the mission of learning on the campus and in developing that communal feeling that this generation of students desires.

Sebok and Goldblum (1999) explain that college and university campuses already have the necessary components that make use of restorative justice both a good fit but also feasible:

Well-defined communities, which work to promote an ethos of care and integration and have ready opportunities for collaboration; diverse populations, which deserve the flexibility of a restorative justice approach to offenses; support systems normally available, such as counseling services, health centers; alcohol, drug, or anger management programs; and numerous other services student judicial and residence-life missions and processes for which restorative justice is a complement. (p. 15)

Traditional “adjudication processes may disenfranchise complainants and reinforce oppression, particularly when the adjudication process dismisses the significance of the complainant’s identities, experience of oppression, or the impact of the respondent’s behavior on the complainant” (Holmes, Edwards, & DeBowes, 2009, p. 58). The developmental changes in students experience with this method impact all involved, from the offender to the victim to the community in which the conduct issue occurred, because all parties are expected to participate actively in the process (Karp & Allena, 2004).

Even in what would appear to be a victimless violation of the code of conduct actually could involve every person at the institution. The restorative justice process “legitimate[s] college policies by creating not only due process, but consensus around behavioral standards, and equitable responses to misconduct” (Karp & Conrad, 2005, p. 317). A violation of the code of conduct violates what the campus community has determined to be inappropriate when a student violates that code they are disrespecting the community, and it is essential that the university holds the respondent accountable to maintain community standards. This also provides an opportunity to review policies and practices that may be inadvertently impacting certain

populations of people by allowing the individual to tell their story and not just follow a standard sanctioning process. Unlike other student conduct models that may remove students from the campus community after violating campus rules, the restorative justice approach focuses on reintegration which is a critical piece that allows the respondent to right the wrongs that occurred and to make amends as part of the healing process (Karp, 2004). Restorative practices are not about casting away, banishing, or pushing aside those involved. On the contrary, at the heart of these processes is the notion of engagement, or what Karp (2004) called “building community” (p. 7). For the restorative process to be effective, the respondent must take responsibility for his or her action (Zehr, 2002). Taking responsibility requires more than a simple admission. It is entirely probable that a student will admit to their involvement, but still express they have no desire to make amends or to divert blame onto the harmed party or campus community.

If students make the steps to own their responsibility and chose to repair harm actively, participants in a conflict resolution process have an opportunity to improve their capacity for empathy, understanding of others’ perspectives, increased appreciation for diversity, and practicing tolerance (Jones as cited by Schrage & Thompson, 2009, pp. 71-72). As Braithwaite (2002) explains, restorative justice seeks to communicate respect for the individuals—but not their actions—by creating a fair judicial process. If the respondent feels respected and believes the process was fair, they will be less likely to repeat the misconduct. As Karp and Conrad (2005) explain, “The restorative justice approach promotes inclusion over social distancing, emphasizing instead sanctioning strategies that rebuild conventional social ties to the college community” (p. 318). Braithwaite (1999) explains a person’s conscience is a more powerful tool in controlling misbehavior than punishment and requiring the offender to face their victim may generate shame.

As a society, we are often taught to avoid shaming individuals. However, Braithwaite (1999) argues the presence of this shame as a result of misbehavior is critical for the reformation of the offender. Braithwaite distinguished between two types of shame, “shaming that is reintegrative and shaming that is disintegrative” (p. 55). Reintegrative shaming is described as the expression of community disapproval, which is followed by reacceptance into the community. In essence, the community condemns the act but not the offender which in turn allows the responsible party to repair the broken relationships with the harmed individual and the campus community. Disintegrative shaming would be described as something that, “divides the community by creating a class of outcasts” (Braithwaite, 1999, p. 55). Disintegrative shaming stigmatizes the responsible party and disconnects them from the community. While reintegrative shaming is designed to connect people back to the community thereby fostering a need to improve behavior in order to be welcomed back, disintegrative shaming pushes the offender further away not giving them any reason to improve behavior because they are not welcomed back into the community. The absence of reintegrative shaming in traditional criminal justice practices has created a generation of people who feel undeserving to their respective communities. Reintegration has been identified as an important component to the success of restorative justice (Scheuerman & Matthews, 2014). When the community is confident that the respondent has repaid damages to the community and will not repeat the action respondents are allowed to continue in acceptance. Alienation from the campus community is an academic risk factor that affects retention (Karp & Sacks, 2014). This approach recognizes that students often benefit from a campus community that buffers the social stigma of being an offender and provides emotional and tangible support to avoid risky situations associated with previous misconduct.

What makes the restorative approach impactful is that it addresses the needs of both the harmed parties and the respondents. College and university disciplinary models often focus primarily on the respondent and “issues related to the victims of the misconduct and the concerns of the larger campus community are typically secondary to the guilt or innocence and subsequent sanctioning procedures” (Allena, 2004, p. 49). Restorative justice is used most often in primary and secondary education to minimize the disproportionate rate at which students of color are punished by the school system to keep them in school rather than being removed through suspension and expulsion. Restorative justice is similarly used in higher education, but perhaps the model would benefit students of color and historically marginalized students in a different manner. Restorative justice as a response to incidents of bias could be used to keep students of color who are disproportionately impacted by incidents of bias to remain in school by creating a process that addresses their needs and potentially improve their perception of the campus climate. In the restorative justice model, victims or harmed parties are often for the first time allowed the opportunity to state what happened from their perspective directly to the respondent which allows them to explain how they were impacted. Allena (2004) explained that victims or harmed parties need opportunities to share and have their feelings validated, “restorative justice recognizes that for healing to occur, victims need to experience some form of justice; otherwise a return to some experience of personal safety becomes impossible to attain. (p. 50). This is what CRT would consider counterstorytelling. Listening to students tell their side and explain their reasoning, and then facilitating reflection to achieve a firm understanding of the situation and actions are crucial to the judicial process, to meeting students where they are, and to helping them develop most effectively (Rest, Narvaez, Bebeau, & Thoma, 1999). As previously asserted, Zehr (2002) states that restorative justice is not primarily about forgiveness or reducing repeat

offending but rather about “the needs which crimes create” (p. 13). Respondents may have experienced a trigger and reacted in an unhealthy manner while students who are targets of bias often feel silenced. In restorative practices, voices that are often silenced can name their world through dialogue and thereby, they have the ability to transform their world. This transformation can only occur when respondents and harmed parties can deconstruct messages and create new meanings for these messages as suggested in the theory of self-authorship (Baxter-Magolda, 2008), which essentially changes their social reality (Freire, 1970).

In navigating racially motivated acts of bias, educators and social scientists believe one of the best opportunities to ameliorate aversive forms of racism is through constructive dialogues that bridge racial and ethnic divides (President’s Initiative on Race, 1998; Davis & Harris, 2015). When properly and effectively facilitated, racial dialogues have been shown to reduce prejudice, increase compassion, dispel stereotypes, and promote mutual respect and understanding (Sue, Torino, Capodilupo, Rivera, & Lin, (2009). Hurtado (2004) explains, “After experiencing intergroup dialogue, participants typically think and see the world differently, increase personal and social awareness of different group experiences and forms of oppression in society, and build confidence in working through difference with others” (p. 22). Students are empowered through storytelling and by expressing their emotion and through the development of active listening skills and empathy students develop and grow (Morrison, 2002). This type of communication allows respondents to be less defensive because the focus is on the actions and not the individual. When the respondent feels respected and believes the process to be fair, it makes it easier for them to engage in what is often a difficult conversation.

Morrison (2006) asserts the benefit of restorative dialogue is participants build relationships with others and the campus community. One issue that often exists in constructing

intergroup dialogue is issues of power; this is especially true when discussing issues of bias and hate. Power, in this context, is:

A relational term which can only be understood as a relationship between human beings in a specific historical, economic and social setting. It must be exercised to be visible. The capacity of a group of people to decide what they want and to act *in an organized way* to get it. Control of or access to those institutions sanctioned by the state. The ability to define reality and to convince other people that it is their definition. (Social Justice Fund, n.d., para. 3)

Some scholars have argued restorative practices ignore issues of race, class, gender, and power (McCluskey, Lloyd, Stead, et al., 2008), however, Meyer (2008) explains educators can transform school culture by encouraging students to “interrogate daily discourses” (pg. 43) and to allows individuals to explore how history and language have shaped behaviors and helped to see the world differently.

While Meyer was discussing K-12 settings, it stands the same would be true in higher education. As students take what skills they develop from restorative practices into their campus community, they use them to participate in the future actively. Through the restorative practices, democratic spaces may emerge because students become part of the decision-making process, instead of merely being passive observers (Karp & Breslin, 2001) thus slowly changing the campus ethos.

The practice of restorative justice

Karp (2004) described the four most commonly used types of restorative justice formats; victim-offender mediations (VOM), conferences, circles, and integrity boards. Regardless of the type of format, affective questions and statements are an essential piece of the process. Affective statements or questions are most often conducted after an incident. Affective statements are

designed to communicate emotion to the receiver in a more positive way. Unlike questions asked in traditional criminal or conduct cases, such as “What did you do?” Affective questions allow respondents and harmed parties to reflect on a conflict. Wachtel (2013) provides a set of questions that are asked of respondents and harmed parties. For respondents the questions are, (a) What happened? (b) What were you thinking at the time? (c) What have you thought about since the incident? (d) Who do you think has been affected by your actions? (e) What do you think you need to do to make things right? While harmed parties are asked, (a) What did you think when you realized what had happened? (b) What impact has this incident had on you and others? (c) What has been the hardest thing for you? (d) What do you think needs to happen to make things right? (para. 7). The restorative approach is designed to encourage honest conversation between respondent(s) and harmed parties.

The first type of restorative practice to be discussed is called victim-offender mediation (VOM) or victim-offender reconciliation or victim-offender dialogue. VOM involves voluntary dialogue between the victim and offender so each side can tell their stories of the incident, identify needs, and provide an opportunity for the offender to make things right in the form of restitution (Umbreit et al., 2007). Victims are given a chance to describe their experience of the event and to ask questions of the offender, when the victim does not want to meet face-to-face with the offender, indirect dialogue or written letters are utilized (Albrecht, 2001). The final outcome of the meeting includes a “restorative contract in which the offender agrees to tasks that will help repair the harm” (Karp, 2004, p. 12) often referred to as either a restorative agreement or reparative agreement. The second format is called conferencing. Conferencing may be referred to as family group conferencing or family group decision-making. Conferencing is similar to VOM however they “include ‘supporters’ of the victim and the offender” (Karp, 2004,

p. 12). These individuals might include family and friends or in the college setting faculty, staff, or administrators. In conferencing the participants are present, but the proceedings are directed by a trained facilitator who asks questions and queues participants for a response time instead of depending on the passing of a talking piece (Zehr, 2002). During a conference, each affected community member has an opportunity to express how they are harmed, how they feel, what they did, who they harmed, etc. Upon completion of dialogue between all parties, ways must be presented to repair the harm and come to an agreement on what actions need to be taken to make the situation right (Presser & Van Voorhis, 2002).

Karp's (2004) third format is the circle, also referred to as circle sentencing, peacemaking circle, or healing circle. Participants in a circle include "all affected parties in a criminal incident, and the number of participants can be in the dozens" (Karp, 2004, p. 13). Circles are based on the practices of indigenous people of North America. One person speaks at a time, usually being given a "talking piece," . . . [which is a] ritual object that symbolizes the commonality and interdependence of circle participants" (Karp, 2004, p. 13). In restorative justice circles, affected community members come together to resolve the harm that has been caused. Affected community members may be any community member including the respondents, harmed parties, those who are in close relationship with the respondent or harmed party, and those who may not have been directly involved in the incident but were inadvertently affected by the outcome of the incident (Karp & Allena, 2004). The fourth format takes place in the form of an integrity board, reparative board, or community panel. This format is considered closest to campus judicial boards, although restorative boards "differ in their emphasis on restorative dialogue and the creation of the reparative agreement" (Karp, 2004, p. 13). Boards are typically composed of

community members or campus administrators and students that are trained to negotiate a restorative contract (Karp, 2004).

The important piece, and somewhat different from traditional punishment models, is the harmed party is able to be involved in the resolution, to address the consequences, and receive answers to their questions regarding the crime or incident. The harmed party can express him or herself, create relationships, receive restitution, and reach closure. The respondent is able to be involved directly in resolving the issue, creating relationships, giving answers to their victim, coming to an understanding of the impact of their actions, and making amends (Choi & Gilbert, 2010).

Effectiveness of restorative justice programs

Little research has been conducted regarding the use of restorative practices on college and university campuses; however, what little research does exist appears to be promising (Karp & Allena, 2004). On the other hand, substantial research on restorative justice in the criminal justice field has been conducted. Latimer, Dowden, and Muise (2005) reviewed existing literature on the effectiveness of restorative justice practices in their article “The Effectiveness of Restorative Justice (RJ) Practices: A Meta-Analysis.” Using a meta-analysis method as described by Rosenthal (1991), the authors tested the effectiveness of restorative justice practices. In order to do that they needed to come to a concise definition of restorative justice which they defined as “a voluntary, community based response to criminal behavior that attempts to bring together the victim, the offender, and the community, in an effort to address the harm caused by the criminal behavior” (Latimer et al., 2005, p. 132). Any approaches that did not bring together the community, victim, and offender together at some point in the process were excluded. Using studies over the past 25 years, the authors used victim and offender satisfaction, recidivism, and restitution compliance as measures in the analysis.

Using a phi coefficient to obtain the effect size estimate for the four measures, the authors' found victim and offender satisfaction was higher when compared to a comparison group. However, the offender satisfaction was found to be not statistically significant in the one-sample *t*-test (Latimer et al., 2005). They also found offenders who participated in restorative justice programs have overall higher compliance rates than those who did not participate in restorative practices. The most important factor that most people would be concerned with is the rate of recidivism; Latimer et al. (2005) found on average restorative justice programs had lower rates of recidivism than non-restorative approaches.

While Latimer et al. (2005) found victim's satisfaction was significantly higher, Braithwaite (2002) noted victim satisfaction is not always higher and, in some studies, is lower than those in comparison groups. He reported several researchers (for example, Daly, 1996; Strang & Sherman, 1997) found a "significant minority" of victims feeling worse after the restorative justice conference (Braithwaite, 2002, p. 49). However, as participation is voluntary, it is possible that in cases where the victim satisfaction was lower are cases in which the victim chose not to participate in the face-to-face dialogues. Strang et al. (2006) conducted a four-site cross-continental study (between Australia and the United Kingdom) on the effects of restorative justice on victims and explained there was a reduction in the victim's anger toward the offender. Hill (2002) found "based on the findings of this meta-analysis, restorative justice programs are a more effective method of improving victim-offender satisfaction, increasing offender compliance with restitution, and decreasing the recidivism of offenders when compared to more traditional criminal justice responses" (p. 159). In a study conducted by Wemmers and Cyr (2005), they found 54.5 % "of victims felt that their participation in the program had indeed helped them put their victimization behind them" (p. 537). When it comes to offender satisfaction Braithwaite

(2002) found similar results to that of Latimer et al. (2005) that offenders were generally more satisfied with both the process and procedural justice.

Unlike Latimer et al. (2005), Bergseth and Bouffard (2007) stated there were mixed findings about the efficiency of restorative justice in reducing reoffending, or recidivism of offenders, but that it was generally more positive. After reviewing recidivism between 2000 and 2003, of 163 juveniles, they found 27.7% of those referred to traditional court processing after a 6-month period had a new official contact with police compared to 12.8% of those referred to the restorative justice processing (Bergseth & Bouffard, 2007). Bonta, Wallace-Capretta, Rooney, and McAnoy (2002) saw improvements in recidivism. Using a sample from a diversion program, the authors found, regardless of the time elapsed before the follow-up, there were significantly lower recidivism rates for the restorative group. “The phi coefficients ranged from 0.09 to .31, significantly higher than typically found in the restorative justice literature” (Bonta et al., 2002, p. 329). Beyond recidivism, another very important factor is what offenders learn. Abrams, Umbreit, and Gordon (2006) suggested there is a connection between the process of resolution between the victim and the offender, and recidivism, noting “the process of developing empathy, of seeing the victim in a new way, and of being seen in a different way may provide some pathway to change in terms of future involvement in crime” (p. 253). Bouffard, Cooper, & Bergseth (2017) found that juvenile’s experience with RJ programming regardless of the type restorative intervention type (direct mediation, indirect mediation without face-to-face contact between the victim and offender, or a community panel) compared to traditional juvenile court processes “even those that are minimally involved (e.g., indirect mediation by the program facilitator) reduces recidivism risk relative to juvenile court proceedings” (p. 477). Similarly, in K-12 settings, research has shown in schools where students feel like disciplinary practices are

fair, and there are more positive teacher-student relationships, problem behavior is lowered (Gregory & Cornell, 2009; Wang, Selman, Dishion, & Stormshak, 2010). Satisfaction might have been associated with the specific outcomes of conferences, such as both victims and parents feeling they were heard (Kane et al., 2007).

Kane et al. (2007) also found schools that seemed to be the most effective at implementing restorative practices established clear goals were committed to building positive relationships and focused on a positive, child-centered atmosphere. Education Queensland (1996) suggests many students had a chance to have their say, were understood by others, got what they needed out of the conference, and felt they were treated with respect (as cited in Cameron & Thorsborne, 2001). While more research remains to be done, overall studies have shown that restorative practices appear to be effective. Everyone involved gets a stake in the outcome and the capacity to increase greater wrongdoer responsibility and accountability might leave those involved feeling like the process was fair (McCluskey, 2010) and perhaps for the first time teachers and administrators can begin to internalize a more positive image of their once most troubled students and the community they come from.

Challenges with conducting restorative justice research

There are a number of logistical and methodological challenges in researching restorative justice programs. One of the problems, as noted by Latimer et al. (2005), is there is no universally accepted definition of restorative justice. A variety of terms have been used to represent restorative processes: “community justice, transformative justice, peacemaking criminology, and relational justice” (Latimer et al., 2005, p. 128). There is also the problem with “lack of control groups, nonequivalent control groups . . . self-selection bias, and varied definitions of reoffense” (Braithwaite, 2002, p. 89). Self-selection, particularly, can be a tricky limitation to navigate as the restorative approach is voluntary. Offenders who do voluntarily

participate may be more motivated in general and thus more likely to follow through on agreements and perhaps to make amends, and victims may choose not to participate. Oles (2004), explains that “Restorative justice is not a panacea. It rests upon the community developing a shared view about values and standards and it assumes good faith” (p. 266). Braithwaite (2002) detailed a whole list of criticisms of restorative justice practices which includes but is not limited to, (a) offenses without an identified offender, (b) offenses without an identified or willing victim, (c) the potential for increased fears on the part of victims, (d) the unlikelihood of a restorative justice process having any significant effect on years of competing influences within the home life, (e) restorative justice becoming a shaming machine, (f) the fact that restorative justice relies on community which is not often present, (g) the lack of procedural safeguards, and (h) restorative justice fails to promote social justice adequately. However, the criticism of lack of community is not always valid in the case of higher education, which is composed of both a singular campus community as well as sub-communities through organizations, clubs, and residence halls.

As discussed earlier, Braithwaite (1999) also distinguishes between reintegrative shaming and disintegrative shaming in the practice of restorative justice. Acorn (2004) acknowledges the shortcomings of a traditionally retributive justice system; however, she argues justice and society would be served better if changes were made to the existing system so it more closely mirrors its highest intent. While foundational and fundamental shifts are required to institute effectively restorative justice, Kuhn (1970) explains that it is not a matter of which system is correct but what system works best in the given environment. As expressed throughout this document the philosophical underpinnings of restorative justice is a solid method of response to harm, particularly incidents of bias caused within a school community.

Summary

The research discussed in this chapter provides a foundation to further research on how student conduct practices can be used on campus to provide educational and developmental opportunities for students who commit racially motivated acts of bias. The research shows there are still race-related problems on college and university campuses and, as more and more universities move to incorporate color-blind policies in regards to access and support for students of color, it becomes essential to find other spaces where conversations around race and harm can be addressed. It is important that student conduct offices pay attention to structural biases inherent in institutions and in disciplinary processes (Taylor & Varner, 2009). How conduct officers and the institution respond to issues of conflict, bias, and hate has the potential to either help progress the campus in acknowledging the existence of racism and bias or reinforce the precarious position of students of color while further privileging the position of White students (Aguirre & Messineo, 1997). While restorative justice is not the only method of student conduct available to address race relations and harm, it may be the most fitting as far as its ability to provide satisfaction for victims, offenders, the campus community, and to reduce recidivism.

Borrowing from many theoretical frameworks (Chapman & Chapman, 2016), “Restorative justice is an approach that aligns closely with the aspirational goals of student discipline, student development, and liberal education” (Karp & Frank, 2016, p. 160). Research has shown that restorative practices have the ability to change the ethos of a community. It is difficult to note how far restorative practices have to span across campus to change the ethos of the community. Simply participating in one restorative conference or circle may not have an immediate impact on the campus as a whole. However, small changes may occur in smaller pockets across the campus. More importantly, the campus community learns and can develop an

understanding of the importance of dialogue and that harm done to and within the community will not be tolerated. Allowing both the harmed party and the respondent to have a voice empowers those students and in a way connects them back to the campus community.

Chapter 3

Research Methods

The purpose of this study was to explore the experience of facilitators in campus restorative justice programs to address incidents of bias. The primary research question in this study was: What are the experiences of facilitators in campus-based restorative justice programs? With a better understanding of the participants' ideas about how the model benefits their institution and what drawbacks exist with the model, I was able to ascertain what the facilitators determined were necessary to develop, implement, and enhance the effectiveness of their programs or models. As I will detail in the following sections, a qualitative research approach was best suited to answer the primary research and subsequent questions. In this chapter, the assumptions behind the qualitative paradigm, a description of data collection and analysis procedures, and measures of quality are presented. The chapter concludes with a brief overview of ethical considerations inherent in this study.

Assumptions of Qualitative Research

A qualitative researcher holds that there are multiple realities and that reality is subjective and highly contextual. The researcher tries to position him/herself as close to the participant as possible to understand their realities better. Broido and Manning (2002) note, the “researcher-respondent relationship is subjective, interactive, and interdependent” (p. 436). It becomes important that qualitative researchers acknowledge the magnitude of their own values as well as those of the participants, the research site, and underlying theories informing the research. As Creswell (2013) notes, qualitative researchers may write with an “informal style using the personal voice” (p. 20). The emphasis is removed from objectivity and placed on subjectivity. Thus, how the researcher conveys his or her findings is important. The research focuses heavily

on the importance of context, the use of induction, and an emerging design allowing the themes and categories found to develop naturally.

Phenomenological Approach to Research

As I worked to uncover the individual lived experiences of facilitators, the phenomenological methodology and design fit best with this study (Spinelli, 2002). Phenomenology “describes the meaning for several individuals of their lived experiences of a concept or a phenomenon” (Creswell, 2013, p. 59). As van Manen (1990) argued, “phenomenology asks, ‘What is this or that kind of experience like?’” (p. 9). Phenomenology pursues and strives to capture “the nature or essence of the phenomenon” (van Manen, 1990, p. 122). At the root of phenomenology, “the intent is to understand the phenomena in their own terms—to provide a description of human experience as it is experienced by the person herself” (Bentz & Shapiro, 1998, p. 96). Using a phenomenological lens, my intention for this research study was to explore the lived experience of facilitators as they navigate using restorative justice practices to address incidents of bias at their current and/or previous institutions.

