

# **Restorative Discipline**

**Fresno Pacific University**

## **Restorative Discipline Executive Summary**

During the fall semester of 2003, the Dean of Students with help from the Center for Peacemaking and Conflict Studies assembled a team of students, faculty and staff, to develop a new student discipline process (Restorative Discipline) for Fresno Pacific University.

The name Restorative Discipline is used to highlight the intended purpose, which is to encourage students and others in the University community to go to each other in time of conflict and resolve their differences.

We believe that this new process will enhance the academic purpose and atmosphere of the campus both educationally and developmentally. The process will enhance maturity and at the same time provide students with the opportunity to learn from their mistakes. It will also provide the opportunity for reconciliation of those who have been injured or estranged. It will enable the restoration of an individual to his or her place in the community. It will encourage students to take responsibility by holding them accountable for their own actions including making restitution for damages.

The Restorative Discipline program is designed to provide students and other community members of the University with **two main options** to consider when they are in conflict with each other:

**Informal Option:** At this stage, the program provides students the “Informal Process.” As in Matthew 18:15, all are encouraged to go to each other directly to resolve issues and repair damages as much as possible. Coaching and informal mediators are available through the Center of Peacemaking and Conflict Studies.

**Formal Option:** The first step of the formal process begins with the Community Justice Conference, an opportunity for the Student Life and Center for Peacemaking and Conflict Studies staffs to provide coaching and mediation to assist parties in seeking a cooperative way of resolving a violation of University standards.

The Student Judicial Board provides the second step of the formal process. When a case cannot be resolved cooperatively, the Student Judicial Board, made up of students, faculty and staff, will attempt to resolve the situation through a deliberative judicial process.

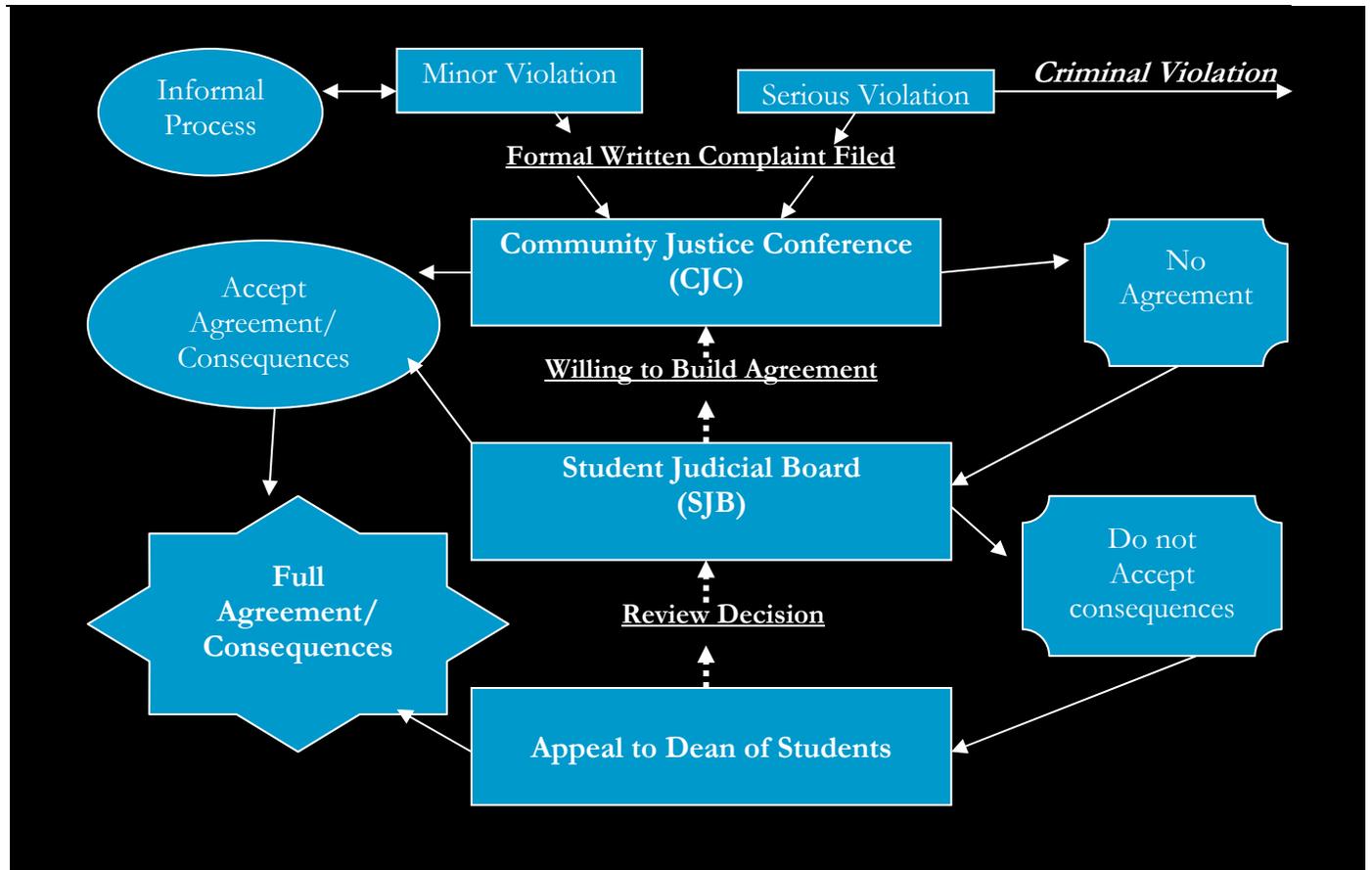
The third and final formal step allows students to appeal the Student Judicial Board decision to the Dean of Students.

*The model for this process has been complemented by two flowcharts (a simple chart on page 3 and a more detailed chart on page 18) to illustrate the step-by-step process of the Restorative Discipline program at Fresno Pacific University.*

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# RESTORATIVE DISCIPLINE PROCESS

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## PREFACE

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One of the aims of the university community life is that all members strive to voluntarily and consciously experience and nurture right relationships with God and with others. This requires a lifestyle of Christian discipline through accountability, which begins with self-examination and self-control, and includes personal and communal responsibility. Discipline at FPU, then, is an expression of the practice of community. Discipline is expressed with a "centered" instead of a "bounded" perspective. The "centered" approach focuses on Christ as the perfect role model demonstrating how we are to live with and relate to each other – the Do's." Primary attention is focused on the center, on becoming more Christ-like.

By contrast, a "bounded" approach focuses on external rules and regulations – the "don'ts." Primary emphasis is on what shouldn't be done, limits and avoiding misbehavior. Discipline is understood as training that molds or perfects one toward reflecting the likeness of Christ. Discipline provides both accountability and encouragement. Although the primary focus for discipline is "centered" it does recognize boundaries. These boundaries help the individual become aware of when she or he may not be in right relationship with standards established by and for the community.

The university has established a set of lifestyle standards that reflect its understanding of biblically-directed behavior. The university seeks to provide opportunities for personal and social growth and development within the context of Christian community. Discipline is viewed as a means of encouraging individuals and groups to be accountable to the stated objectives of the university and to each other. Students may choose to attend FPU without making a commitment to Christ. However, the choice to attend is subject to the student's willingness to function within the guidelines and lifestyle standards established by the university. We call the formal components of that accountability system "Restorative Discipline."

This manual contains information and instructions regarding