The phenomenological researcher works collaboratively with participants without masking the purpose or process of the research and challenges the basic assumption that sharing this knowledge with the co-researchers will bias what participants reveal (Spinelli; 2002). As restorative justice is still slowly being researched, we do not fully understand the process of restorative justice or how institutions respond to the process. This approach allowed me to learn how participants experience the phenomenon facilitating restorative practices, separate from the documentation in mostly quantitative studies. The intent was also to uncover how the facilitators believe the restorative justice process impacts the campus climate.

While there is growing research on the use of restorative justice on college and university campuses, less exists in relation to restorative justice as a mechanism to reframe campus climate. Creswell (2013) argues that qualitative research should be used when issues need to be further explored. Colleges and universities are places of social regulation where conflict management and discipline are important aspects of the educational experience (Schrage & Giacomini, 2009). The educational experience may be hard to quantify even between traditional model codes and restorative justice however qualitative research can gain a more in-depth understanding of the behavior modifications or impression of the campus.

Role of the Researcher

There are standards governing qualitative research: how one collects data, the construction of field notes, construction of codes, and methods of data analysis (Bogdan & Biklin, 2006). Yet, amid all of this, the researcher's personal biases and subjective orientations lie. In qualitative research, the researcher is the instrument (Arminino & Hultgren, 2002). As the researcher, I carry certain biases and lived experiences that influence the knowledge that I hold. The ability to reflect on one's own unconscious motivations and desires allows researchers to be more effective. Peshkin (1988) explains researchers should seek out their subjectivity and that "they learn about the particular subset of personal qualities that contact with their research phenomenon has released" (p. 17). When preparing to conduct research, researchers must consider external factors that may influence the outcome of data; what type of study to conduct, participant selection, interview questions and the interview settings, and how interviews will be recorded, transcribed and coded. Researchers must also consider how their own biases and world experiences influence their main research instrument, themselves. While there is no way to put

these personal values aside fully, identifying the experiences and perspectives were important to understanding the interaction between the data and the researcher's interpretation of this data.

Consistent with the tenets of a phenomenological study, one must explore and be aware of one's personal thoughts, feelings, and assumptions on the phenomenon in question.

Phenomenologists believe the researcher cannot be detached from his or her own presuppositions and the researcher should not pretend otherwise (Hammersley, 2000). As I reflected on my own life experiences and my work, I recognize my desire to make restorative justice work. I was and still am desperately seeking a model or technique that opens the door for honest dialogue that allows harmed parties to be able to express the pain they are feeling and for respondents to truly listen, absorb the information, and acknowledge their wrongdoing. In my work as a student affairs professional serving in offices focused on diversity and inclusion, I encounter students, on what feels like a weekly basis, having discussions with one another or with me about their frustrations with microaggressions or instances of bias and hate. Most often the students do not wish to report such incidents formally because there is a belief that nothing will come of reporting. When cases are reported, the harmed party is often left out of the loop as to what the sanctions are for the respondent, if any were taken at all. These encounters with students, on the campuses for which I work or worked, urged me to seek new avenues for the campus to address these issues because what is currently happening on campuses across the country does not appear to be effective. I have seen restorative justice work first hand through my training and observations with the Center for Restorative Approaches, and while it was not in a higher education setting, the visual stays with me and may blind me to the things that are ineffective.

As I made this reflection, I was worried my frustration with the ongoing conscious and unconscious incidents of bias on college and university campuses could unmistakably "make me

defensive” and develop what Peshkin (1988) called the “*Justice Seeking I*” (p. 19). The Justice Seeking I, one of the six subjective I’s Peshkin identified, is a recognition of how personal qualities manifest at different times that influence what we are looking for, what we see, and how we respond. These I’s have the capacity to alter, skew, shape and transform how the research project is understood and written. The *Justice Seeking I* could have caused my hypothesis to be attributed to what I perceived as beneficial based on my own experiences. To mitigate some of these biases from interfering with my interpretation of the data I followed a process of bracketing. While the practice of bracketing has been clouded in ambiguity as it has lost its connection to its origins using the literature review and theoretical framework as a basis allowed me as the researcher to adequately suspend presuppositions (Gearing, 2004). Part of the bracketing process was to journal as I began reading and coding the interview transcripts. As I read, I made notes of things that stood out to me and compared these to the literature to ensure the focus I was placing on its important was coming from the literature and not my biases. In essence, I was comparing and contrasting empirical findings with the primary data found in this study. This form of reflexive bracketing the idea is to make the point of the research transparent and “the researcher is attempting to bracket out, or at least identify, his or her personal suppositions. This potentially allows him or her to reduce the influence of his or her lived experience on the phenomenon under investigation (Gearing, 2004, p. 1445). Since I took the time to open myself to my biases and shared this with the research participants, I believe I was able to write from the lens of the research participants and that my line of questioning was not prejudiced in any way.

Methods and Design

Participant & Site Selection

It has been very difficult to find the exact number of higher education institutions that used some form, tool, or process of restorative justice. The best estimate is that out of some 2,000 public not-for-profit four-year colleges and universities around 2% have implemented some form of restorative justice (Clark, 2014; Darling, 2011). Darling (2011) of the University of San Diego created a best practices guide for the use of restorative justice on college and university campuses. Upon review of this guide and approval from the IRB, I began to seek out individuals from those institutions provided by Darling. According to Hycner (1999), “the phenomenon dictates the method including even the type of participants” (p. 156). As I researched the experiences of facilitators who led a campus-based restorative session addressing a bias incident, it was necessary to select participants purposively. As Merriam (2002) describes purposive selection, he explains that “since qualitative inquiry seeks to understand the meaning of a phenomenon from the perspectives of the participants, it is important to select a sample from which most can be learned (p. 12). I was not very successful in my initial attempts.

After many months passed and a move across the country, I made contact with one individual who would serve as a snowball for me and help me recruit three more participants. Additional participants came from researching various schools website looking for any institution that formally stated they used restorative justice and I emailed to any contact information I could find. Many of these emails resulted in one of four responses: a.) I am not able to help you at this time because we have not used RJ for bias incidents, b.) I am not able to help you as we have had only one incident and it would be too obvious but here is a potential contact, c.) no response at all, or d.) a gracious yes. Once I received confirmation of a yes, I

ensured that research participant's institution met three main criteria; (1) restorative justice is explicitly stated as the underlying philosophy of the program, (2) the process included a facilitated meeting between the respondent and the harmed party or parties or a community member, and (3) participation in the restorative justice program is voluntary.

It was also essential that the research participants' demographics were varied (Moustakas, 1994). Edwards (2007) suggested reviewing the sample sizes of previous research done on a similar phenomenon. I could not find another qualitative study that focused on the experiences of restorative justice facilitators. However, Howell (2005), one of the few qualitative studies done on college student respondents, interviewed 10 participants, so I sought out a number in that range and ended up with 10 participants. The 10 participants came from 10 different institutions and institutional types ranging from small private religiously affiliated liberal arts colleges to large public research universities. A table of research participants and types can be found in Chapter 4.

Data Collection

Once identified and confirmed for participation, research participants were asked to sign a consent form, and we coordinated times to either meet in person or to meet via google hangouts or zoom. A variety of methods could have been used in phenomenological research including; interviews, conversations, participant observation, action research, focus meetings, and analysis of personal texts (Lester, 2004). The general idea is to have a minimum structure while keeping a focus on the research question as well as making explicit what the researcher's own biases are, so as to be aware of ways in which the researcher can influence the research. For this reason, I conducted semi-structured (Seidman, 1998) individual interviews. To narrow the focus of the interview, an interview protocol was developed based on the research question. A copy of the protocol is in Appendix B. The intention of the protocol was to create questions for the research

participants and to promote reflection. Kvale (1996) remarks, with regard to data capturing during the qualitative interview, it “is literally an interview, an interchange of views between two persons conversing about a theme of mutual interest,” where researcher attempts to “understand the world from the subjects’ point of view, to unfold meaning of people’s experiences” (pp. 1-2). Interviews lasted between 25 and 65 minutes and were audio or video recorded with participant’s permission. Interview questions were based on CRT and moral development. A copy of the interview questions are in Appendix C. Three research participants were interviewed in person, one research participant was interviewed via phone call, three were conducted and recorded via google hangouts, and three were conducted and recorded via zoom. Google hangouts and zoom are free video conferencing services that allows you to schedule meetings and visually see who you are interviewing and record the meeting. For those meetings in person, I used two recorders to ensure that interviews were recorded in case one of the recorders malfunctioned. The one time I did not use two recorders was when the google hangout failed, and I resorted to using my cell phone to call the participant and used my tablet to record the session. Of course, this one time I did not use two recorders the tablet stopped recording and failed to capture about 10 minutes of audio. I immediately took notes from what I remember post interview and scheduled another time to interview that participant again to answer the questions that did not get recorded the first time.

I also took notes during all of the interviews to highlight key words phrases and document significant emotions or body language when present. In addition to the interviews, some of the participants provided me with documents and case studies from their institutions to provide additional information about their processes and prior cases. I also reviewed their institution’s websites to learn more about the structural elements of their restorative processes,

models, and programs. I used this information primarily to provide a greater foundation for understanding how each individual model fit within their institutional system and allowed me to compare institutional models.

Data Analysis

As Arminio and Hultgren (2002) explain, “the essence of interpretive and critical research is making meaning, not verifying objective facts that are measured and represented by numbers” (p. 449). Therefore, the digitally recorded interviews were transcribed and matched with my notes to point out significant emotional responses, such as laughter or raised voices, as well as the words themselves. I transcribed five of the interviews myself, and the remaining five were transcribed using the service rev.com. Hycner (1999) recommends the researcher listens repeatedly to the audio recording of each interview to become familiar with the words of the participant in order to develop a holistic sense. I listened to each audio file at least three times, and the transcriptions were reviewed and analyzed using Dedoose searching for emergent themes using a constant comparative method because this “facilitates the generation of theories of process, sequence, and change” (Glaser & Strauss, 1967, p.114). Dedoose is an online system or web application that allows the user to analyze qualitative and mixed methods research with text, photos, audio, video, and other files. While Dedoose is most popularly used for mixed methods, it worked well for this qualitative approach as it allowed me to access the data from any location. Using the interview transcriptions, the case studies and other documents provided by the participants, as well as the institutional websites which included policies and procedures were reviewed through the constant comparative method. The constant comparative method involved breaking down the data into discrete *incidents* (Glaser & Strauss, 1967) or *units* (Lincoln & Guba, 1985) and coding them to categories. Taylor and Bogdan (1984) summarized,

in the constant comparative method the researcher simultaneously codes and analyses data in order to develop concepts; by continually comparing specific incidents in the data, the researcher refines these concepts, identifies their properties, explores their relationships to one another, and integrates them into a coherent explanatory model. (p. 126).

As I read through the transcripts, I highlighted and labeled segments of text with a word, paying particular attention to pre-established criteria from the literature review, such as voice or fairness and recurrent issues, topics, or words from the interview text. Through initial readings of the transcribed interviews, I tried not to limit the number of codes I used and eventually sorted segments of text in eighteen codes. I then began to cluster the codes into similar categories and themes. Once I determined codes, I reviewed the texts again to pull themes from the coded texts. I initially turned those 18 codes into six themes. Themes were then refined so they were both specific enough to be discrete but broad enough to include a set of ideas (Attride-Stirling, 2001). As a result, the six themes were reduced to four themes; 1) personal satisfaction, (2) integrity of the model, (3) derived benefits, and (4) building support for a whole school approach. After my initial writing of the findings section, I needed to do some backtracking to clarify why I chose to define the initial codes and then connected them to the original research question. Specifically, I used a pattern matching logic (Trochim, 1989) which compared the patterns found in the literature review in order to strengthen the internal validity.

In conjunction with including my research bias disclaimer, in order to increase research validity, I conducted member checking. Member checking involves asking for feedback from the participants on “the credibility of the findings and interpretations” (Creswell, 2013, p. 210). A few months after each interview, I emailed a summary draft of my findings attributing them to

the specific research participant and asked participants to inform me if I have misinterpreted anything they said and if my summary reflected their feelings and experiences as a facilitator of restorative practices. I received feedback from six of the 10 participants. The remaining four did not respond to the emails with requests to verify the summary. I also used rich, thick description of the events and stories of the facilitators. Whenever possible, I used direct quotations from the participants to describe the incidents and their experiences. Additionally, I conducted peer debriefings. Peer debriefing involves “allowing a peer who is a professional outside the context and who has some general understanding of the study to analyze materials, test working hypotheses and emerging designs, and listen to the researcher’s ideas and concerns” (Erlandson, Harris, Skipper, & Allen, 1993, p. 140). I consulted with two individuals both of whom are faculty members at my current institution; one is familiar with restorative justice and has participated in some training around restorative justice and another who is familiar with the practice but has never participated in any informal or formal restorative practices.

Ethical Considerations

Doing no harm was important in this research effort. In order to ensure ethical research, I made use of informed consent (Kvale, 1996). This research was conducted only after approval of the project from the University of New Orleans Institutional Review Board (IRB). Following the guidelines set forth by the IRB, research participants were given a consent form both prior to and at the beginning of the interview. A copy of the informed consent is in Appendix D. The informed consent form was explained to subjects at the beginning of each interview. I explained to each participant that even though their name will not be used and all identifying information will be removed from transcripts and reports, someone who knows them well and reads the dissertation may be able to identify them. Participants were also allowed to select pseudonyms

for themselves, however, all of them allowed me to select a pseudonym for them. As much as possible, identifying information was removed from institutional descriptions.

Summary

In this research study, I sought to understand the experiences of facilitators as they navigate campus-based restorative justice processes. Additionally, with this study I wanted to understand the practices and tools used for implementation of restorative justice on their campuses and to understand how, if at all, restorative approaches improved the perception of the campus climate. This chapter provides the method for accomplishing this goal which included a description of the qualitative research method used in this study, phenomenology. The participant and site selection process was outlined. I selected ten participants from ten institutions. The data collection and analysis were also detailed. The chapter also reviewed strategies used to enhance validity and reliability as well as the role of the researcher and ethical considerations.

Chapter 4

Findings

In this chapter, I provide an overview of the findings from participant interviews as they related to this research study. The central guidepost of this analysis has been the primary research question: What are the experiences of the facilitators in campus-based restorative justice sessions involving bias related incidents? This chapter consists of two main sections. The first section provides a description of the institutions, the restorative justice programs at those institutions, and participants from which the research participants were recruited. Research participants will be referred to by pseudonyms for the purposes of this study. The second section contains the themes that emerged from the analysis of the interviews which were broken down into four categories.

During the interviews, research participants described their perceptions and experiences with facilitating restorative circles and conferences. Also discussed were their perceptions and experiences with developing and enhancing the programs at their institutions. The research findings reported in this chapter are based on analysis of the following data sources: semi-structured interviews, college and university websites, and some additional program or case reports provided by the research participants.

Before I continue I want to revisit some of the language that will be used throughout these next two chapters. As noted in Chapter 1, the language used in reference to the session, components of a restorative session and those who participate in a restorative conference or circle can be confusing. For the purpose of clarity, I briefly review those distinctions here. When using the term *session*, I am discussing the full and complete process of conducting pre-conferences, completing a restorative circle or conference, and ending with a restorative

agreement. I use the term *restorative process* to refer to the varying elements in facilitating a circle or conference, such as addressing needs, harms, and the accountability components. In this study restorative process does not mean all elements were used in a circle or conference. When all three elements are used I refer to that as being *restorative justice*. To refer to the student who committed the wrongdoing, I use interchangeably the terms respondent, responsible party, offender, and person who caused harm. To refer to the student who was harmed, I use interchangeably, complainant, harmed party, person who was harmed, and victim. For the research participants in this study, the ones who are directing the sessions, I use interchangeably, facilitators and research participants. In the cases in which a board model, individuals who represent the community that are present in the session, is used will be referred to as a board or integrity board. I use pre-work and pre-conference interchangeably to refer to the initial individual meetings a facilitator will have with harmed parties and respondents prior to bringing “opposing” parties together, if they are able to do so as a result of the initial meetings. There may be multiple pre-conferences before a circle or conference may occur. The term restorative agreement refers to the document created at the end of the session that outlines what the respondent has agreed to complete to make things right.

Program, Participant, and Institutional Profiles

Participants were selected from 10 different institutions with varying restorative justice programs or practices. The seven female and three male participants were from a variety of institution types: private liberal arts, religious and non-religious affiliated, public research, rural and urban, and mostly situated on the west and east coast. All programs had to meet basic criteria for consideration in the study. Restorative sessions had to be voluntary and were used at some point whether formally or informally to address bias incidents. While some institutions list

restorative circles or conferences as sanctions they are not treated the same way traditional sanctions would be in that it may be offered more or less as an alternative sanction making it not mandatory. Restorative justice can be used in conjunction with official college or university processes but may also be used separately. One and sometimes two facilitators, depending on the needs of the situation, usually facilitate sessions. All of the institutions follow similar formal restorative formats for their restorative conferences, but not all cases or reports will require or use a formal process. While the formal process will look similar from institution to institution the informal practice will look different from case to case within and between institutions. Some of the described cases were a part of the judicial process and allowed the complainant and respondent to come together in a conference, other cases involved a larger community such as a residence hall floor or selected representatives that came together in circles. For example, one facilitator discussed completing a restorative circle where there was no identifiable respondent so about 80 residents came together from a floor community and held a community building circle in which participants could discuss how they were impacted by the actions of one or more others in the community. In another example, a different facilitator shared a time when members of an athletic team dressed up in stereotypical Cholo/Chola attire and caused a lot of commotion on the campus and in the media. For this study, I define stereotypical Cholo/Chola attire as referring to individuals in the Hispanic/Chicano/Latino community that often wear chinos (khaki pants), a wifebeater (white sleeveless tank top), with a flannel shirt usually only buttoned at the top of the shirt, often heavily tattooed and may or may not be gang-related. However, because these actions could potentially impact more individuals than a typical circle can handle, with the help of several departments, key leaders were identified to represent the Latinx community in a restorative session with the facilitator and the members of the school athletic team.

Each process will be a little different dependent upon the needs of the situation. While there are differences, there are many common threads that occur in each process regardless of individual cases or the institution. If there is a need to bring “opposing sides” together some individual work must occur between the facilitator and the participants (complainant and respondent) before any group work may be done. Facilitators will meet either one-on-one with the harmed party or harmed party representatives and the respondent or respondent representatives separately to determine whether or not a conference or circle should even occur. In that process, referred to as pre-conferences, agreements must be made before bringing the two or more sides together for a face-to-face discussion. Responsible parties must be willing to accept accountability and harmed parties need to identify any harm that occurred as a result of the actions of the respondent. In some cases, the harmed party may also need to accept some accountability for any role they may have had in the situation.

When used to address climate issues rather than specific individuals more often than not community circles will be conducted. Not all processes will conclude with a restorative agreement, a list of action items generated between the harmed party, respondent, and facilitator to address the harms caused. As a reminder, restorative justice requires that three elements are addressed: the harms caused to the participants (financial, mental, physical), the needs to repair those harms, and the obligations (accountability) to make things right in order to be a complete process while restorative practice or principles asks that you address at least one of those elements.

In the next section, I will describe the roles of the participants at their institutions, the elements and definitions of restorative justice of those institutions, and how the participants were introduced to restorative justice.

Jessica: Large, Public, Research University, West Coast

Jessica is the co-founder of a Restorative Center and has been the coordinator for the 3 years of the program's existence at a large public research institution that is part of a university system located in a diverse metropolitan area on the west coast. The Center was created to provide restorative responses to conflict and harm caused by social justice inequities. Restorative justice processes may be used in cases that fall short of being labeled a crime. Restorative processes at this institution are formal procedures involving a skilled facilitator, the person who committed the harm, and the person who was harmed or surrogates who can act in their place. While the Center works with the student conduct office, the center serves as a separate entity on the campus and reports to the ombudsmen. The center has one full-time staff member and six students both graduate and undergraduate interns and ambassadors. Jessica has been facilitating and training other facilitators for the past 4 years. After starting the center, one of the graduate students really thought restorative justice should be used to address social justice and campus climate and has since really used her work to address those issues.

Lisa: Large, Public, Research University, East Coast

Lisa is the Assistant Director for Restorative Justice at a large public research institution located in a rural city along the east Coast. The restorative justice program is housed out of the institution's student conduct office. The department consists of 23 staff members of which two are dedicated to restorative practices. Her position, along with another full-time coordinator, was created 4 years ago after there was a surge in referrals. Restorative justice at her institution is designed to understand its underlying causes, the effects on those who have been harmed, and to address the parties' needs for healing and reparation.

Derrick: Small, Private, Liberal Arts College, East Coast

Derrick is a Faculty member at small, private, independent liberal arts college on the East Coast. Derrick has shifted his attention to completing research and training since 2009 but the restorative justice program has been at the institution for more than 15 years. The restorative justice program at this institution focuses on community empowerment and participation. A crucial part of the restorative justice program is the decision-making process that includes harmed parties, offenders, and others who are seeking to hold offenders accountable. The practice of restorative justice shifts with changing leadership but the use of an integrity board remains a central practice.

Gary: Large, Private, Christian, Liberal Arts College, East

Gary is the Director of his institution's student conduct office at a large, private, religious, liberal arts college on the east coast. Restorative practices are just getting off the ground at Gary's institution. There is not yet a truly defined restorative justice program at this institution. Most of the restorative practices are coming from what Gary brought with him from his previous institution where they have been conducting restorative practices for nine years. As he is in his third year at this institution he has been training his own staff, resident assistants, and other campus partners to implement restorative principles into their daily work and as a tool for conflict resolution. He hopes to have a more formal program in the coming years but in the meantime enjoys the training he is providing currently around campus.

Veronica: Mid-size, Public, Research University, West Coast

Veronica is the Restorative Justice Coordinator at a mid-size public research institution along the west coast. The institution's student population reflects the growing shift in changing demographics of the west coast. Veronica explains that with restorative justice,

people who were impacted by harm are given a full voice and a vital role in the participatory justice process. They can express themselves about their experience and perspective, get answers, and be an integral part of the decision-making, leading to renewed empowerment and feelings of safety.

Veronica's position as restorative justice coordinator works in an independent office but collaborates closely with Housing and Residence Life and the Conduct Office. After receiving some funding her position and program were created in 2014.

Whitley: Consultant, West Coast

Whitley is currently the Restorative Justice coordinator for a middle school located on the West Coast. In 2012 she began her first teaching job. The school was given a grant for school improvement. After teaching a few years and using restorative justice as an essential framework for her role in and out of the classroom she started a Master's degree. Her thesis was on restorative justice in schools. While in her program she was introduced to some individuals who were looking to use restorative justice to address some conflict issues on their campuses. As a result she was able to facilitate a few circles at two different institutions for a total of five sessions. Her discussion throughout the interview fluctuated back and forth between the sessions she facilitated at the two institutions and the two middle schools where she is the restorative justice coordinator. While vastly different environments exist between her full-time job and her contracted work with the college and university, there are striking similarities when it comes to addressing needs of the individuals involved. The two higher education institutions are located on the West Coast. One institution was a small liberal arts and sciences public college with an enrollment of under 2,000 students both undergraduate and graduate students, the other, a large comprehensive public university with an enrollment of 30,000. For the purposes of this study the

data used from Whitley was strictly related to her experience at the two higher education institutions.

Ayana: Medium, Public, Liberal Arts & Sciences College, Northwest

Ayana is a senior level officer in a student conduct office at a small public, liberal arts and sciences college located in the Northwest. Ayana has been at her current institution for 15 years and inherited restorative justice from the previous conduct officer who used it as a philosophical framework. She explains that while her institution uses restorative justice in conduct they also have a framework called learning across significant differences which “use RJ principles in their classroom experience and that have been a part of their curriculum for a long part of the colleges history.” Ayana is the only coordinator of restorative justice practices; however there are many trained facilitators on the campus.

Mary: Medium, Private, Christian, Liberal Arts College, West Coast

Mary is the Director of a student conduct office at a small, private, Catholic, liberal arts college nestled in the hills of the west coast. Her institution does not yet have a fully formal restorative justice program. Currently written into the institutions policy and practices include using community circles to address incidents involving alcohol through the conduct office. However, after a few bias incidents and a student protest, the college was in need of something different to address the concerns of the students and the campus as a whole. As a result Mary suggested using restorative circles to help the campus community come together in a larger dialogue that allows people who may not normally come together to get together and exchange experiences. In addition, members of the Bias Incident Response Team participated in an informal mini training and introduction to restorative justice to get a perspective and understanding of how it might be able to be used going forward.

Patricia: Medium, Public, Research University, Southwest

Patricia is the Associate Director for her institution’s student conduct office located in the southwest at a large public university that is a part of a university system. Patricia was introduced to restorative justice while completing her doctoral degree. She first began practicing restorative justice at a prior institution that had a stated restorative justice policy and practice and was specifically hired at her current institution because of her experience with the model. While restorative justice is not currently “on the books” at the institution the work is being done and will continue to be more formalized.

Robert: Large, Public, Research University, Midwest

Robert serves as the Associate Director for the student conduct office at a large public institution in the Midwest. The student conduct office has three full-time staff members. The restorative justice program falls under the realm of student conduct and is used at his institution in a formal capacity as a form of conflict resolution ranging from incidents of bias, theft, and vandalism. The program primarily coordinates restorative conferences and what they call peace circles.

Table 1 is a summary of the participants’ demographics. The 10 participants came from 10 different institutions and institutional types ranging from small private religiously affiliated liberal arts colleges to large public research universities.

Facilitators Experiences in a Campus Based Restorative Practices

I sought to obtain a more in-depth understanding of the experiences, needs, and challenges of the facilitators in campus based restorative justice programs to address incidents of bias. This study provides a platform for the facilitators to express what they describe as the benefits and challenges of implementing restorative processes and what needs they perceived are needed to be successful.

Table 1

Participants' Demographics

Participant	Institutional Size and Setting	Control	Classification	Religious Affiliation	Location	Office type
Jessica	Large, Residential	Public	DU: Highest Research Activity	None	West Coast	Independent
Lisa	Large, Residential	Public	MC&U: Larger Programs	None	East Coast	Student Conduct
Derrick	Small, Residential	Private not-for-profit	BC: Arts & Sciences Focus	None	East Coast	Faculty
Gary	Small, Residential	Private not-for-profit	BC: Arts & Sciences Focus	Christian	Eastern USA	Student Conduct
Veronica	Mid-size, Residential	Public	DU: Highest Research Activity	None	West Coast	Independent
Whitley	Large, Residential	Public	DU: Highest Research Activity	None	West Coast	Consultant
	Small, Residential	Private not-for-profit	MC&U: Larger Programs	None	West Coast	Consultant
Ayana	Medium, Non-residential	Public	MC&U: Medium Programs	None	Northwest	Student Conduct
Mary	Medium, Residential	Private not-for-profit	MC&U: Larger Programs	Christian	West Coast	Student Conduct
Patricia	Medium, Residential	Public	DU: Higher Research Activity	None	Southwest	Student Conduct
Robert	Large, Residential	Public	DU: Highest Research Activity	None	Midwest	Student Conduct

Note. DU = Doctoral University; MC&U = Master's College & University; BC = Baccalaureate College.

Four emergent themes developed as follows: (1) personal satisfaction, (2) integrity of the model, (3) derived benefits, and (4) building support for a whole school approach. The themes that emerged indicated these facilitators had a strong sense of connection, and are profoundly passionate about the philosophy of restorative justice. There was a deep sense that to be truly successful and impactful on the campus climate and the campus culture; there had to be institutional support from key campus partners and stakeholders. Part of this support rested on the ability and desire of the research participants to implement and embed restorative practices into other aspects of the campus community outside of a formal student conduct process. The development of themes as described by the voices of the research participants provided thick descriptions of their facilitator experiences as well as their experiences garnering support for restorative justice. The pages that follow present the experiences as expressed by the participants and are the major findings that emerged in accord with each theme.

Personal satisfaction

Satisfaction, in many ways, is an overarching theme throughout this study: satisfaction from the facilitators, satisfaction of professional standards, and satisfaction of circle and conference participants. Each of the facilitators has been positively influenced through their experience in facilitating restorative practices. The facilitators use words like, *impactful*, *satisfying*, *natural*, and *powerful*. These responses give insight into the potential impact these facilitators see, and correspondingly, the amount of work they are willing to do to bring restorative practices to their campuses and to push through whatever challenges they face. For the facilitators, doing this work despite the many challenges it brings is worth the work as it not only aligns with their professional and personal values, it is an experience that feels more natural than retributive models and provides a rewarding feeling for the facilitators.

Professional and personal values. Some evidence suggests that student conduct systems have failed to attain their educational goals (Gehring, Lowery, & Palmer, 2013) as “such efforts to integrate and collaborate conduct standards with moral development are of interest, they often lack a concerted approach that applies across the profession” (Baldizan, 1998, p. 34). The facilitators who serve as conduct officers for their institutions integrated this position throughout their interview. They articulated that while they strive to provide educational opportunities that the structure of student is often prescribed. Lisa describes how schools that use charts to prescribe sanctions for violations are limiting what learning can take place. She explains:

what research will tell you is that learning is what decreases recidivism and so if your goal is to have less violations in the future or more informed citizens or more responsible citizens on your campus then you have to create a catalyst for that.

The principles and model of restorative justice are predicated on the idea of learning, education, and integration. Restorative justice fulfills Rollnick, Heather, and Bell’s (1992) assertion that both space and time are needed for students to be able to understand their own causes, consequences, and cures for their actions.

The research participants revealed that restorative justice model aligns with their personal and professional values because restorative justice swings the pendulum back in the direction of educational outcomes that research indicates is more effective in producing lower recidivism rates and increased feelings of fairness and satisfaction with the institution. In the simplest terms, Jessica stated: “it felt so right.” Many of the facilitators, when asked how they were introduced to restorative justice, indicated that as they began to learn more about restorative principles and model that it affirmed and provided a guideline for the work they were already doing.

Ayana underscored this by explaining, even though she did not have a name for it, yet, how the concepts of restorative justice lived in her from childhood by recalling how her mother had “snatched up [her] younger brother and took him back to the store where he had stolen a candy bar and made him apologize and he had to do work for the grocery store every day after school.” This experience shaped her understanding of the philosophy of restorative justice. She states,

I can’t remember a time when I didn’t have a base level understanding of RJ even though I didn’t have the language for it necessarily, in the same way, I do now as a practitioner, you know having drank the “kool-aid” a long time ago.

In many ways, Ayana speaks to what all of the facilitators express about learning about restorative justice. People have been exposed to restorative practices throughout their life; they just did not use that language to describe the behavior and practice, which comes in handy for the facilitators as I will discuss later for getting the buy-in needed from campus partners and stakeholders. The language of restorative justice is relatively new while the concepts have been ingrained in many communities for centuries.

Explaining the connection to both professional and personal values is a common practice for the research participants. They find themselves constantly having to work with others to reimagine how they can accomplish their professional goals. Mary, for example, explained while the model aligns with her personal values as an educator and student conduct professional, it has been challenging to get people to understand as she is “sometimes met with friction around what the role of student conduct should be and for those who work in student conduct, people think we just handle the bad stuff and make it go away.” For Mary, restorative justice aligns with her idea that “education can transform someone’s experiences.” The friction comes from

those who see student conduct as a place for “punishment,” and this struggle of trying to break down the western idea of “punishment” comes up for all of our facilitators. Reconciling those expectations by individuals outside of their work is a common barrier for the facilitators.

Robert makes a similar assertion that while there is a struggle to move beyond traditional notions of “punishment” that in the professional domain of student affairs:

The principles and values of restorative justice and restorative practices aligned exceptionally well with what we were taught. Those of us who studied student learning theory, or human learning theory, or educational theory, that this idea of helping people identify the things that they value, and how their behavior may or may not jive with that, and acknowledging that virtually everybody on the planet wants to be in community with other people. And the decisions that we make affect other people, good and bad. Those are fairly, and I believe fairly inarguable principles.

The theory, the practice, and the concepts of restorative justice already exist in higher education and student conduct; it is simply a matter of connecting the dots or more specifically the language of restorative justice to the professional goals and values.

Colleges and universities are concerned with developing the whole student, and part of the development is accepting responsibility for one’s actions. Kohlberg (1975) suggested promoting moral judgment and discernment allows individuals to be able to accept responsibility for their actions. They must be exposed to situations that uncover limitations and dissatisfaction with current ways of thinking and have the ability to discuss and dialogue openly around other moral options. Restorative justice and restorative practices work in alignment with this philosophy. Restorative principles fit naturally with the educational foundation of higher education and within student conduct/judicial affairs.

On the occasion that explaining the connection between concepts, language, professional and personal values does not work, Gary resorts to allowing skeptics to experience the process. Once skeptics have undergone the process, they often gain a greater understanding of the models “natural fit.” Gary describes that when he offers training, using terms like harms, needs, and obligations felt awkward but after practicing the model, participants were “sharing things and opening up and engaging with the contents of their situation in a way that [he] always wanted them to but couldn’t get them to with different language.” Gary explains it is the retributive concept that “we sort of forced ourselves into and not what comes natural” and so after experiencing the restorative process, it is “amazing how at ease the concepts and the principle seem to put people and get them to open up more.” Robert adds, “I believe most of the principles in restorative practices are, in fact, organic and innate, and we, frankly most of the time, really just have to rediscover them.” Per the research participants and the literature, restorative concepts fit naturally with the facilitators personal and professional values and through explanation and practice those with whom they have interacted with tend to find value in the model as well.

Rewarding. Beyond personal and professional values facilitating restorative processes is described as a worthwhile and rewarding experience. Not every case is going to be the success story a facilitator hopes for, not everyone at their institution is going to find value in restorative justice, or believe it has a place in student conduct. The work is not always going to be easy, especially as the facilitators vie for support and buy-in, but for the facilitators, any negatives are outweighed by the positive experiences they have had facilitating and the joy they feel seeing transformation in their participants.

While “transform” may seem too immense of a word, it is a word that is repeatedly used by the research participants. Veronica illustrates:

In my mind, you get so much accomplished in such a short amount of time with restorative justice that I think that whatever it takes, whether it’s one, two, or three hours, to have the discussion, the benefits that you get from it are lifelong and they are enormous. I think it’s so worth it to take out that little bit of time from one’s life, you know, to have this kind of process.

Patricia agrees that it is “worth the work that it take[s] [and] the effort to get people to want to do it.” Even when things do not go exactly as the facilitators plan, Gary explains that “something happened that was important that wouldn’t have happened if we hadn’t done it and so the bottom line is it’s worth it.” Patricia, like Gary, also asserts students leave impacted in a positive way explaining, “That people leave the space changed. People always leave that space changed.” When describing one of the sessions she facilitated at the small public college that “blew up in [her] face” Whitley said nothing would stop her from [using] it because “[she] know[s] that RJ had worked in prior plans and once [she] acknowledged that, how could [she] not use it?” Even in her daily life, Whitley feels it is important to use it, pronouncing:

I feel like RJ is definitely a tool, something that is not a stage that helped me mature and be a better communicator. It doesn’t mean I’m perfect, but it just means that now, I know how to hear people, even when I don’t want to. It definitely wouldn’t deter me from ever using it.

This is not to say that traditional models cannot produce similar results but it does not appear that it produces similar feelings from the research participants. The feeling that even in failure learning still happened, that something or someone was changed in the process. The process of

having to identify harms, in particular for the respondent, and find ways to make amends, forces the respondent to confront their behavior both cognitively and affectively. Karp and Allena (2004) assert restorative justice practices produce positive impacts on respondents, specifically an improved sense of personal accountability and interpersonal competence that promotes learning.

The promotion of learning is an essential element for Derrick who stresses that if institutions “are serious about diversity and inclusion then [they] have to be about this.” To him, any potential drawbacks of restorative justice are outweighed by the benefits explaining that “students are desperately hungry for these conversations and for this social support and the circle process enables that support to happen in a very safe and positive way.” The encouragement and excitement from the research participants’ manifest even when circles and conferences do not go the facilitator’s way, or they “fail,” the social support and opportunities to learn from others create opportunities for individual and cultural change that may not exist in other models.

Beyond using words like “worth it,” the facilitators used words like powerful and rewarding to describe their experiences. Ayana explains that she is “just always profoundly impacted by the power of sitting in circle and giving space for things to unfold and for people to touch those places of vulnerability.” Powerful was also used by Whitley:

I think I hold fast to what I mentioned earlier, specifically within bias, it’s so personal. It’s so subjective. . . . Everyone has it. I think it’s really powerful to acknowledge that everyone has their own biases with different people, different food, different cultures, different deodorants, everything [and] being able to address that in a safe space. You’re not about to judge. This is a conversation for us so that you can move forward and

potentially, not do this again. If you do do it again, it's okay, but we don't want you to do it again after that.

The opportunity to provide a new narrative for students causes Veronica to describe facilitating as rewarding because it helps students “see that they are not stuck with the way it was . . . that they can actually change and get better . . . and that they are the integral piece for discussing it, for making decisions, and for pushing for things to be improved.” Velicer, Prochaska, Fava, Norman, and Redding (1998) state conduct administrators should commit and recommit to act on the belief that students can change. This occurs in helping students to achieve what Baxter-Mogolda (2009) expands as self-efficacy; shifting the focus of conduct from addressing problematic behavior to helping students being agents of change for their own transformation.

The facilitators all describe this process where they are helping students be agents of that change and seeing that transformation is where they find satisfaction in their roles as student conduct administrators. Facilitating restorative circles and conferences are simple and yet complex all at the same time. Drawbacks exist but in the facilitators' own words, facilitating the process is worth the time, the occasional lack of support, and sometimes incurring a failed circle. The prospect of transformation in participants and the facilitators offers opportunities for growth that the facilitators do not describe in the same way when facilitating traditional conduct models. Giving the participants a voice, giving them a safe space to grow and develop their sense of moral agency, and providing an intentionally educational process aligns with not only the facilitators' values but with the mission and values of the field of student conduct and higher education.

Integrity of the Model

Karp and Allena (2004) argue that restorative justice is ideally suited in student conduct work as it helps to increase the moral judgment and moral discernment of students. As the

facilitators have described in their work with restorative justice providing the space to engage participants in this process allows them to provoke intellectual stimulation as a means of promoting self-reevaluation (Karp & Allena, 2004). To accomplish this a few guidelines must be met: address harms that were committed, meet the needs of the parties involved, and hold the responsible parties accountable for their actions. The consistent understanding expressed by the research participants is that on most occasions they are not always doing “true” restorative justice. As Song and Swearer (2016) acknowledge,

A definition of RJ is elusive . . . RJ has been described as a program with identifiable practices, a philosophy, and a whole-school approach. Defining RJ is further complicated by the numerous components within programs and practices (between three and fourteen have been proposed) and philosophies (up to seven principles or values). (p. 316)

As a result of this elusiveness, facilitators would say they are implementing elements of restorative justice or what is referred to as restorative practices.

In addition, the facilitators use restorative principles and philosophies, such as the type of language they use, the way the room will be set up, and identifying who needs to be in the room. Essentially, restorative principles inform their overall work in addressing individual cases and climate issues. Part of this work is to determine, depending on the needs of the case or situation, what is the best way to structure and facilitate restorative practices. While there is no one, identifiable definition or one way to facilitate restorative practices what the facilitators did state was that effective restorative practices would produce an environment that would give the parties involved an opportunity to feel heard and that participants would walk away having learned something about others and themselves as a result. Every case is handled according to the needs of the situation, but the facilitators indicated that while there is not a singular process for

implementing restorative justice it is important to maintain the integrity of the model. In that it was important that when implanting the process that sufficient time was allocated to the process so that quality pre-conference could be conducted. Though there is flexibility in the model one element should be standard across any implementation and design and that is the voluntary nature of restorative justice. Removing the voluntary nature of the model could be hazardous and thus it was important to the facilitators in this study that the model not be misused by campus partners who unknowingly or perhaps knowingly minimized the importance of time, pre-conferences, and the voluntary aspect of the model in the implementation process.

Sufficient time. Time is described as a crucial component of executing restorative approaches. There are only so many hours in a day and with a typical caseload, the amount of time a person spends on one case means there is less time they can spend on another case. As with any judicial model, restorative practices take time. The concern for time, however, did not come from the research participants themselves but more so from campus partners and stakeholders. The concern for time was deeply entrenched to external buy-in. Time, as expressed by the participants, was a matter of building and maintaining an educational process. Some of the facilitators expressed concern about being asked to resolve conflict quickly, which may not allow for the type of educational outcomes the facilitators are hoping to achieve. Derrick was concerned that some of the campus partners, specifically Residence Life, who took up using restorative justice began to pull back from using it as pressure from parents pushed for quicker resolutions, explaining:

Then [we] kind of moved in a different direction but they're so maybe overwhelmed by helicopter parents who demand answers that they don't take the time. Restorative justice is a time-consuming educational process and so you know you've got two roommates

who are in a conflict and you got a parent who says my kid has to be moved tomorrow, we would want to use restorative justice to engage the students in a conflict resolution process so they could learn the skills of conflict resolution, here is a perfect opportunity for student development and our res life right now is like ‘yeah we’ll move them tomorrow’, so they have given up under duress.

This desire to resolve situations quickly comes from a genuine place. Practitioners are strapped for time and meeting the demands of conduct cases can cause individuals to raise an eyebrow to, as Mary explains, the amount of time they perceive it takes to manage a restorative case, stating:

I think it has to do with what people see restorative practices as, being alternative, especially in student conduct. I think there is maybe an old school thought that why would you spend the time, 90 minutes with seven students when it’s seven out of how many hundreds that violate the policy to have them talk to each other when you could just assign a sanction and make your life easier. And I think it is easy to get stuck in that especially when you are really busy and so the additional time that it requires to do the circle whether it is for alcohol or bias incidents is maybe three times what an administrative process could take in its most generic sense. So I think the hype around restorative practices is adding to a certain pressure to make sure it goes really well, so I can go ‘see, I told you it would work’.

This concern for time comes from many places on college and university campuses. In relation to bias incidents, not addressing them quickly can certainly send an unintentional message to the campus community that the institution does not care. Campuses have seen protests and angry letters written when responses are not swift. Swiftness does not mean however that an issue must come to an immediate resolution.

An immediate resolution could signal unfavorable compromises for some or all parties that does not address the root of an issue. Institutions of higher education have responded to incidents of bias in a myriad of ways, many of them being faster, but less educational than the processes described here by participants. Organizational responses have included letters and emails from the President or Dean explaining the incident and outlining the campus response, with strong condemnations (Davis & Harris, 2015). Some campuses have held open forums for students, faculty, and staff impacted by the incident. In some cases, institutions have created a senior-level diversity officer position (U.S. Department of Justice, 2003). With many of these responses, no systemic approach to handling racial incidents has been instituted because often administrators have “felt they had addressed the incidents successfully” (Glenn, 2008, p. 136). In many cases, racial incidents on college campuses are not officially addressed and typically remain undocumented until negative media coverage and disruptive campus protests occur (Harper & Hurtado, 2007). This lack of a systematic approach to handling racial incidents results in treating these incidents as isolated and rare rather than pervasive and normal (Perry, 2002). As Critical Race Theory articulates, pervasive and normal indicates no shift in culture, no change in behavior, and the likelihood that the institution will see similar incidents sooner rather than later.

Without giving credence to the time to provide that educational experience to achieve self-authorship, active accountability, and interpersonal competence, the research participants believe the goals of the conduct process will not be met. Connecting back to the values of the profession Lisa explains, “If the goal of student conduct is to get students in and out as quickly as possible with as little mess as possible . . . then obviously learning isn’t the root of that process.” As previously asserted, learning is the goal for the facilitators in this study. Expediency

was typically seen as a secondary concern. Conduct officers are seeking ways to provide opportunities for student development and educational sanctioning (Karp & Sacks, 2014).

Without adequate support for the time needed to do any process, especially restorative processes, unearthing the root cause of the behavior is unlikely. Meeting with a hearing officer, who assigns a passive or even an active sanction, gets students through the conduct faster and may appear on the surface to soothe the demand for swift action and response. But it mostly serves the institution's image and does not acknowledge the pain caused to those directly or indirectly affected, leaving many that are harmed still believing the institution does not care (Davis & Harris, 2015). Providing adequate time to address the symptoms and not just the incident may result in a better outcome for the institution, respondent, and harmed party.

The concern for time is very understandable, and many institutions will not have the finances and human resources to commit the type of time needed to institute a new model until it can work smoothly and simultaneously with traditional models. However, some of the facilitators argue that restorative practices do not always take more time than traditional processes. Gary, for example, asserts that it does not "take more time on our end" and that for the student all they have to do is "show up and speak [their] piece." As he trains more people on campus, he finds that he can also direct some of the cases to those who have been trained spreading some of the time commitment across campus. Lisa shared that time is a valuable resource, and her institution was lucky enough to hire her position and another restorative justice coordinator to meet the demand for increased referrals, but like Gary, her previous institution relied on volunteers.

Veronica is the only designated restorative justice coordinator at her institution but is adamant that while meetings can last from 1 to 3 hours with restorative justice, the process is

“much more effective in lowering recidivism and in bringing satisfaction to all parties that it actually reduces a lot of time and energy and effort.” Veronica further expounded that:

When you think about what it takes to prepare and go to a hearing with student conduct, it takes a lot of time to go to meetings if you’re working with whoever’s supporting both parties. So to me it doesn’t take more time to do a restorative justice process which involves one-on-one intake and then the dialogue and then I’ll follow up.

Depending on how you categorize the variety of elements in the conduct process some of the facilitators believe that the time is comparable to traditional justice models in higher education.

When explicitly addressing issues of bias, restorative processes may take more time as most often bias incidents are not violations of institutional policy. This will result in a few things: responsible parties are not held responsible, they are held responsible for violating a different policy in relation to the event like vandalism or destruction of property, or if a campus has a Bias Incident Response Team some conversation may happen through that avenue. Bias incidents place conduct administrators in unique positions. Traditional models of student conduct are not set up to address bias incidents in the same way restorative practices would enable conduct administrators. Many of the facilitators expressed that time is certainly a resource that has to be considered but the research participants are fairly clear that to address bias incidents properly, time is neither a concern for them nor should it be a concern for stakeholders as the time spent, in their estimation provides a good developmental process that aligns with professional values.

Good pre-conferences. In addition to time, the research participants indicated the investment into good pre-conferences was a crucial element in maintaining the integrity of the model. Pre-conferences are the initial individual meetings a facilitator will have with harmed

parties and respondents to identify harms and needs and to determine if the respondent is prepared to accept any accountability which determines if the facilitators are able to bring them together for a restorative conference. The facilitators argued that by doing good pre-conference work, they can take some of their own judgments out of the conference and organize the meeting space to provide equitable voice for participants. The facilitators are able to use the words of the participants to move along restorative conferences rather than bringing in their own interpretations or words. Gary uses the pre-conferences to try and make the participants more comfortable, explaining:

I'm eliciting, you know, I'm saying what is going to make you feel comfortable, answer these questions in advance, think about this, reflect on it, let me give you some guidance. And so doing that pre-work, in a way that there's just as much work, it's just that one is logistical and one is bringing out more learning opportunities.

Providing a comfortable space for participants to be vulnerable and to open up is an important aspect of restorative practices. Setting the tone for what will happen in the circle or conference is another important element.

To help set the tone, it is important to build an environment that helps address "power and status imbalances" that shape a participant's perspective on legitimacy and fairness (Morrison & Vaandering, 2012). Pre-conferences are an essential way to achieve that goal. Lisa explains that "to be effective for both sides you need transparency":

It's not going to be this instant fix, each one of [them] aren't going to understand every life experience the other person has had, but if [they] don't understand what informs our perspective then [they're] never going to understand them as an individual.

Facilitators use the pre-conferences to make assessments about where each party is regarding emotions and accountability. The pre-conference space is used to elicit what harms have been caused to the harmed party and what needs to happen for the harmed party to feel like the situation is resolved. It helps to paint realistic expectations about what is a likely outcome of the restorative conference so that harmed parties do not have unrealistic expectations. Additionally, pre-conferences are used to allow the responsible parties, in a less antagonistic environment, to explore what harms they have caused and to accept accountability for the impact of their actions. Pre-conferences are designed to help participants understand the holes in their statements and to help them think about how they are going to respond to their peers' questions and prepare the participants to address those power imbalances that exist that responsible parties and harmed parties have not thought about.

Derrick emphasizes that good pre-conference work means drilling down what harms have been caused so that each one may be addressed in order to come up with quality restorative agreements that all parties can rally around:

The success of the [restorative] agreement depends on the quality of the first part of the process of identifying harms. We allow for a lot of storytelling and the facilitator role is to listen very intently through the stories to identify the harms. We are looking at the emotional harms, any material or physical harms, and community harms, like the impact on the athletic team reputation for the misconduct of one player or the impact of [how] students are seen in town [as a result of the one athlete's actions]. When we are very specific with the nature of the harms the agreements come very easily because we know exactly what we are trying to address.

Being specific about identifying the harms helps facilitators narrow down potential needs and also helps the facilitators provide realistic outcomes for participants, particularly the harmed party. In discussing one of the conferences she facilitated, Patricia explains the importance of pre-conferences for setting clear expectations, stating:

Because we do the prep work before the circle being realistic with the person [saying] the person is not going to be expelled for this. I'm going to be honest with you. We're not going to expel them. So let's just start from there and work our way down. There are many opinions of what they really want, at the core of what they really want to happen...a lot of times it's just, I just want an apology.

Setting these expectations during the pre-conferences lets the participants go into the circle or conference process with their eyes open.

As facilitators move through the pre-conferences and set those clear expectations, it helps the facilitators determine whether or not a case can even go forward in bringing opposing sides together. In Incident D facilitated by Jessica, the complainant (a Black identified student) reacted to an initial harm in a way that also caused harm and was unwilling to accept some accountability in her role of creating that harm to the student. This student felt as though Jessica was “reducing everything [she] did and all this structural harm [she] experienced and reducing all of that to ‘that thing that happened in the hallway.’” This part of the pre-conference that should have been minor, became a major portion, and without the student being willing to accept her role in causing harm, Jessica and the student could not move forward, and ultimately Jessica felt she could not bring those two people together.

If all the participants are not willing to take some accountability for their actions even when it is the harmed party, it is unwise to bring the participants together. That is the purpose of

the pre-conference, to meet individually with all parties involved, sometimes multiple times, to determine if those individuals are ready to come together to face one another and accept individual accountability. Getting responsible parties to accept accountability is truly the most difficult part of this process. Robert explains that the difficulty comes from being unwilling to change our mindset around what is normal. He underscores that

Our systems, our traditional retributive systems don't encourage that. In fact, in the criminal justice world, your lawyer's always telling you, 'Plead not guilty. I just gotta tell you, plead not guilty.' Right? There's a process that denies, and our westernized notions of justice are so superimposed over our notions of justice in everything, including things that aren't criminal, that we have to just accept the fact that that has shaped who we are, and it takes time to challenge that.

Challenging that western notion of justice is part of the pre-conference process. A restorative justice process completely flips the idea of accountability. Instead of a process that asks the harmed party and the judicial process to prove the responsible party has done something wrong, the restorative process is asking the responsible party to say what they have done has had an impact on others and they want to repair that harm.

Facilitators are then doing a lot of listening: listening to identify harms, listening to identify needs, and listening to determine if the parties involved are ready to accept accountability for their actions and role in what happened. Patricia explains that this time in the pre-conference is all about understanding the incident from their perspective and how they responded to it. She is asking questions like, "What would you love to see happen? What would you like to see happen? In a perfect world, what would the outcome be?" in order to determine the next steps. The next steps include creating a space for participants to dialogue and share their

stories with one another in a way that lets the other(s) hear them. As Lisa explained, it is about preparing them for the type of questions they will get asked or the type of conversations that will come up so that they are all prepared to engage in dialogue and not get defensive because they have already had time to process the incident from multiple perspectives.

Misuse. According to the facilitators, as the restorative process became more “mainstream” on their campus, the easier it was for the process to become co-opted and misused. As the facilitators articulated the importance and need for time to conduct quality pre-conferences perhaps less emphasis was placed on the need to maintain the procedural element of voluntariness. The presence of a new model requires extensive training and time to understand all of its inner workings, the facilitators expressed that they saw the process being co-opted when persons in positions of authority or campus partners start a restorative process without consulting the practitioners not fully understanding the work that has to be done for it to happen. Misuse as a challenge was not expressed by all of the participants explicitly but could be revealed through the desire to maintain the integrity of the process. Co-option also happened when individuals with more authority on the campus who could, in essence, dictate that restorative practices be used to address an incident when the facilitators did not believe it is a good idea. Schiff (2013) asks

Is it possible for restorative justice to survive and transform such systems to produce socially just results, or is restorative justice more likely to get compromised and co-opted by the overwhelming dominant cultural ethos (and corresponding power structures) of the organizations it seeks to transform? Ultimately, is restorative justice strong enough to co-opt the co-opters? (p. 163)

The buzz around restorative justice may incline administrators to want to *throw* the model at an incident without taking into account all the structures that must be in place to maintain the integrity of the process. A few of the research participants discussed times when individuals at higher levels of authority had asked them to handle an incident with restorative practices without taking into consideration two key components: the process is voluntary, and pre-conferences should be done. The removal of these two elements left the facilitators in situations where the process was set up to be unsuccessful.

Patricia and Derrick provide two good case studies of how the misunderstandings of the process may lead to a misuse of the process. At Patricia's previous institution, the first circle she ever facilitated "failed." Incident B occurred during a play at new student orientation from someone who yelled homophobic slurs and body shaming statements in an audience of over 200 people at the students performing on stage. The institution started what they called a restorative process and then brought in Patricia after they had already started, she was clear in saying if they had asked her from the beginning she would have said it would not work. This resulted in 200 first-year students, in which no one had accepted accountability and the members of the play doing multiple circles simultaneously. Patricia explained the biggest struggle came because:

The students really weren't explained what the process was. They came in already resistant, upset that they had to spend their evening with us on something, half of them were saying 'I didn't say anything. It wasn't me'. What helped- we had people from the play in each circle, but the students were very resistant because they didn't want to be there. They didn't understand the process. They didn't get the point.

It was not voluntary, and no pre-conferences were completed with the students. There are restorative processes that have worked when there is no identifiable responsible party, but this

process was not set up to address the incident in such a way. Instead, the process was set up to address the incident as if pre-conferences had already been completed and left the participants confused as to why they were there resulting in resentment and resistance.

In the case Derrick offers while there was pre-work completed it was not necessarily a voluntary process for the harmed party. In Incident A there was a lot of local and regional attention that brought outside influence that shaped what the harmed party wanted as a result of the case. The harmed party wanted the responsible party to be suspended or expelled, and that was not a reasonable outcome of the case. The integrity board could identify 26 harms with the impacted party that could be addressed, but it was just not enough for the harmed party. Derrick believed this case should not have moved forward in the restorative process for this reason but was asked to continue anyways and ultimately the “complainant was dissatisfied enough that he would be angry with me as an advocate of this process,” explained Derrick. The student came in with a preconceived idea of what would make the situation right and was unwilling to budge from this stance. In cases like this, the pre-conference would have resulted in a decision that the harmed party and the respondent would not meet and other traditional sanctions would be put in place.

As per the facilitators, most cases will never go forward if all participants are not willing to accept accountability for their role in a situation. Still, in cases like the one Derrick shares, when the responsible party is willing to accept accountability, the harmed party may still leave dissatisfied if they were not truly open to coming up with a restorative agreement with the respondent. Without really understanding the process, role, and purpose of restorative justice, the model can easily get swallowed by dominant models and narratives of the campus community. Robert stressed the importance of maintaining the integrity of restorative justice expressing:

The concern is that the people who are most affected, by wrongdoing anyway if it's co-opted too much, will lose one of the inherent values of restorative practices, which is they get to decide. They have a voice. So my worry is that, by co-opting the system, the power and control goes right back to the system or the powers that be.

While there are many ways to organize restorative justice, there are a few elements that should be followed and making sure this is clear to campus stakeholders and administrators will be crucial in ensuring the model is as successful as possible on the campus. It must be voluntary, and facilitators cannot skip or reduce the time needed to conduct pre-conferences.

Derived benefits

As the research participants expressed their personal and professional satisfaction with the restorative model, it was often centered on the benefits derived from the model that in many ways traditional retributive models cannot offer. The benefits include feelings of being heard, feelings of fairness, and the flexibility of restorative practices. While much of these benefits focus on the individual participants, the research participants describe the way these benefits translate to benefit the institution as a whole as well. This is exhibited through increased satisfaction by those who go through the institutional conduct system, reduced recidivism (Karp & Sacks, 2014), and increased retention (McCluskey, Lloyd, Kane, et al., 2008).

Giving voice and feelings of being heard. In its purest form, restorative justice is designed to provide equitable voice for the participants involved (Braithwaite, 2000; Pranis, 2000a; Wenzel, Okimoto, & Cameron, 2012). I do not say equal because that is near impossible, but it is essential that participants in restorative conferences and circles believe they have had the opportunity to express everything that they need to in that space. When participants feel as though they have had an opportunity to speak, there is likely a better chance of increased engagement by participants on all sides and increased chances of developing a restorative

agreement should the situation call for one. Pranis (2000b) argues that engaging in this form of storytelling, sharing, and respectful listening can be very empowering for all parties involved. Giving equitable voice to the participants allows them a shared space where those in the circle or the conference can tell their side of the story, give a backstory to how they got into the situation, and most importantly it allows the responsible party and the harmed party to showcase dimensions of their character. As Zehr & Toews (2014) explain, “In all social situations, our narratives are an essential aspect of living restoratively because, by telling our story, we not only develop a deeper sense of self, but also expand and deepen our connectedness to each other (p. 392). It allows the participants to be more than this one incident.

This is echoed vehemently by the facilitators in this study. Facilitators describe the process of providing a space for participants to be heard as being empowering, impactful, and encouraging. Veronica states that conferences are explicitly designed to create that equitable voice, saying: “That both of them (harmed and responsible party) get to completely share everything they want to share about their experience and the impact it had on them at the time, since then, and currently.” Storytelling allows for learning to take place in a system that opens the door to understanding the other; this is especially important when addressing issues of bias. Storytelling allows for the development of what CRT theorists call a *counternarrative* to exist (Delgado & Stefancic, 2001). Engaging in storytelling allows the respondent to understand that “Victims’ narratives are a complex mix of the original harmful event and its immediate consequences, and how it has impacted upon the important narratives of the lives and how they have been treated by the system since the offence” (Chapman & Chapman, 2016, p. 142). In traditional judicial processes, the opportunity to understand the incident from varying perspectives must be done through the conduct officer. The restorative process allows for each

participant to tell their story in their own way. It allows participants to get a fuller picture of the events leading to the incident and the impact of and since the incident.

This is especially an important shift for harmed parties who in many conduct models are left out of the narrative altogether. All of the research participants described how this opportunity for harmed parties to participate more fully in the process created a sense of feeling heard that they have not always seen in traditional processes. Patricia reflected on this idea of being heard:

The person who's been harmed, it's like, I'm glad I got my story out. I feel like they've heard me. And if they don't change, I've had this space to say; this is what you've done to me. This is how it's impacted me.

Connecting back to pre-conferences, in many cases harmed parties may not get everything they desire to feel the issue is resolved but in many cases through the pre-conference process what they want is to express how they have been affected and an apology. Feeling heard is also important for responsible parties especially when we are discussing issues of bias. It is important to engage the responsible parties by acknowledging as Robert indicates that we “are who we are because of where we've been and who influenced us, and the communities we were raised in, our culture, our religion, you name it.” Entering the conversation from this place resonates with Lyubansky and Barter (2011) statement that restorative practices “support individuals and communities during racial conflicts by creating conditions for mutual understanding and collaborative action rather than seeking to exclude or punish any of the parties in the conflict” (p. 38). This is not meant to excuse the behavior of responsible parties but instead allow them to acknowledge that their worldview is shaped by their lived experiences and then to challenge those worldviews without dismissing them, allowing an individual an opportunity to grow.

Research participants gave examples of how this mutual understanding and collective action impacted participants by sharing data from formal and informal evaluations. Mary recalls students saying things like “I felt heard” and “I thought the facilitator was going to tell me about how not to do this thing and they didn’t do that, and they let me talk freely about my experiences on campus, and I didn’t feel like I was going to get in trouble again.” Veronica shared some direct quotes from student participants from a large group circle conducted with 80 residents (Incident E) on a residence hall floor after some derogatory drawings were placed on a whiteboard in which the responsible party was unknown. One student shared “I was unaware of how violated my roommate felt or how uncomfortable I made her. I’m glad I know what I did wrong so I can remedy it.” Another student explained, “The meeting created a place where we were able to discuss problems in a logical and respectful way.” Additionally, a different student declared, “Wow, this is a very positive environment that I appreciated discussing the important value of communication, it is very important in my opinion and I appreciate this program’s existence.” This data collected indicates participants are able to hear the experiences of others, make meaning of how a situation has impacted others, and reflect on what they are hearing in a way that builds community and helps participants find the ways they are connected rather than separate. Furthermore, in one of the quotes shared by Veronica, the circle process created opportunities to repair relationships that were damaged separately from the incident itself.

Robert shares quotes from respondents who “expresses genuine remorse” and he believes what this “translates to is they’re less likely to do it again, not just because they don’t want to get caught and face consequences, but they have genuine regret about the impact on other people.”

In statistical terms, Robert adds that in:

Pre and post-test, [there] is a nearly 100% increase in the ability of a respondent to enunciate who was affected and how they were affected. Most of our students come in and say, 'I'm the only one who's affected, 'cause I'm the only one facing consequences.' By the time they leave, nearly 90% of them can put specific names or specific titles to people who were affected and how they were affected.

The act of being able to name who was affected is a measurable sign of understanding the role a person has played in impacting another person and is a step in being able to take accountability. This feeling of being heard from both parties is a major point of satisfaction for participants. Feeling heard and being a part of the process addresses the concern for time as the impacted parties are able to know what specifically is being done to address the bias incident. They get to voice their concerns and be a part of the decision making process in terms of how the responsible party will repair the damage done to those impacted and to the campus community.

Increased Perceptions of Fairness. Research has shown that when people perceived they had the opportunity to express themselves and felt they were heard, they judged those procedures as fair (Lind, Kanfer, & Early, 1990; Lind, Tyler, & Huo, 1997). Tyler (2006b) further argues that in addition to being able to tell your story, having a voice in the decision-making and procedural justice process, often encourages students to view institutional power as more legitimate and fair. In the criminal courts, harmed parties have traditionally been neglected (Gromet, 2012). The same can be said in student judicial processes. In traditional conduct models, the lack of involvement by the harmed party can be troubling for perceived fairness and satisfaction with the process. Procedural rights, known as due process, stemming from *Dixon* (1961) and the cases that followed, led many higher education institutions to adopt legalistic codes of conduct and sanctioning bodies. This shift to legalistic codes and focusing on

procedural rights often meant harmed parties were left out of the process, the privacy of the respondent outweighed the inclusion of the harmed party.

This is reiterated by Veronica who explains in traditional judicial processes the harmed party is not involved, especially in the sanctioning process but in the restorative model the harmed party gets to ask questions and be a part of developing the restorative agreement that:

It's so much more fair than any other type of justice process because the person who caused the harm gets to be part of deciding what they will do to rectify the harm rather than it being imposed upon them, and the person who was harmed gets a say in what gets done whereas in a normal justice process they may not have any role or be told what the person who caused harm will be doing to make things right, so I think the whole concept of dialogue and of the outcome feels very fair for both parties.

In a traditional on-campus judicial process, the lack of transparency, the lack of answers, and the lack of involvement have left many harmed parties feeling dissatisfied. Patricia explains that to her the biggest difference between traditional process and the restorative process is that you do not hear from the harmed party. She goes on to state,

When students aren't involved in the process, it leaves a lot of things open. There's no closure for them because they know I can't legally share the outcome of the conduct case.

. . . They have no idea how it's been resolved.

This lack of knowledge about the outcomes may leave many harmed parties feeling as though the institution did not take the situation very seriously. If the responsible party remains a part of the campus community and the harmed party never gets any acknowledgment of how they were impacted from the responsible party, the harmed party can feel as though the responsible party got away with something or they were not punished, or they did not learn anything through the

process. Many of the facilitators expressed this narrative, but Patricia gives the best summary, explaining:

Harmed parties see this person who has caused them harm walking around campus like nothing has happened, and they don't realize we have resolved this case; I just can't talk to you about it. A lot of times we'll have students who will email the president and they'll email xyz and say, I feel like the university doesn't care about me. I need to know what's going on. I need closure. The number one feeling they have is they feel like the university doesn't care. They only care about the other person because all they see is the end result of the person still on this campus; most of the time just walking around like life hasn't harmed them in any way.

As Yeung and Johnston (2014) explain, "It can be said that students' perceptions of climate post-incident may reflect emotional, short-lived reactions to the event (Fridja, 1999) and culture is a reflection of students' sustained perception of the institution" (p. 255). Participation in the process gives harmed parties access to the results and, even when the resolution does not meet all their desired outcomes, the awareness and the inclusion allows harmed parties to get a fuller picture of the process and understand what the responsible party has learned and they have been accountability in some ways. Restorative practices can run side by side with traditional models of conduct. As restorative justice is designed to be voluntary, due process may still be followed while also providing another option for an educational experience in the process, one that fulfills not only the legal requirements for respondents but also the emotional need for the impacted party.

An essential emotional need identified by the research participants was being able to get the "why" or "why me" question answered. This supports Paul's (2016) assertion that victims are

motivated to participate in victim-offender conferences because they want to achieve two main goals: obtaining restitution and having questions answered by the offender. For example, Gary shared:

For the harmed party there is this sense often [that] nothing is happening, nothing is changing, or I don't know why this is happening. And when they get to hear the person causing harm articulate what was going on, not as an excuse, but as an explanation, I've seen that be really powerful and just change their perspective on what happened and how they can move forward from it and letting go of some of the anger and resentment that they feel. And being able to move on personally and not that, that they necessarily have to forgive but that they can personally disconnect to move forward and not be so stuck.

Robert took the need to get the why question answered a step further stating:

Not knowing why leads to fear and anxiety, one—that it'll happen again, two—that there's something about the way I present myself or who I am that makes me a target and might make me a target in future. And then people also want some assurances that the person knows the impact that their behavior had on them because they want them to feel that a little bit, right? You can't get that in traditional discipline stuff, where basically your job is to prove that the other person did it, and the other person's trying to avoid accountability.

Restorative processes are designed to answer the “why” for harmed parties and aim to reach the emotional center that is often missing in traditional judicial processes. Gary adds, “. . . in the restorative process not only are they aware, but they are a part of the decision-making process and that feeling of having their voice heard really creates a sense of resolution.” That sense of

being heard and some semblance of resolution are essential for healing and for feeling like the processes were fair for the harmed party.

For the one facilitator, Ayana, who also participated in a conference as a harmed party before becoming a facilitator herself, the experience was freeing and allowed her to get that why answered. Ayana describes how she sees the same feelings expressed by the participants in the circles she facilitates:

It was healing; it was freeing, [and it] let me put it behind me as a participant. I think I have seen the same thing as a facilitator over and over again, where I think it is really frightening for both the responsible party and the harmed party to go into that situation and not know how it is going to go, and to have people consistently leave feeling heard. I think that is where the healing starts. Being able to speak your truth and to be acknowledged and to be able to ask the questions like the “why me” question.

Answering the “why” question is important for both parties. It adds an element of closure for the harmed party and it allows the responsible party to explain what triggered their actions and what they have learned as a result of their actions since the incident.

For the responsible parties, fairness is a piece they clamor to as well; they are seeking the opportunity to express who they are beyond this incident and the opportunity to feel like they are not being judged. Everyone involved is allowed to have a support person who can be in the conference with them so they have a person on their side who can help express who they are away from the incident. Patricia explains this when she states, “From the respondent’s side, [they say things like] ‘I thought they were going to attack me, but it wasn’t that bad’. The responsible party often leaves feeling heard and supported, that the process is less adversarial.” The adversarial nature of traditional models hinders on the concept of punishment and social

exclusion from the community, whereas restorative justice focuses on a socially integrative approach to conflict that may contribute to a peaceful cohabitation of ethnically diverse groups (Gavrielides, 2013). Fairness for responsible parties comes from the social integration rather than exclusion. The perceived fairness, particularly by the responsible party, is based on feeling like they were treated fairly during the process not necessarily the outcome (MacCoun, 2005; Tyler, 2000). Additionally, the process of sharing their story, being able to be a part of the decision making process on how they will repair the harm as opposed to having a sanction placed on them adds to the perception of fairness. Traditional models emphasize authority and control to communicate fairness and legitimacy while restorative approaches focus on dialogue and personal investment (Karp & Sacks, 2014). Implementation becomes critical to the success of the process because if offenders perceive restorative conferences negatively, it is possible the blame will be placed on the failure to implement restorative justice principles effectively (Stahlkopf, 2009).

As an example, Jessica recalls Incident C; she was called in to facilitate a bias incident case for another institution of higher education involving an athletic team and members of the Chicana/Chicano community on campus. In this case, members from the team dressed in what some saw as demeaning attire that stereotyped an ethnic group. Until the groups came together there were some misconceptions about what was happening behind the scenes, she explains:

[For the team members] their faces were all over the internet, they were getting hate mail. Someone said they'd been turned down for some jobs. They were just graduating college. The punishment was definitely there. I think that the other students from the Chicano Latino group were able to hear [that whereas before] they thought that [the team

members] were getting off scot-free and that they were living it up, and that they were laughing at them. They had just come up with this whole picture in their mind.

Until the groups came together, there was this idea the team was getting off scot-free, and the administration was not doing anything to hold those students accountable. The involvement by all parties and the involvement in the decision making process removed doubts about accountability and it allowed both sides to share their stories which results in an increased perception of fairness.

Restorative practices offer flexibility. One of the most compelling benefits of restorative practices identified by the research participants is the flexibility of the process. Restorative philosophies, principles, and practices may be used to address not only individual conflict but also to address issues and situations that are not policy violations but still impact the campus like local, national, and global incidents that can infiltrate into the campus ethos. Restorative justice requires certain elements be met, but restorative practices and philosophies can be transformed and molded to fit either into existing structures or to develop new structures. Through the current framework, “Restorative justice is so based in the community it has a greater flexibility built in, and it will be able to reflect the community standards no matter how the discourse is framed” (Condon, 2010, p. 499). This flexibility gives campuses more room to try new structures and introduce restorative elements into their current conduct structures.

The flexibility identified by the participants ranged from creativity, structure, and application. Derrick discussed the flexibility in regards to both structure and application. Explaining how restorative justice is being used in conjunction with student conduct to address harms to the community:

There has definitely been an increased interest for things that are not conduct violations like the confederate flag hanging, but it's Free Speech and conduct administrators are stumped because it is not a conduct violation, they say "I hate it too, but I can't do anything about it."

Robert echoes Derrick's comment expressing:

Bias incidents I think are probably like maybe the perfect example, because all of us know that when there's a clear violation of policy, we're probably supposed to report it to somebody whose job it is to do this. And that person should be punished. But what do we do with all of the stuff that causes harm, that isn't clearly a violation of the policy? Do we do nothing? Or do we all stand up collectively as a community and say, "You know, that's not right. That behavior is not consistent."

In application, the flexibility and voluntary nature of restorative practices give campus administrators another tool to address incidents that perhaps are not policy violations or when there is no identifiable responsible party but it impacts the campus climate in ways that traditional models of student conduct cannot. While bias incidents such as writing derogatory statements on institutional property or hanging of a confederate flag in a window can be seen as a policy issue, specifically the writing as vandalism and the flag as violating housing codes, these policy matters do not address the core of the issue.

Individuals who have seen the writings or flags have been impacted in a way that has not been addressed and the individuals who have written the derogatory statements or hung the flag leaves the situation without understanding or addressing how members of the campus community have been impacted and may potentially become the unwitting pariah on campus. This is not to say that conduct administrators will not use the traditional model of student

conduct to educate the responsible party or address the impact on harmed parties but by design restorative practices offers an existing structure that allows for those two things to happen. While the structure exists to tackle these two components, the issue of getting those involved to participate offers another component to consider. Identifying harmed parties means possibly selecting representatives as seen in Incident C facilitated by Jessica facilitated. Creating an environment that feels supportive enough for the responsible party or parties to participate may be difficult, but Derrick suggests responsible parties usually want to participate:

What we find is they have that surface level of “hey, I’m not racist, this flag doesn’t mean anything racist,” you know, they have all of that language but it’s very hard for them to maintain that it’s just about tradition or culture when there all these people talking about the impact and it’s very powerful.

This relates back to voice and fairness, accessing this opportunity to face critics and say this is my story, this is my truth but also hear a truth and harm from those impacted. Being able to address non-policy violations is a case where a reactive measure can also serve as a proactive measure.

In addressing a non-policy bias incident a message is being sent to the campus community that the administration cares, it builds the social capital necessary for responsible and impacted parties to achieve social discipline through participatory learning and decision-making (Wachtel, 2013). In accordance with Derrick, Lisa expands the functional nature of restorative practices to something that offers more freedom to be creative and not limit the possibility of how to address an issue, explaining that you “don’t box yourself in, it’s more about asking yourself why not, then saying ‘oh no it doesn’t fit the formula’ because there is no formula.”

Structurally speaking, Gary sees restorative practices as building a system of communication. He states:

There are issues that come up here, either campus, locally, nationally, or internationally, that stir a lot of interest and attention and these processes can be made using a restorative framework to help the community respond and dialogue and engage in those kinds of things. So I think that's, they're from either the administration being able to say hey we're going to have this process or when the students come to us and say we need to do something.

Building in structures like community building circles that aim to do as the title suggests, build community, but also address national and international incidents makes it easier to create open lines of communication when things happen on the campus. I will discuss more in theme 5, systemic approach, how community building is further implemented and how it provides the benefits outlined here in addressing incidents as they happen in campus sub-communities like residence halls, athletic teams, and classrooms.

The research participants identified flexibility as a tangible benefit to the institution. Flexibility in being able to move past the reactionary to being able to build community proactively and create a culture in which restorative practices can be a normal part of the campus ethos which could make it easier to address those local, national, or international incidents that infiltrate the campus climate. The key points highlighted in this theme connect to overall benefits to the individual engaging in the restorative process that also serve the institution. The three benefits most articulated are giving voice and feeling heard, feelings of fairness, and the flexibility. Theme 3 builds from Theme 2 and in order to achieve the beneficial elements of restorative justice and restorative practices, the facilitators have to create opportunities for those

engaging in circles and conferences to be heard, to feel like the process is fair through time and the structural elements that show up in the design and the pre-conference work done for a circle or conference.

Building support for a whole school approach

With any new model, the process of securing buy-in is critical for its development and implementation. This idea reverberated through the stories shared by the research participants as they navigated their institutions in their attempts to introduce or enhance the restorative justice model. As Morrison, Blood, and Thorsborne (2005) explain, getting buy-in from senior level leadership is key:

Executive staff, and other leadership figures within schools, establish and legitimize the messages sent within the school community. Their actions send messages to people about what is expected around the school through symbolic actions (and non-actions) and decisions (and non-decisions). These actions and decisions convey meaning to the community at large. Even small events can send big messages. (p. 340)

As the facilitators tried to develop institutional buy-in and achieve a critical mass of individuals who understand the model and could be advocates for the model, many often came up against individuals who misunderstood the role and purpose of the model or doubted the model's effectiveness but ultimately the research participants were insistent that in order to be most effective there needed to be a whole school approach.

Stakeholder buy-in. One of the greatest struggles the facilitators identified as a challenge was getting campus stakeholders to “buy-into” the model. This often came from the inability to understand the role of restorative justice and restorative practices as a means to address conduct issues and campus conflict. Many campus stakeholders misunderstood the model as replacing traditional process rather than happening in conjunction with and thus

believing that the process removes “punishment” from the outcome of the process. Robert himself was one of those people who “rejected it as what many people do as kumbaya, holding hands, helping people feel better about being bad people” a sentiment he now hears from individuals on his campus. In alignment with the United States criminal justice system, the judicial processes on most college and university campuses follow a more, retributive model. As a result, campus stakeholders are used to a “punishment” modality where individuals in positions of authority decide the sanctions and have reservations around something that may be seen as an alternative model.

Realigning ideals around how to respond to student behavior was often the first step many of the facilitators had to take to get campus partners on board. It was about helping campus constituents to broaden their understanding of how student development could evolve through the conduct process. This proved difficult in the beginning for Patricia who states, “People don’t understand the process and think it’s a slap on the wrist. They think it’s the easy way out, so people are resistant and particularly faculty and staff are resistant to students having this option.” After Lisa is able to explain to those individuals that the “restorative process is not in place of charges, if [someone does] something really offensive [they’re] still going to get a violation for that,” it makes it easier for those stakeholders to grasp the concept better. Lisa explains further that the goal of these restorative processes is to provide an “informed and diverse perspective on the incident” because then she feels like the participants are learning from the process and are less likely to repeat that behavior in the future.

Gary faced similar struggles with campus partners and key stakeholders viewing restorative practices as an “alternative” approach, and not in a positive way. However, once he went on his “roadshow” to clear up some misunderstandings and break down what exactly

restorative justice is and how it fits into the “larger scale,” he was able to get people to understand. “Because it’s so natural they instantly connect and [they] start to brainstorm ways that they can use it and so [he] think[s] there’s a huge benefit to making sure [he’s] not the only one on [the] campus who’s doing it.” It is often hard to articulate to campus partners and key stakeholders what and how restorative justice and restorative practices will impact the campus community. While Whitley tries to explain it simply and concisely by saying, “just know that it’s a way of life. It is a total support for clear communication. Know that it’s not a one size fits all,” for Veronica it was essential to get those individuals to “look at the actual process and outcome itself and then recognize how effective and transformative it is and to collaborate with others on campus to build the program.” Sometimes, however, talking about the process outcomes and transformation simply is not enough to get people to understand the role and purpose of restorative justice on campus.

Package it differently. When trying to sell others on the impact of restorative practices, it became essential for the facilitators to package the messaging differently, to speak the language of those stakeholders if you will. Patricia makes this clear when she says “There’s no cookie-cutter way. You’re going to have people who are like, ‘yes bring it,’ and people who are like, ‘I hate it.’ So you’ve got to sneak it into them and just be open to that.” Jessica and the students she works with applied for additional funding under a university grant to treat restorative practices as addressing wellness issues. For Jessica, there are ways to address non-policy violations like conflict that involves students with disabilities, mental health issues, and issues around freedom of speech with restorative practices, “it’s not a code violation because it’s freedom of speech . . . [but she doesn’t] care about freedom of speech. [She] wanted to focus on harm reduction and creating a community where people can experience wellness.” Ayana uses concerns around

retention of students as a means to sell the restorative practices, explaining:

My latest strategy has been about seeing this as being a retention issue because that is the big buzz these days. So if you can frame it from a retention perspective, then it's palatable by all sorts of folks that may not want to talk about something so out there and not realistic that is the way some people have seen it. If people can take responsibility and learn how they are impacting others then the likelihood of them being positively influential versus negatively goes up, which then the people they have worked things out will feel better about staying. So it's not a stretch to frame it that way because it is real.

In addition to wellness and retention, reduction in recidivism has also been a selling point for Veronica and Lisa as they have garnered support across campus. For many of the facilitators, it is about connecting the model to professional values and to the values and mission of the institution.

Doubt remains. As the research participants get more campus stakeholders on board by framing restorative practices as a tool to reduce recidivism, to address wellness issues, or to improve retention, many of the facilitators still have doubters. A few facilitators explicitly address doubt from their campus police. Lisa has been working with some of the officers on and off campus. What she has found is the officers who have been in the field a long time "are hesitant because they haven't seen a system that works, but they know how to do the best they can in the system they have so when [they] step outside of that [she] think[s] that creates some discomfort for people." However, the newer officers are more open to trying restorative practices especially for cases that will not result in charges but an issue still needs to be addressed. Lisa explains she is able to get that buy-in from the newer officers by acknowledging that "anything could be restored or have [a] restorable principle" because they have not been tied to any

particular system for a long period of time.

Robert explained similarly that law enforcement officers were the obvious parties who still had doubt but there are “individuals within those power structures [that] actually like this idea and, in fact, have participated as affected parties.” Like Lisa, there are individuals within a larger system who are open to trying something new, especially if they were impacted by an incident. When discussing the officers, Robert adds:

It’s an interesting disconnect, isn’t it? That when it affects you personally, you like this idea of restorative justice. Yet you seem to reject it as an idea as a whole, because it’s somehow kumbaya-ish. So my pushback is, how do you reconcile those things? You see the value inherently but, in terms of a system, you think this is a waste of time, or not effective. The idea is, you break the law, there should be punishment and consequences.

That’s the model you’ve been trained in your whole life.

That is the challenge many of the facilitators faced with people finding some value in it but still wanting to stick with the system they know. The ability to be a part of this process as a harmed party is an element that is attractive, yet the idea of traditional punishment is still something the officers and other campus partners still desire for the responsible party.

Patricia and Ayana both discussed campus police as doubters but focused more on faculty. Patricia noted the “older faculty; they’re sold on what they know. So if I’m introducing something that’s new to them, it’s scary.” So she does not use the words restorative justice, she talks to them about the things they are already doing that are restorative in nature and moves on from there. She provided an example sharing,

When I broke it down, I said, you are intentional with your sanctioning, as you should be, because Conduct should be education. You’re doing restorative justice. They’re like,

what? You're doing something that's targeted for that student, and you're trying to find a way to fix it so that it is done. You're doing it, just without the circle.

Similarly to Gary, she said she went on a roadshow with clips of testimonials from previous participants and with participant permission allowed others to observe the process.

Ayana was met with resistance from faculty as well, but as a result, she started offering restorative justice training as a professional development opportunity "so that faculty can use RJ philosophy in their classroom to address issues when they come up or when people feel harmed by others in their program." Even as facilitators gain more support from campus partners and stakeholders, there is a level of doubt that they hold as facilitators, if the program is not immediately successful it will be hard to maintain the support they have gained. Mary expressed this by saying:

I think I get anxious or have some level of nervousness about it because I understand the impact that it can have and I think and feel some pressure to make sure that it has that positive impact on the folks participating. So I think for me it takes a lot out of me just because I am invested in what it can do for communities albeit on a smaller level. I have seen some really positive outcomes and think that the slight possibility that it wouldn't turn out that way can sometimes feel a little nerve-racking.

Patricia saw this reality first hand at her previous job, a large public research university in the south that resulted in a failed circle and as a result led to a lot of doubt. However, Patricia had a supervisor who understood the process and recognized the failure came in part from not following the few procedural elements the facilitators have described as necessary to coordinate restorative processes.

A special emphasis was placed on the role of campus partners and stakeholders as either helping or hindering the implementation of restorative practices at the research participants' institutions. Institutional support and buy-in to the process were a crucial factor to the facilitators on how effective they thought they could do their job and how effective restorative justice was enacted on campus. Lack of buy-in and misuse of the model made for keen challenges for the facilitators but many were able to sell the model in the language that would be most important to their campus stakeholders and are able to use previous mishaps to express the need to follow the few guidelines that exist within the realm of restorative justice and restorative practices.

Whole School Integration. Many of the facilitators believed a systemic approach to implementation and practice would result in improved success with their efforts to use restorative practices in creating and changing the campus culture around addressing and preventing bias incidents. Within the implementation of a whole school approach, they believe three outcomes would occur; learning, normalization, and shifting the culture. Although these outcomes can be discussed separately, I will discuss them as one unit as each influences the other.

The facilitators placed a special emphasis on learning as an outcome. For the facilitators, the “where” and the “how” learning takes place within a restorative model was infinite, whether it was in a formal judicial process or how restorative language is incorporated into policy or existing practices, restorative principles could be integrated everywhere on campus. When talking about the how Veronica explains “through traditional student conduct processes the learning is supposed to happen through the punishment and reduce the recidivism but we know that when you can learn from each other, it has more staying power.” Learning through the restorative model is designed to happen through facilitated dialogue. Facilitated dialogue can and

should happen everywhere on campus. The facilitators expressed that there is a need to embed restorative practices into other aspects of campus life to increase effectiveness and to change campus climate. This change assumedly happens when engaging in dialogue across difference occurs as a proactive measure not only as the *go-to* response in incidents of conflict.

Achieving buy-in from campus partners results in a proactive measure where varying communities on campus are practicing community building circles or are using other restorative practices as a fairly regular component of engaging in dialogue with groups of individuals. As mentioned in the literature review, Hu and Kuh (2003) recommend institutions enhance opportunities for interaction between students of diverse backgrounds in educationally purposeful ways in order to create diversity change. Restorative practices offer a structure to allow students and the campus community as a whole to interact in an educationally purposeful way beyond just incidents of conflict. For Gary, in particular, he sees restorative practices as a way to address identity issues in more informal ways in a variety of places on campus by using this model. He explains, “Identity is part of everything and every interaction you have and every conversation [he has with] a student could be impacted by their identity [even though] it doesn’t always come up.” He is not going to bring it up unless it is directly related but embedding this model into other places makes individuals, students, in particular, more open to discussing those identity issues and understanding “not just the ‘what’ but the ‘who’ and the influence behind that.

Engaging in this practice regularly makes it easier to use more formal restorative practices when incidents of conflict and bias arise. Instituting restorative practices becomes “more manageable once the shift in culture begins to become embedded; that is, there is a collective understanding of what restorative practices means in terms of understanding and

response” (Morrison et al., 2005, p. 339). The introduction of restorative practices as a tool for everyday use helps to build that collective understanding. This means as the facilitators expressed, they cannot be the only person on the campus who is facilitating restorative practices. There are ways that restorative practices can be embedded into everyday actions throughout a campus that will help to achieve buy-in from the community.

By training campus partners, in particular, Resident Assistants (RAs) to do basic circles and to use the principles of restorative practices to conduct floor meetings and to manage roommate conflicts, Gary believes that “because we’re planting the seeds throughout the community they’re gaining that language and the concepts in this process. They are also getting touch points elsewhere and hopefully are able to apply it” to address those identity issues. Taylor (2004) parallels this idea of language and messaging, stating,

Culture is the result of messages that are received about what is really valued. People align their behaviour to these messages in order to fit in. Changing culture requires a systematic and planned change to these messages, whose sources are behaviour, symbols, and systems. (As cited in Morrison et al., 2005, p. 340)

Lisa explains that it is important to change the mindset of the campus about where restorative justice is practiced on campus:

It’s not a mindset on campus or the go to place for students to solve problems, you know, that it’s just this thing I have to touch when I’m in Student Conduct. Here we [have] had at least opportunities to talk to them about it at orientation, I talked about it to all the RAs (Resident Assistants) and the Hall Directors and the peer mentors and people that work with our first-year populations and so again they come a lot of times to ask when it’s not a formal process but to have a process facilitated before it gets to that point and I think

that we still have work to do there, I don't think we're perfect by any means yet, but I think that's how you have to start, you have to embed it in other things.

Similarly, Derrick has introduced the practice of running restorative circles with peer mentors in the first year seminar program at his institution. They transformed the peer mentoring program to be more focused on social support, and it came in really handy recently when there was a student killed by a drunk driver, the peer mentors were able to facilitate restorative circles with their group of mentees. In the same way that the peer mentors could gather together a circle after a tragic incident like a student death, Ayana describes how they use the restorative principles in the classroom to address harms such as bias incidents:

Often times classes will sit down and have a conversation in the classroom about what transpired and why it was problematic and who was impacted, and what are they going to do about it. So I would say that those classrooms where that is happening would not necessarily refer to it as being 'well we engage in restorative justice,' but that is exactly what is occurring because they are sitting in circles as part of seminar. There is a very structured process around how that happens and ultimately they are having a conversation about helping each other to understand on a deeper level and really having that inclusive RJ process in which people are sitting in circle and talking about what are the impacts. It has been used on the academic side forever.

Beyond the classroom, Ayana explains her institution uses restorative practices in what is called the Students of Concern Team, what might be called a Behavioral Intervention Team (BIT) on other campuses. In this they have a process called educational conferencing where they invite students, their parents, their faculty member, and anyone else who needs to be invited to have a conversation about developing an agreement about the actions the student is going to take to get

back on track and how all of those invited are going to support them. This would look similar to what restorative practices would call a circle of support and accountability.

Similarly, as member of the Bias Incident Response Team (BIRT) and Director of her student conduct office, Mary suggested using restorative circles to bring together faculty and staff in one session and then students in another session to address some of the issues that came up from a student-led protest, similar to a Black Lives Matter rally, that happened during the fall of the previous academic year. There was some angst from some in the community who did not understand why students were protesting and the circle provided an opportunity for the campus community to hear more clearly from the students involved in the protest and for those who did not understand to express their misunderstanding with a system of support.

Providing a different set of tools for members of BIT or BIRT help to shift the possibility of what can be done. Pope, Reynolds, and Mueller (2004) explains if student affairs leaders do not develop a broader skillset to address behavioral issues and issues of bias, they are “forced to use incomplete theories to explain multicultural dynamics on campus; offer generic, interventions to address concerns; or create additive and often fragmented approaches to tackling multicultural issues” (p. 53). Restorative justice as a tool gives educators a different means of addressing these issues that rely on the participants and not theories.

As the model is introduced to varying campus partners, the legitimacy and sustainability of the model should come from all levels on the college and university campus to create that cultural shift in how behavioral issues and incidents of bias are addressed. Morrison et al. (2005), explain:

While having executive staff on board is important, leadership cannot be confined to this level. A reciprocal relationship between leadership and empowerment must be

developed: leadership leads to empowerment, and empowerment leads to leadership. To be effective, both must permeate all levels and domains of the school community.

Leadership then is about learning and developing knowledge together.

This signifies that not only do administrators, faculty, and staff need to buy-in but so do the students.

When asked if they thought participants were able to use what they are learning going forward to address future conflicts that might arise, the facilitators gave mixed answers. Most of the facilitators agreed that in some ways they could certainly see how they could, even if the students did not recognize it immediately. Others expressed the participants themselves were not necessarily using it but were willing and wanting to call others in to facilitate circles for them. Specifically, Jessica recalls how even after they trained some individuals in a living community to do circles and conferences themselves they still preferred to call someone else in to facilitate for them.

Patricia is a little less skeptical while still holding some reservations, sharing, “Does everyone probably get some wonderful skill set? Probably not, but I think quite a few of them do. They realize the perks of actually having a conversation or having someone help you have a conversation with somebody.” Mary works predominately with first-year students and believes the students will be able to use these principles later own down the line when they have had more time to develop mentally, explaining:

What we are seeing through the assessment is they are saying things like, ‘I have never had these conversations with people my own age,’ ‘I learned something new from someone I didn’t know.’ So we are not asking about, would you use this in the future, but we are seeing they are really experiencing something new about how to have dialogue

with other people. So I'd like to think that down the road they'd go 'huh I could probably use that as an RA or as a club leader if there is conflict going on'.

On the other hand, Derrick, like Whitley, describes restorative practices as transformative and that they are life skills. Derrick illustrates how at his institution they have put students, particularly those who were respondents, on to their integrity boards. "They are the best because then they speak directly to the other students who are in trouble and say 'look last year this is what I did, this is what I went through, and I thought it was so good that I want to create this opportunity for you.'" He goes on to say the students use "the skills informally like with their housemates . . . and saying 'well, we need a circle about this' or having Thanksgiving conversations with family when the family is erupting into their issues." While there are differences on how much the research participants believe the student participants are able to develop a skill set by simply participating in the circle, it is clear there is consensus that something happens in the circle.

This "something" may be small but compounded with increased opportunities to engage in dialogue through a cultural shift that embeds restorative practices across campus may make it easier for the students to build connections to what they learned in the circle to what they are learning in the residence halls or the classroom. The value placed on shifting this culture reveals the value base of institution, "simply put the rules of relationship management or the hidden social and emotional curriculum of school life. To assimilate into school culture requires the assimilation of school values. Conversely, to challenge school culture requires the challenge of school values" (Morrison et al., 2005, pp. 339-340). However small, the change in language, the ability by some of the student participants to change their behavior or future responses to

conflict, and the change in how the campus responds to incidents of bias with purposeful dialogue has the power to challenge campus culture and campus values.

The facilitators stated unabashedly that through building support from key stakeholders and campus partners they could develop, enhance, and implement the most effective restorative justice programs. The more visible the practice of restorative justice is on campus the more likely be seen as a beneficial tool for students, faculty, and staff.

Summary

In this chapter, I outlined the significant themes that inform how the 10 research participants experience facilitating campus-based restorative practices to address bias incidents. The themes that emerged indicated these facilitators had a strong sense of connection and are deeply passionate about the philosophy of restorative justice. The facilitator's personal philosophies and values made it easy for them to buy-into the framework restorative justice practices offered. Within that same vein, by connecting to the needs and professional values of campus partners and stakeholders, facilitators are able to garner the necessary support needed to be more successful in embedding restorative principles and practices into larger aspects of campus life.

Part of this support rested on the ability and desire of the research participants to implement and embed restorative practices into other aspects of the campus community outside of student conduct. The flexibility of restorative processes makes it easy to embed concepts into other aspects of campus life improving the viability of its success across campus, giving language and tools for students and other individuals to use in addressing a number of issues, including identity issues such as bias incidents. In the next and final chapter, I review and discuss

the implications of the findings, make recommendations to administrators in the field of college student conduct, and present areas to explore in future research.

Chapter 5

Discussion and Implications

Overview of Study

The purpose of this study was to explore the experiences of individuals who have facilitated restorative practices in bias-related incidents on college and university campuses. In this study, I also sought to examine how, if, at all, restorative practices improved the perception of the campus climate by participants in the restorative process. The literature review conducted for this study found limited qualitative research on restorative justice including the experiences of facilitators and facilitators at institutions of higher education. While there have been copious amounts of research around campus climate issues and incidents of bias, few studies have been conducted looking specifically at the use of restorative justice models to address bias incidents (Garcia & Johnston-Guerrero, 2015; Hughes, 2013; Prutzman, 1994; Yeung & Johnston, 2014). In addition, there has been limited research regarding best practices for successful facilitation and implementation as restorative practices are still being developed and utilized in higher education. With this phenomenological qualitative study, I sought to yield evidence that would aid institutions of higher education in their responses to incidents of bias, specifically with information on the practical and impractical uses of restorative justice as a model for proactive and reactive action. Based on the facilitators' experiences, much of the success and effectiveness of a model hindered on the way it was implemented. From the facilitator perspective, it was not a matter of if it would work but how. The facilitators believed when certain processes were followed it would have the intended impact desired.

Summary of Findings

Facilitators in this study described their experiences in addressing incidents of bias, including how cases were referred to them, how each incident was addressed, the outcome of the case, and how institutional policy and practice impacts how the facilitators are able to address incidents of bias using a restorative model. Four interconnected themes emerged as a result of this study; personal satisfaction, integrity of the model, derived benefits, and building support for a whole school approach. Personal satisfaction related to how the restorative model aligned with the facilitators personal and professional values. Research participants believed the model's focus on repairing relationships in an educational way not only fits well with the ideals of the individual and the institution but it returns the practice of student conduct back to a natural or intrinsic way of holding people accountable for their actions. While there is no one definition for restorative justice, particularly in regards to its use in higher education, the research participants maintained there is a level of integrity within existing elements of the model that must be consistent across campuses to produce some semblance of effectiveness. By following these processes, the facilitators articulated benefits that could derive from restorative practices including but not limited to: the parties believe their voices were heard, both parties find the process to be fairer, and the model's flexibility allows restorative practices to be conducted in a multitude of ways that will work best for a given institution.

The most prominent challenge the facilitators faced was obtaining buy-in. However, while many facilitators still had doubters by packaging the restorative model in a different way they were able to build in some practices across their campuses and increase referrals. As the facilitators gained buy-in, they advocated for a systemic approach to be developed for the practices to be most effective on their campus. As restorative practices are embedded into multiple aspects of campus life, the model is designed to be not only reactionary but also

proactive. In proactive terms, the community building element of restorative practices allows individuals in the campus community in the habit of sitting in circle and building relationships. As relationships are built, they are both harder to damage and easier to repair. Restorative justice and restorative practices are then introduced in a non-threatening manner, connecting people to the method in a way that will make it more likely they will opt into using the model when offered as an option.

Discussion of Findings

Researchers have argued restorative processes are well suited to address conflict and conduct issues in higher education (Clark, 2014; Karp & Allena, 2004; Schrage & Giacomini, 2009). The restorative process should be perceived as more fair by harmed and responsible parties (Umbreit, Coates, & Vos, 2004; Miller & Hefner, 2015), the process should foster growth and learning in the responsible party as they accept accountability for their actions because of the desire to return to the community, and that the restorative process decreases recidivism. Similar to the researchers who are proponents of restorative justice's use in higher education, the sample of facilitators in this study were supportive of restorative justice as a means to address incidents of bias. The facilitators in this study believe in the transformative understanding of restorative justice.

In this understanding, restorative justice has the potential to “address injustice and to improve the lives of many” (Woolford, 2009, p. 17). In this view, the facilitators believed restorative justice not only was well suited and aligned with the values and mission of higher education, but it aligned with their personal values and provided a level of personal satisfaction. There were no perceived differences between levels of satisfaction with the restorative process regardless of if the facilitator discussed a failed process. Part of this satisfaction came from

helping students in developing their values, better communicate, and transform their thinking and understanding of self and others.

While there is not a singular definition of restorative justice nor is there a singular use, Paul and Borton (2017) provide a list of definitions and argue there are several “tensions” in their constructs specifically “pertaining to relationship with conventional/retributive justice (dualistic/compatible), focus (process/outcome), and scope (narrow/wide)” (p. 203). The facilitators in this study battle with similar tensions as the facilitator experience was best characterized as a constant navigation of stakeholders. The actual facilitation of restorative processes was fairly minimal in relation to achieving buy-in, training others, and coordinating the implementation of the actual practices. The facilitators had to navigate the misunderstandings surrounding restorative justice and the misuse of restorative justice.

Conventional/retributive justice (dualistic/compatible)

Achieving buy-in from students, faculty, and staff was an important step for the facilitators and this meant spending ample time trying to articulate what and how restorative justice not only aligns with the mission and vision of their institution but how many of their stakeholders already practice restorative elements in their work even if it had a different name. Many of the skeptics the facilitators faced believed restorative processes to be a “slaps on the wrist” or “Kumbaya-ish.” Much of the higher education culture is oriented in traditional/retributive justice as it has employed a legal system of justice in their disciplinary proceedings (Clark, 2014), inviting individuals to participate in restorative justice requires shifting the view of justice for those who might participate in this model.

Proponents of restorative justice argue that a traditional justice orientation is centered in science, often individualistic, and hinders actively on punishment as a means of accountability that focuses on crimes against the state as opposed to individuals (Gerkin, 2012; Paul, 2015b). A

restorative justice orientation, on the other hand, is rooted in collectivism and a humanistic approach that emphasizes the role of community in holding individuals accountable and healing as an intrinsic outcome (Paul, 2015a). While restorative justice and traditional justice are often described as holding opposite values, Paul and Borton (2017) assert “at their core . . . an offense is a violation that produces a need for condemnation, reparation, and accountability . . . and it is possible for people to pursue both ‘retributive’ and ‘restorative’ aims within RJ practices” (p. 203). From this point of view, it would follow that there is not a need to view traditional/retributive justice and restorative justice as mutually exclusive.

Paul and Borton (2017) explain many definitions of restorative justice contrast restorative justice with retributive justice and thus see these two perspectives as dualisms “with RJ serving as a desired replacement for retributive justice” (p. 204). The facilitators in this study often described traditional justice and restorative justice as dualistic when defining what restorative justice means to them. When articulating the principles, values, and benefits to key stakeholders, the facilitators were able to describe how these practices “shared desired outcomes pertaining to offender recidivism, victim closure, and process neutrality” (Paul & Borton, 2017, p. 204) in other ways from the compatible perspective. This was done as a way to articulate the ways in which the restorative process was similar or fairer than traditional processes.

The facilitators understood that they and their stakeholders held different justice orientations. Stakeholders are used to a traditional justice orientation, and as Patricia explains, “I always approach people by telling them, you’re already doing restorative justice, they just don’t know it. They don’t have a name for it.” Lisa, was also sure to explain to stakeholders that when needed, “punishment” would still occur. Still, individuals are resistant and making that connection between traditional justice, and restorative justice is difficult. As Huang, Braithwaite,

Tsutomi, Hosoi, and Braithwaite (2012) found, respondents in their study who had more traditional and socially conservative attitudes were more favorable of traditional punitive punishment whereas those with higher social capital found the restorative justice orientation more favorable.

Paul (2015a) found when studying the justice orientations of restorative justice facilitators and public members that the public and the facilitators often emphasized the same things, such as transformation, victim sensitivity, and safety, but they had different understandings of how it was achieved. The public members believed traditional processes do all the things the facilitators believed are emblematic of restorative processes. The two groups while seeking the same things viewed procedural practices and person-centered very differently. For both groups “being person-centered entailed involving victims in justice processes, treating the parties respectfully, and seeing crime as producing personally negative consequences” (Paul, 2015a, p. 288), however, public members understood procedural practices as maintaining objectivity and legal problem-solving that upheld the law in punishing the offender which was meant to be person-centered.

The facilitators in this study recognized the ways in which participants in restorative processes held different justice orientations and used pre-conferences to help those participants to understand how the restorative process differed from traditional processes and where they were compatible, particularly in regards to the idea of fairness. When facilitators conveyed incidents where a harmed or responsible party felt the process was unfair or felt dissatisfied with the process it occurred when the facilitators were not able to spend the time in the pre-conference session or did not conduct a pre-conference to work with the individual parties to explain how justice can be achieved in this model. The facilitators were unable to gauge where the

participant's justice orientations leaned. They were unable to spend the time to explain how restorative practices may meet some of their needs and desires and as a result, those participants found the process to be unfair.

Research suggests restorative justice, specifically restorative conferences, are fairer by comparison than just traditional justice processes due to the presence of procedural justice (Scheuerman & Matthews, 2014). Procedural justice (PJ) refers to the perceived fairness of the means used to determine the resolution (Folger & Konovsky, 1989). Procedural justice theory posits that a restorative justice session that maximizes support, respect, and fairness produces stronger positive outcomes (Braithwaite, 2002). The idea of fairness in the studies conducted by Huang et al. (2012) and Paul (2015a) was centered on legality and upholding laws and the maintenance of traditional views of justice. However, as Paul and Borton (2017) explained, there are ways in which traditional justice and restorative justice are compatible, it is a matter of the facilitators communicating the similarities in outcomes and explaining how restorative justice is similar to traditional practices. The clearest distinction between traditional justice and restorative justice in higher education is the role expulsion plays as a sanction. The goal of restorative justice is to have the responsible party remain a member of the campus community. Through an element of restorative justice called reintegrative shaming, the hope is the offender will foster integration with those in the conference and the extended community "through the acceptance of normative expectations the group desires the offender to uphold" (Scheuerman & Matthews, 2014, p. 858). Essentially, reintegrative shaming condemns the action and not the person. This distinction in shaming the actions and not the person is where facilitators must find ways to articulate how these different justice orientations can be compatible.

Paul (2015b) tested the predictability of victim participation in restorative processes. What he found was the willingness to participate came from a motivation to help both the offender and themselves as the victim. Those who had strong punishment goals and those who held a strong traditional justice orientation were less willing to participate while those who had a desire for restitution and an apology were more willing to participate. Essentially the goals were the same from those willing to participate versus those unwilling to participate. Both sets wanted restitution and apology, but for different reasons, on one end it was the desire for the offender to experience negative and shaming consequences while the other end was about helping the offenders experience personal and relational growth. The removal of a verifiable form of punishment and sanction to rectify a situation for a harmed party is a hard adjustment for an individual to understand when that is what they are used to seeing. The facilitators voiced the need then to set very clear expectations about what restorative justice is and is not and possibly work from that point. Again, placing an emphasis on the pre-conference because it allowed the facilitators to “explain what restorative justice is, listen to participants’ stories, and at times try to persuade reticent parties to go through dialogue” (Paul, 2015a, p. 278). Pre-conferences functioned as an opportunity for the facilitators to articulate what restorative justice is and how it functions as the space to help the participants identify needs, harms, and understand their impact and accept accountability (Paul, 2015a). This was crucial for incidents of bias as many bias cases are not policy violations nor are they criminal thus harmed parties seeking traditional forms of justice may be disappointed.

The facilitators used the pre-conferences to offer an opportunity to get answers and get a form of justice, one that perhaps harmed parties were not used to, that they could not get in a traditional conduct case. This does not always work as Incident A facilitated by Derrick

underscores. Like the participants in Huang et al.'s (2012) study, the harmed party, influenced by internal and external community members, held a very conservative view of justice and favored traditional justice. As a result, the restorative process was not a good case to bring forward, and the pre-conference was unsuccessful in adjusting the harmed party's justice orientation. As Robert states,

I'm not suggesting that this is a panacea, or that it works for everything, or that it replaces existing systems. We have lots of people who do wrong and don't want to accept responsibility, aren't prepared to accept responsibility. And those systems are needed. And RJ stuff can, in fact, be companions to those systems. They don't have to replace them, either.

As Paul and Borton (2017) explain, "The compatible perspective sees justice practices as capable of co-existing even while pursuing different aims" (p. 204). This point of view held by Robert and the other facilitators emphasizes the need to clarify the ways that restorative justice is compatible with traditional justice and how it is different and can meet different needs, particularly those needs that are not criminal or policy violations such as bias incidents. It is especially important to clarify these differences with campus partners and stakeholders to draw attention to when restorative justice is appropriate to use and when it may be inappropriate.

Focus (process/outcome)

Paul and Borton (2017) explained many definitions of restorative justice are either process-focused or outcome-focused. Process-focused definitions emphasize procedural justice or the *how*, while outcome-focused definitions emphasize the distributive justice or the *what*:

Many [process-focused] definitions highlight the voluntariness of participation, the use of direct dialogue between interested parties, the effects of an offense, and that offense's implications for the future . . . [while outcome-focused definitions emphasize the] values

of healing, growth, inclusion, and safety. (Paul & Barton, 2017, p. 204)

However, Paul and Borton (2017) explain process focus and outcome focus are not mutually exclusive. The facilitators in this study operated from both a process-focus and an outcome focus but leaned heavily on the process. As Derrick describes, “we are pretty task oriented, our agreements generally end up with things to do, some schools are focused on the emotional transformation and it is really the gathering itself as the resolution.” The findings of the current study suggest procedural practices or a process-focus is an important element of restorative justice and restorative practices. Regardless of the type of bias incident, the format of the restorative session, or facilitator institutional type, the maintenance of certain practices were vital to the facilitators’ experience with their interpretation of what made the process successful and beneficial to the individuals involved and the institution.

Connecting back to procedural justice, which is more concerned with the justice process than the outcome itself, it is important for participants to perceive the process to be fair. Mainly focused on offenders, a study done by Patemoster, Brame, Bachman, and Sherman (1997) found when individuals accused of domestic assault believed when the police treated them fairly they were more likely to comply with sanctions regardless of the outcome of the case. For harmed individuals, Lind and Taylor (1998) suggested they must have a voice in the process and be treated with respect and dignity. For the facilitators in this study, by following a process similarly outlined by Paul (2015a); ensuring the process was voluntary, listening to stories, explaining what restorative justice is and the procedures of the model, setting a tone for the conference, creating a safe environment for dialogue between parties, and at times persuading reluctant parties to participate, the participants would benefit the most from the process. Those derived benefits would meet those needs of giving equitable voice as they share their stories, that

harmed parties could get the “why” and “why me” question answered, that all parties are playing an active role in the process.

While the set of practices described happened across both pre-conferences and conferences, this study found that the facilitators spent a significant amount of time on pre-conferences. Creating a safe environment in the conference between parties meant that work must be done in the pre-conference to set the tone for how the conference would function. Part of the pre-conference is intended to move the separate parties along a spectrum so when they arrive for the restorative conference they are prepped for open and honest dialogue in a safe environment. This requires ensuring that both parties are able to address the specific action that caused harm and that someone assumes responsibility for that action in order to reduce the risk of any distortion, minimization, or exaggeration of the actual harm (Chapman & Chapman, 2016). If the parties are not making individual strides in the pre-conference it is unlikely the responsible party would be ready to hear how they have impacted the harmed party and the harmed party is unlikely to be ready to accept any apology or view the restorative process as meeting an outcome that is as favorable as traditional forms of punishment. In the pre-conference, the facilitators are listening carefully to the stories of the harmed and responsible party to identify harms and needs. They are staying particularly focused on the effects of an offense; what harm (emotional, material, physical, etc.) has been done, how are the parties processing the incidents emotionally, what can be done to remedy the situation. Campus judicial processes are intended to be educational and foster growth in students as they breakdown the impact that has been caused by the behavior of the offender and fostering that growth requires a disequilibrium of crisis that challenges their ways of knowing with support (Taylor & Varner, 2009).

The pre-conference is an intentional space created to help the responsible party develop the disequilibrium in a supportive environment to examine what external influences have shaped their understanding of the world and challenges their held beliefs about themselves and others. Bias incidents, however, offer an added level of difficulty in challenging perspectives and ways of knowing because as Harper (2012) exerted, students often minimized acts of racism through a narrow lens of overt acts and are unable to see how their actions could be biased or even racist. Similarly, Garcia and Johnston-Guerrero (2015) assert students lack the critical consciousness to recognize their actions as racist and while this should not excuse their behavior, it places some “level of responsibility on the colleges and universities in which these events occur . . . they must find ways to increase their responsibility for educating their students in ways that increase critical consciousness and civic responsibility” (p. 60). The pre-conference should be a place where that critical consciousness is continuing to be developed as the facilitators work with the responsible party to move them along the spectrum towards accountability and being able to hear how they have impacted others.

Once in the restorative conference, the facilitators explain that it is hard for responsible parties to continue to minimize acts of bias when they are face-to-face with the harmed party, and they are explaining the impact that was caused because it made the “other” real, they were no longer an “imagined character in [the responsible parties] narrative of harm” (Chapman & Chapman, 2016, p. 143). As Gary explains

I think it’s really interesting how the participants will talk to each other, I mean the way you set it up it makes it very clear that I’m here to facilitate this process but this is an engagement process and so you are going to engage with each other and that’s very different thinking about some of the hearings I have where there is a divider in the room.

Incident C facilitated by Jessica describes how members of the lacrosse team needed to understand how their actions impacted not only the perception of inclusion by the Chicano/Chicana students but the impact their behavior had on their non-senior teammates. That incident also highlights how in many cases the focus on the offense's implications on the future has to include a review in justice orientations.

Conferences, for the harmed party, are designed to be empowering, to receive a form of reparation, renew a sense of safety and to get questions answered (Paul, 2015b). If the pre-conference is ineffective in setting the tone for the conference, then the process may incidentally re-victimize the harmed party. Chapman and Chapman (2016) explain, "The responsibility of the victim in the conference is first to bear witness to the reality of the suffering of the past harm and second to seek some sort of amends from the person responsible for the harm, which makes it possible for justice to prevail" (p. 146). The restorative conference is intended to restore whatever harm has been done whether it was material, financial, emotional, or physical. Restoration through restorative justice requires the harmed party is ready to let go of their anger and their demand for retribution in traditional forms of punishment. In this sense, punishment means a negative experience and unpleasant consequences for the responsible party, and maintaining this goal of punishment lessens the desire for harmed parties to engage in restorative practices (Paul, 2015b).

In Incident C, for the harmed parties, the pre-conferences was about seeing where their justice orientation aligned with restorative practices and either moving the student along a spectrum to a place where they could buy into the model or determine that the particular case may not be a good candidate for restorative justice. In those meetings, the Chicana/Chicano students came to understand that punishment comes in many different forms and that the

implication of the offense meant that members of the lacrosse team had faced public scrutiny, lost job offers, and more. The pre-conference was used by the facilitators in this study to prepare the harmed parties to hear an apology and to understand how the restorative process is compatible with traditional justice. For Jessica, knowing what the students were going to say before they entered the conference created the safe environment for the dialogue without the worry that the space may be triggering for either party. The reliance on the pre-conference to identify justice orientations in harmed parties, ensure the responsible party is ready to accept accountability, and to create a process that is perceived as fair brings the focus back to one of the key processes, voluntariness. Like Incident B facilitated by Patricia, removing the voluntary nature of the process left participants confused, no one had accepted accountability, and the incomplete process did not allow for any of the outcome-focused goals of healing, growth, inclusion, or safety.

Scope (narrow/wide)

The facilitators valued the benefits of following procedural practices, and it was important that not only the harmed party and responsible party understand the process, but that campus partners and key stakeholders understand the process in order to maintain the integrity of the process and not lose those underscored procedural practices. As the narrative surrounding the model indicates a promising solution that aligns with the mission and goals of higher education, it is easy to understand how campus administrators would call for more use of the model. However, if the desire to incorporate the model more into higher education practices comes without understanding the scope and nature of what makes the model effective, restorative justice and the practices that come from it may be reduced and implemented in a manner that does not allow the campus community to reap the full potential benefits of such practices.

Paul and Borton (2017) assert that while several practices are labeled restorative justice some researchers question whether they all belong under the same umbrella. They state, “This question is most clearly evident in the ongoing tension between “purists” (advocating for a narrower conceptualization) and “maximalists” (advocating for a broader conceptualization) (Paul & Borton, 2017, p. 206). Similarly, Song and Swearer (2016) explain that for some restorative justice is a way of being and thus no one way of practice and it is best learned through experience and practice. While the facilitators function mostly as maximalists in that they believe restorative justice is a way of being, that at their core they operate from a restorative lens, and expressed the value in the flexibility of restorative justice they also operated in a purist’s conceptualization of restorative justice as they voiced nervousness around an idea of co-option.

The concern was not that the model should not be operationalized in various forms across campus, but if the restorative process were co-opted by those who only have a marginal understanding of the model, many of those practices and processes they deemed important for successful implementation would be skipped or done ineffectively. This was present in the incidents presented by Derrick and Patricia. In each case, the process was co-opted in a way that did not adhere to the voluntariness of restorative justice nor were adequate pre-conferences conducted. As discussed, procedural justice emphasizes fairness and trust. Studies have shown that “individuals have a tendency to focus on information that is consistent with their expectations” (Scheurman & Matthews, 2014, p. 856). These expectations are predicated on the experiences of others in their social circles. If students hear from their peers that restorative justice is an unfair process, because they were forced into the process or they did not receive their desired outcomes because of a different justice orientation, then potential future participants

will not trust the process and perceive it to be procedural unjust regardless of their actual experience.

In the same way a singular online bias incident can impact the perception of campus climate (Yeung & Johnston, 2014), a singular misfire in the use of restorative justice could alter the perception of its effectiveness on the campus. As Mary articulated, “the hype around restorative practices is adding to a certain pressure to make sure it goes really well.” On the heels of a report by the Anti-Defamation League which purports White supremacists propaganda has increased 258% on college and university campuses (Mathias, 2018) and the Southern Poverty Law Center’s report that, after the election of Donald Trump, there was a spike of reported hate and bias incidents across the United States (Dreid & Najmabadi, 2016), it is essential that campus administrators are more mindful about how responses to incidents of hate and bias are handled. The heightened awareness around bias incidents on college and university campuses means campus administrators are being held more accountable for addressing these types of incidents appropriately.

Campus administrators have faced growing critique from both the campus and the external community about how they have responded to these incidents (Davis & Harris, 2015). Incident A, facilitated by Derrick exemplifies how an incident that might have been a good candidate for restorative processes was tainted by public outrage and heightened scrutiny that made conducting a restorative process ill-advised, although they proceeded with the process anyways. The public image of the University, in essence, compelled campus administrators to push for this process to happen even though the facilitator argued against it because the harmed party’s need for retribution did not align with the stated goals and outcomes of the restorative process. As Hughes (2013) explains, “institutions with professed ‘commitments to diversity’

have felt a new sort of pressure to have well-organized mechanisms in place for responding to incidents [that pose a risk] . . . to a school's branded image" (p. 127). This misuse operationalized out of a need to find a more constructive way to address a bias incident that was receiving local and state headlines.

The presence of social media has made the awareness of bias incidents more accessible to secondary targets on the campus and beyond as it has also facilitated more collective action to address these issues (Baker & Blissett, 2017). Social media, such as Facebook, Twitter, etc., is used to build movements for these incidents as "students could generate immediate support and, more critically, mobilize a larger base before and during significant actions" (Biddix, 2010, p. 687). The purported benefits of restorative justice make it an ideal model to give the perception that the campus is adequately responding to an incident of bias. If done improperly, if the process is rushed or steps are skipped, the results of the restorative process will not provide the benefits it is intended to claim nor will it provide satisfactory outcomes that improve the perception of the campus climate and will tarnish the reputation of restorative processes. The initial stages of a campus response to incidents of bias are crucial as they set the tone for how the harmed party and subsequently secondary targets believe campus administrators care about racism and other forms of oppression. Additionally, as Davis and Harris (2015) state "Without systemic interventions that do not collect dust on shelves, we will continue treating racial incidents in a reactionary fashion thereby disallowing the deconstruction of a climate with racist undertones" (pp. 65-66). Therefore, conversations about racism, bias, microaggressions, and other forms of oppression cannot only occur after the presence of an incident on campus it has to be ongoing and a part of the campus culture.

There has to be a whole school approach to address incidents of bias. Changing the campus climate requires complete buy-in, which entails developing a whole school approach. As a model, the facilitators believe restorative justice is a robust tool to address bias incidents but similarly for the model to flourish the facilitators in this study uphold that it is necessary to create a systemic approach. In reviewing the Scottish K-12 school system, McCluskey et al. (2011) identified three approaches to implementing restorative justice. The first and most successful method included an “ethos building” or a whole school approach that encompassed both proactive (preventative and educational tools) and reactive (an operational response to wrongdoing). The second approach limited the interactions of restorative justice to those who were responsible for student behavior like guidance counselors or disciplinary officers and only in a reactionary model. The third and final approach was one that resulted in the use of restorative justice for serious incidents that resulted in criminal charges. While this approach had positive impacts on the individuals involved in the process, it did little to impact the overall school culture or to change the school climate or ethos and thus did not produce a reduction in misconduct.

The facilitators’ in this study contend the whole school approach will be the most useful in that it, as McCluskey et al. (2011) suggest, creates both proactive and reactive measures. Coordinating a more proactive approach, one that creates an environment conducive to building a community, reduces the opportunities for future incidents of bias to occur and develops a foundation to address the incidents more proficiently that do transpire. As Robert states,

I’m more interested in changing the culture of the institution, which I believe has to happen probably more as a grass roots as opposed to a top-down and here’s a structure we’re gonna impose on the rest of you. Those systems tend to get co-opted by the

traditional systems anyway, that's why transforming the criminal justice system's so hard.

The whole school approach requires campus partners to institute proactive restorative practices such as community building circles and other forms of social engagement that emphasize relationship building. This is similar to the dynamic diversity approach—which focuses on “interactions among students within a particular context and under appropriate environmental conditions needed to realize the educational benefits of diversity” (Garces & Jayakumar, 2014, p. 116). Morrison and Vaandering (2012) asserted the focus on reconnecting people to each other in the restorative model allows “discipline to regain its original meaning and is understood as a means for nurturing human capacity rather than a method of managing others” (p. 146). Building on relationships and focusing on humanness as a collective campus community improves that capacity of the campus community to alter their justice orientation and allow conduct to be a place that nurtures that human capacity rather than managing students through a traditional lens of punishment. As Kane et al. (2007) suggest the most effective schools are those that set clear goals and were committed to building relationships. This aligns with the stated goals of student conduct provided by Dannells (1997) who explained that focusing on the community in the conduct process should deter hateful and destructive behaviors.

From a maximalist perspective, the facilitators articulated a desire for restorative justice to be engulfed in a structure that allowed students to engage in practices that built relationships and communities. As Vaandering (2014) explains, “Some early proponents of restorative justice warned that restorative justice initiatives risked being co-opted by institutional hierarchies if they focused only on conflict management procedures after individual incidents, and ignored the necessity of transforming governing structures and relationships” (p. 514). In other words, what

opportunities exist for the campus to build community and repair relationships outside of an adversarial environment like student conduct? As Vaandering (2014) suggests, the facilitators believed it was important that the interactions students had with restorative justice were not limited to disciplinary action. Paul (2016) asserts it is critical “to understand where, how, and with whom people learn and talk about justice in general and justice practices such as VOCs and trials in particular” (p. 254). The facilitators used road shows and training opportunities to enlist campus partners who could talk about justice through a lens that was more community-centered such as community building circles. Increasing the interactions of restorative justice outside of student conduct would decrease the amount of time facilitators would need to spend getting reluctant students to participate in restorative practices. Introducing a different justice orientation in a non-combative environment like a residence hall that already has a built-in community increases the opportunity to build the types of relationships that foster growth and nurture human capacity.

Using community building circles and other proactive restorative practices would help to build both community within various constituencies on campus while developing a framework for fruitful and honest discussion about bias incidents and their prevalence on campuses.

According to Vaandering (2014),

In theory, facilitating circle conferences to address specific incidents of harm involving a few people should become the tip of the triangle, with the need for such post-incident repair reduced by foundational building work where the whole school population is enfolded in building and maintaining and repairing relationships in all aspects of the educational experience. (pp. 512-513)

Garcia and Johnston-Guerrero (2015), in their study on campus responses to racial bias-incidents, recommended similarly that more proactive educational programs be implemented and that residential life training should encourage staff members to develop programmatic efforts that address the nature of racially biased incidents. By training campus partners, Lisa was able to introduce the ideals of restorative justice during summer orientation. Lisa, Gary, and Derrick worked with their Residence Life departments to train Resident Advisors to use restorative practices in their floor meetings and mediations because as Zeller (2006) noted “campus residential environments may well become the setting where the deepest learning interactions will occur, as students and faculty are able to fully exploit the potential of living learning opportunities” (p. 59). Arianna was able to offer professional development training for faculty. Increasing the interactions of restorative justice outside of student conduct would decrease the amount of time facilitators would need to spend getting reluctant students to participate in restorative practices.

The development of these proactive restorative practices opens the doors for ongoing dialogues across differences. When done effectively, group dialogues should build up over time from superficial conversation to more in-depth conversations that can challenge and fortify held beliefs while giving individuals tools to be able to articulate those beliefs and open the door to be able to sympathize with others and develop perspective taking. As groups develop together, it opens the pathway to be able to have discussions about race, racism, and incidents of bias. When a bias incident occurs on campus, engaging in group dialogues are positive first steps in the aftermath but “conversations on racism should not be just that, but rather purposeful dialogues that are cross-racial, sustained, and deconstruct the normality of Whiteness” (Davis & Harris, 2015, p. 75). Sustain dialogue and perspective taking requires a shift in institutional structure.

These types of experiences must be ongoing and continuous. These conversations must be normalized into the everyday interactions of students in the classroom, the residence halls, student organizations, etc. that center the voice of those who are often marginalized in an effort to deconstruct the normalcy of Whiteness, but also challenges all parties to re-evaluate what they hold to be true and either change those held beliefs or fortify them. Few of the facilitators were at a place in their institutional use of restorative justice that ongoing community building was happening. Arianna's institution has the most institutionalized practice as it is embedded into their classroom structure, although they do not call the practice restorative justice.

Enacting a paradigm shift in the whole campus culture means that multiple people must be trained to implement the various tiers of restorative justice on campus and to decrease the likelihood of co-option. This involves committing ample resources to this shift, namely time and money. While ethos building was described by the facilitators as the ideal approach, Vaandering (2014) explains the qualitative data that currently exists around the transformational nature of restorative justice on whole school approaches is inconclusive and contradictory. None of the facilitators were able to say if their current ethos building efforts on their campuses were able to create any paradigm shift as many are still in the first few years of their practices. It is no surprise that the facilitators in this study operate in the middle of the tensions expressed by Paul and Borton (2017). As individual people are trained, they bring with them to their campuses a variety of definitions, understandings of use and practice, and tensions. As the practice of restorative becomes more readily used in higher education, it will be important to consider these tensions in relation to the mission and goals of the conduct process.

Discussion Linked to Theoretical Frameworks

As philosophical changes have occurred in the role of discipline on college and university campuses so must the conduct administrators that must adhere to them. As the “debate about whether sanctions for student misconduct should focus on education (helping students move to a higher stage of moral development) or on punishment (retribution)” (Wilson, 1996, p. 43) continues, the emergence of restorative justice as a new philosophical approach may resolve that tension (Karp & Frank, 2016). The debate in higher education has also been marred by overly legalistic processes (Lowery & Dannells, 2004) infiltrating student judicial processes as a result of varying court cases that called for greater due process. The emphasis on legalism has led to a disintegration of developmental knowledge and less concern for “broader questions on human values and morality” (Rest & Narvaez, 1994, p. 27). Institutions, therefore, are challenged to create processes that are fair and meet the standards of due process while also creating a process that is developmentally and educationally comprehensive.

Baldizan (1998) asserts that conduct administrators “are challenged to provide developmentally sound, legally defensible policies and procedures for our students, followed by consistent and fair enforcement” (p.33). The role of conduct then should be a place that addresses behavioral issues as it establishes an environment for moral and ethical growth. The facilitators in this study expressed in many ways a desire to bring this seeming duality to a synthesis through restorative justice. Fairness, moral development, and community were central to implementation practices and desired outcomes, but it was also important that development and a sense of community were happening across campus and not just in student discipline.

Restorative justice borrows from many theoretical frameworks (Chapman & Chapman, 2016) in an attempt to synthesize this seeming duality in student discipline. This study was

framed around the notion that “restorative justice is an approach that aligns closely with the aspirational goals of student discipline, student development, and liberal education” (Karp & Frank, 2016, p. 160). In essence, I framed the current study in the idea that restorative justice is built on three theoretical frameworks to provide a model for effective resolutions of bias incidents on college and university campuses. The three frameworks, moral development, self-authorship, and critical race theory, are woven together to do as Hoekema (1994) suggests, which is to prevent exploitation and harm, nurture a sense of community, and promote an environment for free discussion. The following sections describe how the three frameworks build on one another in the practice of restorative justice.

Model of moral development

Based on Kohlberg’s (2005) model, individuals continuously move through stages of moral reasoning. Kohlberg argues as individuals move through these stages it is the individual who determines what is right from wrong and not society thus the goal of education should be to “stimulate people’s thinking over time in ways which will enable them to use more adequate and complex reasoning patterns to solve problems” (Kohlberg & Hersh, 1977, p. 56). As individuals move through the moral levels and stages their capacity for empathy, conceptions of justice, and ability to take the role of others increases (Kohlberg, 2005). In restorative justice practices, the facilitators use the pre-conference to assess the moral development level of the responsible party. Then, if needed, also use that time to “help the student to consider genuine moral conflicts, think about the reasoning he uses in solving such conflicts, see inconsistencies and inadequacies in his way of thinking and find ways to resolve them” (Kohlberg & Hersh, 1977, p. 57). As Lisa explained,

it’s about helping them build those bridges and understand at the end of the day, the expectation is not that you agree with one another but that we start to develop some

respect or at least understanding that respect is needed for some of the other basic needs to be met during your time here.

Taking this same principle Kohlberg and Hersh (1977) assert schools should challenge students with moral issues faced by the school community. By instituting restorative practices like community building circles in classrooms, residence halls, within athletic teams, etc. creates a *just community* where those in the community determine what is right.

The community building circles also serve as a space that promotes free discussion in a safe and supportive space that gives equitable voice to the parties involved and builds a sense of community as the participants build a greater understanding of those in their community.

Community building helps with that of perspective taking which is a “general skill in adopting the perspective of others and understanding social interactions from their point of view both cognitively and emotionally” (Comunian & Gielen, 2006, p. 52). An open and democratic social environment is needed for the best results of moral development (Wheeldon, 2009). By participating in the development of what is right, harmed and responsible parties are participating in democracy one in which they share power and authority to build community norms which they are then more likely to abide by because they have a say in the decision-making process (Karp & Frank, 2016).

Self-authorship

Building on Kohlberg (2005), Baxter-Magolda (2008) maintains that self-authorship is the “shift of meaning-making capacity from outside the self to inside the self” (p. 70). Similar to Kohlberg, the perspective taking and empathy building is in relation to community so as individuals build community and are confronted with how their behavior violates community norms, they may begin to understand their behaviors impact but it is important that it is done in a process that is supported by reflection (Karp & Frank, 2016). Students in the early stages of

Kohlberg's model may find discussing bias incidents difficult as individuals in this level see issues as either right or wrong. Bias incidents are often not policy violations and could, therefore, be seen as "not wrong." Students who are in this early stage of moral development may struggle more with this process and may need additional pre-conferences to move them from dualistic thinking to one that allows them to understand where the other party is coming from even if they do not agree with them. Moving to the highest level of Kohlberg's model – Postconventional – requires participants to develop perspective taking and to recognize: "Knowledge is understood as being constructed, not given from authority, and not just what one 'feels' or 'intuits' or reasons" (Belenky, Clinchy, Goldberger, & Tarule, 1986, p. 141). As a result, individuals can develop self-authorship as they look to self to define their own beliefs, identity, and relationships

Creating an environment that promotes this self-authorship requires three assumptions to be in operation; environments must convey that knowledge is complex and socially constructed, that *self* is central to knowledge construction, and that authority and expertise is shared in the mutual construction of knowledge among peers (Baxter-Magolda, 2002). From the facilitators' perspective, the pre-conference and conference sessions worked to operationalize these three assumptions. The restorative pre-conference provides the supported environment to enable reflection by responsible parties to understand how their behavior fits in terms of community while the conference allows a face-to-face interaction that promotes perspective taking as the students are able to construct knowledge together as they share stories about their experiences surrounding the incident. As Chapman & Chapman (2016) exert, "Through exposure to the other through dialogue one realizes that one's account is partial, limited, incomplete, and requires revision. Dialogue enables individuals to rid themselves of the belief that an alien and powerful source of evil controls them" (143). The framing of the restorative questions helps to both

challenge and support students to help them make the shift to meaning-making (Baxter-Magolda, 2001). As Robert states, “It’s finally requiring some of our students to stop and slow down and think beyond today . . . Through this process, we’re changing some of those mindsets.”

Additionally, bias incidents provide an opportunity for those who experience oppression to deconstruct the oppressive messages received while those with privileged identities can construct a multicultural frame allowing these individuals define their own beliefs, identity, and relationships as they dialogue with one another (Baxter-Magolda, 2008). It makes the invisible visible (Sue et al., 2008).

Critical race theory

Baxter-Magolda (2008) explains that those in oppressed groups can develop self-authorship as they begin to trust their internal voice. CRT offers a methodology for developing that internal voice by centering marginalized voices called counterstorytelling. Narrative truth, as described by Chapman and Chapman (2016), “asks the victim to take responsibility for how they made sense of the event, how they feel about it, what needs to be restored and what requests they will make at a meeting with the perpetrator of the harm” (p. 147). This participation in truth-telling gives harmed parties an avenue to trust their internal voice and take ownership of their justice needs. Engaging in this process of dialogue asks all parties to take responsibility to make things right. As Davis and Harris (2015) argue when campus leaders have attempted to address incidents of bias and campus climate issues

Too often, offensive acts are proclaimed as remedies to promote ‘the opportunity to learn’ or the ‘opportunity to advance inclusive practices on a broader campus level.’ Left out of these opportunities to learn are the acknowledgments of pain caused to those directly affected by the racial incident or the opportunities for those groups. (pp. 70-71)

The voice of the harmed party and the active accountability taken by the responsible party in the

restorative justice process attempts to acknowledge that pain while providing opportunities to learn. The current study results revealed the facilitators believed the restorative model provided this space that gave equitable voice to the participants. In this, voices of those who are often left out of the conversation namely harmed parties, are centered and able to share their experiences in an environment that allows the other party or parties to learn from those perspectives.

Even in the proclamations of opportunities to learn when incidents of bias occur, “they can also provide a kind of sanctifying cover” (Hughes, 2013, p. 130) as the framing of these as “incidents” rather than symptomatic of something larger allows institutions to continue to maintain hegemonic interests (Hughes, 2013). Like Hughes, critical race scholars argue racism is pervasive and endemic and as such is so ingrained in our institutions that racist actions and behaviors often look ordinary and natural (Delgado & Stefanic, 2000; Gillborn, 2008). Acts of bias are often viewed as unintentional or as unconscious. Unconscious bias can only occur if acts of hostility are so normalized that individuals do not recognize them as problematic and it allows these types of acts to continue as it privileges individuals with the ability to claim ignorance. This furthers the work of CRT scholars who have placed emphasis on institutional racism that had been traditionally ignored in much of the research around racism (Solòrzano & Yosso, 2002). Critical race theorists also assert that to eliminate racism, and by virtue bias, more work must be done than simply changing policies; there must be more done to address daily interactions that lead to changing mindsets. Similarly, Critical Whiteness scholars have explained that:

in order to understand interactional and institutionalized racism, assiduous attention must be directed not only toward those who are victimized by systemic processes, but also toward those in the dominant group who benefit from the resulting inequities” (Hikido & Murray, 2016, p. 391).

The facilitators of this study assert restorative practices such as community building circles should be implemented in classrooms, residence halls, etc. to engage students in a consistent dialogue that not only builds community but addresses issues of the campus community such as racism and bias. Engaging in these dialogues consistently challenges students in a supportive environment that will ideally allow for perspective taking and self-authorship to develop.

Enacting such practices requires buy-in or in terms of CRT interest convergence (when the outcomes will benefit those who hold institutional power) as CRT scholars assert there is no inherent desire to end racism (Delgado & Stefanic, 2000). The current study revealed the facilitators used the notion of interest convergence to encourage campus partners and stakeholders to use the restorative model. Interest convergence was first conceptualized by Derrick Bell in two law articles “Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation” (1976) and “Brown v. Board of Education and the Interest Convergence Dilemma” (1980). In essence, “Interest convergence stresses that racial equality and equity for people of color will be pursued and advanced when they converge with the interests, needs, expectations, and ideologies of Whites” (Milner, 2008, p. 333). The facilitators in this study talked about packaging the model in a way that would be described as somehow beneficial to those individuals. The facilitators explained restorative justice in terms of retention, wellness, and reduction of recidivism, a narrative that works to the benefit and interest of the institution. Considering this interest convergence some of the facilitators expressed concern that the model might be misused to maintain a positive image of the institution without regard to the integrity of the model.

Implications & Recommendations for Practice in Higher Education

Zehr (1990) is often recognized as being one of the first individuals to formulate a comprehensive restorative justice theory, one that borrows from a variety of theories and practices (Gavrieldes, 2007; Vaandering, 2011). In Zehr's (1990) conception, crime and justice should be viewed through a different lens and advocates for a shift from a retributive/traditional justice orientation to a restorative justice orientation. This articulation of restorative justice is rooted in relationships and community and requires a fundamental shift in how crime, incidents of bias, and justice are communicated in institutions of higher education (Zehr, 1990). The facilitators in the current study very much articulated a desire to alter the justice lens in their work and believed by clearly defining restorative justice and restorative practices while simultaneously introducing the model to various campus partners and stakeholders through community building circles and other non-adversarial environments, the better the campus could restore communal equanimity.

Listening to the facilitators in this study reminds one as Bingham and Sidorkin (2004) stated, "education is primarily about human beings who need to meet together, as a group of people, if learning is to take place . . . meeting and learning are inseparable" (p. 5). Restorative justice is providing spaces and opportunities for groups of people to challenge their ways of knowing and developing relationships that create more opportunities for learning to take place (Morrison & Vaandering, 2012) and as campus administrators, work must be done to set up those spaces effectively and ensure there is equitable access to those spaces. From this perspective, the following section outlines implications for practice focusing primarily on strategies for implementation.

Define the language

This study highlights the importance of having a shared language and preserving some procedural practices. As restorative processes expand on campuses, it becomes imperative that facilitators explain what person-centered and procedural practices means in this process, especially regarding fairness. Advocates and scholars of restorative justice express that one of the benefits of the model is the perceived fairness by victims and offenders (Umbreit, Coates, & Vos, 2004), but this perception of fairness is obstructed by having unclear expectations or an understanding of how justice is oriented in this model (Paul, 2015a).

It is also important to have a shared understanding of the terms harmed party and responsible party. Much of the restorative justice language in the criminal justice system uses words like victim and offender, and this places these two words on a binary, where you are either a victim, or you are an offender. Cunneen and Goldson (2015) purport that as contemporary restorative justice promises to “enable moral clarification and deliver moral pedagogy” (p. 144), it requires in some ways an ideal victim who is a model citizen and an unknown offender engaging in predatory behavior. While higher education has mostly stayed away from using victim and offender, the word choices of “harmed party” and “responsible party” still describe a binary. The intention behind this word choice is to focus on the current incident only to describe the individual parties at the moment as the person who was harmed by the action of the person being held responsible.

In terms of bias incidents, as discussed in the literature review, the actions of responsible parties are sometimes viewed from the perspective of the responsible parties as retaliatory for the wrongful incursion of *others* into their spaces and can be triggered by events, such as changes in the political and cultural environment that result in responsible parties feeling like they are victims (McDevitt & Levin, 1993). In 2016, campuses saw a rise in hate crimes and bias

incidents as did the country. The Southern Poverty Law Center documented up to 900 incidents in the first few days after the election of Donald Trump (Dreid & Najmabadi, 2016). While this political event may not have been a catalyst that triggered feelings of victimhood, it could be argued that the rise in incidents were prompted as a backlash and retaliation for the previous eight years under President Obama as a person who as a racial minority entered into “White spaces.” Hikido & Murray (2016) found that white students at minority-majority institutions believed that diversity efforts and initiatives catered exclusively to students of color at the expense of white students. Beyond the election, the continuous rise in “diversity programs,” student protests for more safe spaces, and the growth of Bias Incident Response teams could be seen as triggering events on campuses and may coincide with a rise in bias incidents or a campus where individuals are afraid to engage in any form of discourse.

Those who commit acts of bias are in some ways victims of institutionalized racism. This does not mean it is necessary to talk with responsible parties of bias incidents as victims, but it will be important to address the root or triggering events. The restorative question of “Who was harmed” may need to be more intentionally expanded to include any harms the responsible party believes they have incurred. This take on victimhood could be seen as once again giving people with already large amounts of privilege a way out. However, if the restorative model is going to be used to address bias incidents, it is important to express how the model is intended to not only address the incident at hand but the overall campus culture.

In order to accomplish this, applying the principles of CRT, there has to be an acknowledgment of the pervasiveness of racism and how it is maintained by upholding certain ideologies that allow people to believe they are victims in the changing political, cultural, and educational landscape. Moreover, considering Baxter-Magolda’s self-authorship engaging in this

framework of first acknowledging any harms the responsible party feels and then addressing the harms they have caused may allow those students to challenge their current ways of knowing and conceptions of self (Pizzolaro, 2003). Students cannot begin perspective taking if they have not first challenged their ideas of self.

Although restorative justice is used to address a conflict between individuals the roots of the practice are about repairing harm to individuals and repairing the community (Vaandering, 2012). Restorative justice is about community, consequently speaking in terms of a binary does a disservice to the model. It becomes essential that as student conduct officers and higher education administrators' talk about restorative justice that they are able to talk about the ways in which traditional justice and restorative justice are compatible (Paul & Bolton, 2017) and where they are different as restorative justice and restorative practices become more normative.

Pre-conferences as a measure for participation

In addition to having a shared restorative language, it is important the student conduct officers and higher education administrators are adapting a few key processes to maintain an effective model: it remains voluntary, participants are clear on what will take place in the process, quality pre-conferences are conducted, and adequate time is allotted to conduct the restorative process (Paul, 2015a). Facilitators must use the pre-conference to measure the potential success of a conference or circle process. This determination is somewhat subjective but as stated facilitators are paying attention to a few factors in making that determination. The decision on whether or not a case is suited for restorative justice should be based on the idea that the responsible party has taken some accountability for their actions. It is also important that when a student agrees to participate in a restorative process, they are clear how the process will function, what their role in the process will be, and what outcomes would be possible.

Restorative processes should not go forward unless the parties are clear on expectations and that responsibility has been accepted where necessary. Furthermore, cases should not move forward if harmed parties are seeking strictly punitive outcomes as procedural justice posits that they are more likely to view the traditional justice more favorable than restorative justice and therefore see the restorative process as unfair (Huang et al., 2012). Conducting quality pre-conferences and having the time to do these meetings will allow facilitators the opportunity to assess where the parties are in their understanding and to help prepare the parties to either accept responsibility or to hear the apology. Without the adequate time allocation to this process student conduct officers and higher education administrators should not use the restorative model.

Increased visibility and training

One way to ensure students on the campus are clear on the process is that the model is highly visible. Visibility has to extend beyond awareness of its existence. Much of the worry, fear, and lack of trust the facilitators saw from participants and campus partners was from misconceptions about the model. The facilitators expressed it was important that the process was clear to participants and they, as conduct officers or restorative justice coordinators, were not the only individuals on their campus enacting restorative processes. Robert provides the following suggestion,

My first piece of advice would be tell everybody. Probably start with people who you think are gonna be on your side quickly. Build teams of the converted. Build members of your choir. Encourage them to go to a training. Encourage them. Try to just create a campus dialogue. Let it build. Be patient would be a big one. And, for every step forward, you might get a couple of steps back. But don't give up the fight, 'cause whatever movement you create will have a lasting impact somewhere on someone.

Build a community of people who can be your advocates to expand restorative practices across campus. This also helps to create opportunities to institutionalize restorative practices at the entry-level across campus such as community building circles.

Davis and Harris (2015) state: “Intergroup dialogues that are sustained over substantial time (i.e., an entire semester) work well for students who are frequently interacting in the residence halls, athletic programs, and learning communities” (p. 75). Instituting community building circles, a form of intergroup dialogue, in these types of spaces on college and university campuses allows for perspective taking to occur in times when the campus is not ripe for chaos. If the campus community is introduced to restorative justice in a less adversarial environment the more likely individuals in the community will view the model as beneficial rather than something that should be resisted. Student conduct officers and higher education administrators should work with campus partners to train them to use more proactive restorative practices like community building circles in classes, residence halls, and athletic departments. That way the first time a student is introduced to restorative justice is not when they are encountering a judicial process as this creates more of an ethos building (Morrison & Vaandering, 2012). This also, in relation to interest convergence, communicates to the campus community an institutional commitment to diversity.

Implications for Future Research

In reflecting on this research study, there were several questions that remain: What role does the identity of the facilitator play in the perception of fairness by the participant? How do facilitators determine where students are in terms of their moral development and how do they work with students to move from one level to another? What cultural competencies do the facilitators hold when facilitating bias related restorative processes? How do current institutional

and social systemic structures limit the ability for restorative justice to be effective on college and university campuses? How has the perception of the campus climate changed as a result of the introduction of restorative justice and restorative practices? In the next section, I provide some key points on these questions for possible future research.

Identity of the facilitator

The role of the facilitator and their skill set is of particular importance when it comes to any facilitation of conflict. Beyond skill sets what role does the identity of the facilitator play in the acceptance of the facilitator by the harmed and responsible parties? It is of particular interest when considering the nature of the type of cases I was exploring in the current study. Bias incidents require a level of understanding and care for both parties. Harmed parties want to seek justice for how they were wronged and in order to receive that, the person facilitating that justice has to understand where the harm comes from. The responsible party will require a person who can see them as worthwhile and cared for with patience to allow them to come to their own understanding of how their behavior impacts others regardless of their intention. Building rapport is an essential part of the pre-conference process however not much has been discussed about what role the social identity of the facilitator plays in building that rapport. Building rapport is about building trust. This process is designed to set a tone for what the conference will look like; this process is supposed to break down barriers that would make it hard for the harmed party and responsible party to communicate with one another but is that possible if one or both of the parties do not have trust in the facilitator.

The facilitator is supposed to solicit and listen to their stories to identify needs and harms but if one or both of the parties do not trust the facilitator or the institution not all of the needs will be met and either party, but particularly the harmed party, could leave the process dissatisfied. This process requires the facilitators have some multicultural competencies and be

able to articulate this to the harmed and responsible party. Pope et al. (2004) defined multicultural competence as “awareness, knowledge, and skills that are needed to work effectively across cultural groups and to work with complex diversity issues” (p. xiv). The role of identity rarely came up in this current study and the results of this future study could inform restorative justice practitioners about what additional pre-conference work may need to be executed to facilitate trust or what steps could be taken to improve the perception of facilitator competence and satisfaction with the restorative process.

Moral development stages

One question that is presented in this research that is not answered appears in form of moral development formation. Kohlberg argues that morality is determined by factors ranging from avoiding punishment to a social obligations (Kohlberg, 1985). The role of the facilitator is to make a determination as to what influences a participant to engage in moral behavior and how readily participants are to accept accountability. Two additional research studies could be conducted to considering models of moral development. The first could be to understand where participants fall in the moral development stages and where those participants fall in relation to their ability to accept accountability. Second, research could be conducted to understand how facilitators make the determination on where participants are in the stages of moral development and how they progress participants, when needed, from one stage to another through the preconference process to help participants accept accountability and to understand the social obligation in accountability rather than as a form of punishment.

Institutional and social structures

Rooted in indigenous practices, restorative justice is often described in an “unequivocally positive– even idealized–light; as an exclusively benign and unquestionably progressive mechanism for facilitating inclusivity, reparation, resolution and, ultimately, healing and

satisfactory closure” (Cunneen & Goldson, 2015, p. 139). What this idea fails to consider is the nature of community in indigenous roots in comparison to contemporary Western cultures and the culture of schools. Schools are typically grounded in a liberal individualistic paradigm that is hierarchical and places a special emphasis on consequences which make the implementation of restorative process at the institutional level increasingly difficult (Vaandering, 2014), a vastly different structure than the restorative paradigm. Robert concluded his interview by stating

I will say the train has left the station. The RJ train is long gone from the station. Yeah, this is probably a big one, and I’m gonna borrow from the late Dennis Maloney. This is an ancient idea whose time has come. I love it. Sometimes, when we talk about RJ, we talk about it like it’s new. Indigenous peoples from around the world have been doing this for thousands of years. Our ancestors, and current communities around the world. This is not a new thing. This is an example of the western world sometimes co-opting these principles. So I think every time we talk about this stuff, we have to acknowledge its inherent roots and varieties, and lots of different forms around the world.

It is vital that as restorative justice makes its way further onto college and university campuses that there is an assessment of the campus culture and how as a part of the Western culture the campus may not be structured to embrace restorative justice fully.

Cunneen and Goldson (2015) argue structural divisions in regards to race, class, gender, etc. may inadvertently exclude individuals from restorative practices “because they are without a community or without the right community” (p.147). So the underlining question becomes who is seen as deserving restorative processes and who gets to be forgiven. What types of cases does the campus put forward as good candidates for restorative justice? Harmed parties could see the use of restorative practices as yet other opportunity to let the responsible party, often a person

coming from a privileged position in relation to the incident, off easy. Furthermore, often judicial processes have disadvantaged historically marginalized individuals. Restorative processes are intended to correct the perceived shortcomings of the judicial process (Cunneen & Goldson, 2015). However, if co-opted by traditional judicial systems or the cultural environment of the campus lends opportunity for forgiveness to some populations more than others then an unfair or biased process may develop that favors students who mirror dominate culture.

Campus Climate

One of the goals of this study was to understand if the use of restorative practices would change the campus ethos. While the facilitators could point to both formal and informal evaluations that indicate the student participants found the process to be worthwhile, they were unable to assert if any paradigm shifts have been made in the understanding of the model or any changes in the campus climate. As the model is relatively new and many of the facilitators are in the first few years of their positions it is hard to analyze the restorative model's impact on campus climate.

Future research would be needed to review campus climate surveys and review if there are any positive gains in the perception of the campus climate in correlation with the emergence of the restorative model to the campus. Additionally, future research could review how well the model is known on campus and analyze if the visibility and awareness of the model correlate with the perception of campus climate. Part of the perception of campus climate is determined by how students view the campus response to incidents of bias, hate, and microaggressions thus the research question might be: Do those who have an awareness of the model have a more positive perception of the campus climate? The results from this study would inform higher education administrators how restorative practices are if at all, changing the ethos of the campus.

Limitations of the Study

Any research effort suffers some limitations, and this study was no exception. This study was limited by the focus of the experiences from one perspective, that of the facilitator. This focus allows for a greater understanding of more of the process but often required a lot of second-hand knowledge from formal and informal evaluations. An additional limit comes from the number of research participants. There are a limited number of institutions that subscribe to restorative justice practices and even fewer that have instituted the practice to address incidents of bias. Based on Edwards (2007) suggestion of reviewing sample sizes of previous research done on a similar phenomenon, I incorporated 10 research subjects for this study, in the same number in Howell's (2005) study, as the participants came from a wide variety of institutional types, more specific findings, and discussions could not be made. The final limitation comes from the role of the researcher. In a qualitative research project, the researcher brings to the process his or her own predispositions, which naturally color the product. While I have made every effort to render the findings according to the facilitators' experiences, inevitably my own biases and preconceptions came into the process. To help limit the impact of my own bias, I employed peer reviewers, and I asked the facilitators to give me their opinions on my conclusions.

Conclusion

The purpose of this qualitative phenomenological study was to explore the perceptions and experiences of individuals who have facilitated campus-based restorative practices to address incidents of bias. There is still much to be learned about restorative justices' effect on campus ethos; however, from the perspectives of the facilitators in this study, restorative justice is a promising practice to address incidents of bias on college and university campuses.

Restorative justice and restorative practices could provide the needed realignment in the field of student conduct to match the values expressed by colleges and universities. The experience of facilitating restorative processes was rewarding and fulfilled both professional and personal values, and while the model is not perfect, an effective implementation strategy and a systemic approach create tangible benefits to the individual participants and the campus community as a whole were prevalent. Individual participants often left the process feeling heard, feeling like the overall practice is fair, and that there was an opportunity to learn from the parties involved. It is important that the integrity of the model remains intact and as the model is more readily used that the campus community has a shared language and understanding of the restorative justice orientation.

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Appendices

Appendix A

Facilitated Bias Incident Cases

The following section lays out the various cases the research participants facilitated

Incident A

Facilitated by Derrick

Bias Type: Racial

Summary: Two student giving presentation, one black identified, one identified, were standing in front of a black board. Another student in the class took a picture of the students standing in front of the black board and posted it to their social media because he thought it was funny how the Black students face had essentially disappeared behind the blackboard. Soon after posting the picture to social media, racist comments were being left under the shared photo once it made its way beyond the walls of the campus. The white student was apologetic but the challenge was that there was a group of students who really rallied by the victim in this case and they wanted blood and that happens and that is really the challenge in both Title IX and race issues right now because they want so much affirmation that the problems that they experience from the smallest microaggressions to more serious discrimination to Ferguson and beyond are real they want a very strong response and they want very strong messages sent by the institution that the behavior is intolerable

Restorative Process: Pre-conferences were held and an integrity board gathered. As a result the integrity board identified 26 harms that could be addressed. However, the student was demanding that every imaginable severe sanction possible. Traditionally this is where RJ would no longer be a viable option however, the case was pushed forward. The respondent was willing to do a lot of work in response to the identified harms but the complainant wanted more severe sanctions like removing the respondent from his athletic team however, his lifeline and community was his participation in the team sport so removing him was not a good option.

Result: Derrick explains “it was mostly good except for that one glitch which generated some dissatisfaction”. The complainant was dissatisfied in the moment but Derrick says that when encountering the harmed party weeks later the complainant was friendly towards him that perhaps after some processing he had time to understand the goal and purpose of RJ.

Incident B

Facilitated by Patricia

Bias Type: Racial

Summary: This incident was around a group of students attending a play and homophobic slurs and body shaming comments were yelled at people in the play. No student was identified as a respondent.

Restorative process: Patricia was brought in late to the process, other campus members had already initiated a “restorative process”. They made the process mandatory for all 200 freshman and held multiple circles simultaneously. There were people from the play in each circle

Result: The student did not understand why they were there. They came in already resistant so while they perhaps left understanding how the individuals from the play were impacted it was not a process that was organized in traditional restorative manners and did not achieve its goals and thus was considered a failed process.

Incident C

Facilitated by Jessica

Bias Type: Racial

Summary: Seven senior class members of the women’s lacrosse team took a photo in stereotypical chola attire. The photo was posted to social media. As a result the remaining members of the lacrosse team were resentful of the seniors because they were also getting dragged into the mess and members of the Chicano/Chicana student organization were calling for the seniors to be suspended or expelled.

Restorative Process: Three pre-conferences for both the entire lacrosse Team and 10 members from the Chicano/Chicana student organization chosen as representatives. A Restorative conference was form with the seven seniors and the 10 representatives. During the conference, apology statements from the seven senior students was stated. “They read their apologies and the people on this side were literally disarmed. They just, whatever they had come in with. Then [the Chicana(o) students] gave their impact statements, this is how it impacted me, and everyone agreed to use I statements Then we said no snaps because that is a kind of, that just becomes a pain. They all agreed to no snaps. They did their impact statements, they still were angry and they were able to articulate their anger but it was calmly. For instance one woman said, you need to think about why you have the views you have. What was your family like? What did your family teach you? What is your home life like? Sometimes you have to go back and actually break from where you’re at. She said that to them and then she or maybe one other person raised the issue that where there was homophobia in their own family and they had to go face that. She was doing it in an angry way but it was such beautiful advice, it was really also from her heart”.

They came up with 15 items that could be done to repair the harm

Result: The members of the lacrosse team were able to understand and own their impact. Jessica explained “Once they opened their minds to the fact that they had done so much harm and that they were not going to get kicked out of graduation. That it was going to a place where they could be accountable, in a supported, safe way. The worst thing was how guilty and horrible they felt and why”. The Chicano/Chicana students thought that they lacrosse team members “were getting off scot-free and that they were living it up and that they were laughing at them. They

had just come up with this whole picture in their mind” but there were able to see how the lacrosse members were being punished and were able to see how they were truly sorry.

Incident D Facilitated by Jessica Bias Type: Racial

Summary: A Black female (Kim) student objected to a film that was being showed in an Avant Garde class. The film was intended to be an intelligent and critical analysis of African cultures but from the student’s perspective it was just a horrific representation of people in some African country which showed numerous images of nude bodies that was intercut with animals being slaughters. They just even called it Africa. The student was one of two Black students in a class of 70. Kim stated she did not understand the films point, that it was not critical. The response from the teaching assistant and professor, from the student’s perspective, essentially boiled down to you are too emotional and that they are sorry she could not understand it intellectually. As a result the student staged an intervention bringing in other students from other organizations she belongs to and she gave a speech. Then she pointed at one girl (Sarah) who had said things that she thought were racist in the middle of her speech. Later in the day in the hall the Black female student and some of her friends saw the same girl she believed had said racist things in the class and cornered her in the hall. Then Kim and her friend began yelling at Sarah so there was several people yelling at Sarah. Sarah had said some things about reverse racism.

Restorative Process: The process focused mostly on the interaction between Kim and Sarah although some conversation was had with the faculty member about the film who ultimately decided he would continue to show the film. Jessica held a pre-conference meeting with Kim and Sarah separately. Kim was very forthcoming but when the facilitators got to the part about the hallway incident Sarah said, “Yeah, I know that I impacted her and I’m glad. I want her to feel dah, dah, dah, I know I pointed at her.” Jessica determined it was not going to be an opportunity to bring them together to do a restorative conference. Jessica tried to have a second pre-conference with Kim because “it felt like that distracted so much from what she had done. I don’t know if she saw that, she certainly didn’t want to think about that and it certainly wasn’t my place to say that. I just wanted to give her an opportunity to clear that up so she could get back to what was the real issue” explained Jessica.

Result: The restorative conference did not occur and the students went back to class without resolving the issue.

Incident E Facilitated by Veronica Bias Type: Racial

Summary: There was a hate bias incident in one residence hall that was directed at one person and it was an unknown offender. As a result Veronica coordinated a restorative circle with the 80 residence on the hall floor.

Restorative process: Veronica held a large restorative circle focusing on the directed incident. The process including some large group introduction work and icebreakers as well small group works in which a representative from each small group shared with the large group after they have all had a chance to talk.

Result: Student were able to take some valuable lessons in learning about others and were able to repair relationships that were not the initial focus of the circle.

Incident F Facilitated by Derrick Bias Type: Racial

Summary: The n-word was written on a white board in a residence hall. There was no known offender. As a result the floor held a restorative circle for the floor community.

Restorative process: As a result the floor held a restorative circle for the floor community. Halfway through the restorative circle process the student who wrote the n-word walked in and asks what is happening because he did not know about the circle and states he was the one who wrote the word.

Result: Ultimately he joined the remaining circle process and offered an apology at the end of the circle process

Appendix B

Interview Protocol

Interview Phone Contact

The Use of Restorative Justice Practices in College Student Conduct in Cases of Racially Motivated Bias Incidents

Welcome and Informed Consent

Thank you for agreeing to participate. This is an interview exploring your experience in a restorative justice conference. Please read over the Consent Form. If you agree, please sign and date it. [Hand participant a copy of the Consent Form.] Would you like a copy of the signed consent form? [If yes, arrange to have a copy sent to the participant.]

General Information Sheet

I need to start with gathering information from you. [Have student fill out the Personal Profile sheet.]

Interview

I now want to ask you questions about your experience in the restorative justice conference that you participated in on [date]. [Go over Interview Protocol]

Closure

I want to thank you for participating in this interview. I will transcribe this interview and save it on my password-protected computer. Once I have done this, I will send you the transcript by email. Please look it over. If you have any clarifications, changes, or additions, please let me know.

As your final role, I will send you a brief summary of the findings from this study. Please look them over and give me any feedback you would like including comments, challenges, clarifications or confirmation of the findings. Once you have completed your final task, I will email you your \$25 gift card for either iTunes or Amazon.

Again, thank you for your participation in this study

Appendix C

Interview Questions

The Use of Restorative Justice Practices in College Student Conduct in Cases of Racially Motivated Bias Incidents

Review Consent

There should be a reaffirmation of consent here, especially with regard to the issues of withdrawal of consent without penalty

General information about participant:

- Tell me a little bit about yourself?

Description of understanding of the RJ process:

- When did you first learn about restorative justice?
- Have you ever participated in a restorative process as participant and not as a facilitator?
 - What was that like?
 - Did your experience as a participant impact your decision to become a facilitator? If so, how?
- In what capacity have you facilitated restorative justice practices on your campus?
 - Before you began facilitating RJ what did you believe the process would be like? How has that differed from reality?

Description of being in the restorative process:

- Just to clarify what type of bias incident did you facilitate? Racial, gender, sexual orientation, etc.
- How did you feel facilitating the session(s)?
- Tell me about the (name of host campuses restorative process).
 - Tell me generally about the structure of what happens.
- When you hear participants speak about the incidents, what was that like?
 - What were you feeling as you heard the participants speak about the event(s)?
 - What was going through your mind?

Procedural fairness:

- Explain how you feel about the restorative process. What words would you use that described your experience?
- Did you feel that participants are listened to throughout the process from the other parties' involved? Please explain.
- In what ways did the process communicate or not communicate fairness?

Restorative agreement:

- Tell me about the process of creating the restorative agreement.
- What kind of input did you have as the facilitator?
- How did you feel about your input?
 - Did the respondent complete what was asked of them?

Campus climate

- Explain to me whether or not you feel as though both parties are listened to in the process
- In your experience do you believe the parties involved walk away feeling like they will be able to use restorative justice processes to resolve future conflict? Please explain.
- Have you participated in other attempts to resolve conflict arising from bias incidents?
 - If so, how is the restorative process different? Specifically, what about the restorative process do you find beneficial and what do you find to be its drawbacks?
 - If no, what about the restorative process do you find beneficial and what do you find to be its drawbacks?
- Explain to me whether or not this experience made you feel like you have the power or ability to influence problems for the better in the future

Closing Questions

- Looking back, how would you describe your overall experience facilitating restorative justice conference?
- How do you think restorative justice is impacting campus norms, if at all?
- Thank you for your time. I will be contacting you via email to give you an opportunity to view my summary of your interview to make sure my interpretations are indeed what you desired to express. If you have other questions please do not hesitate to contact me, my information is on your copy of the consent form.

Appendix D

Informed Consent

The Use of Restorative Justice Practices in College Student Conduct in Cases of Racially Motivated Bias Incidents

You are invited to participate in a research study on restorative justice. As part of my work on a doctorate in Educational Administration in the Department of Educational Leadership, Counseling and Foundations at the University of New Orleans, I am conducting research on campus-based restorative justice processes.

Nature, and Purpose of the Study: The purpose of this study is to interview college students who are 18 years of age or older and who have experienced a restorative process. Information from this study will be used to help college and university staff to better understand the impact of these kinds of interventions in relation to campus climate.

Procedures: Total time spent for the participant will be approximately 2 hours. Participation involves being interviewed for approximately 45 to 60 minutes. Notes will be written during the interview and an audio recording of the interview and subsequent transcript will be made. The audio recording will be destroyed at the conclusion of the study. Participants will also review a copy of the transcript as well as a summary of major themes from the study by email. If you complete all of the required tasks (initial interview, review of transcript, review of study conclusions), you will receive a \$20 gift card for Amazon.

Risks/Benefits: The anticipated risks to you are no greater than those normally encountered in daily life. Benefits of the interview include the opportunity to reflect on your experiences.

Confidentiality: Information you provide will remain confidential and your identity will not be revealed. Each participant will create a pseudonym and personal identifiers will be removed from all transcripts. Quotations from the interviews using a pseudonym will be used when reporting the results. A list of pseudonym and real names will be kept separate in a password-protected computer and will only be accessible by the primary investigator. Each interview will be recorded digitally and transcribed. The researcher and members of the dissertation committee will have access to all transcripts and the digital recording of the interview will be stored on a password-protected computer. All associated hard-copy documents will be kept in a locked filing cabinet. Please note that email is not 100% secure, so it is possible that someone intercepting your e-mail will gain knowledge of your participation in the study.

Voluntary Participation/Withdrawal: Your participation in this project is completely voluntary. You can refrain from answering any question without penalty or explanation and you are free to withdraw consent and discontinue participation in the project at any time. If you decide to participate and later change your mind, you may withdraw your consent and stop your participation without penalty or explanation.

Contact Information: If you have any questions or comments about this study, you can contact me at 502-551-8208 or ddander1@uno.edu or Dr. Christopher Broadhurst, my dissertation advisor, at cbroadhu@uno.edu. You may also contact the Chair, Human Subjects Review Board, University of New Orleans if any problems or concerns arise during the course of the study.

Signing this consent form indicates that you have read the form and consent to participate in the study. You will be given a copy of an unsigned consent form for your records. If you wish, you may also obtain a copy of the signed consent form.

Participant Signature Date

Participant Name – Print

Vita

The author was born in San Diego, California. She was raised in a military family moving every few years. She obtained her Bachelor's degree in Psychology from the University of Louisville in 2004. Staying at the University of Louisville she obtain her Master's in Educational & Counseling Psychology in 2006. She joined the University of New Orleans educational administration graduate program to pursue a Ph.D.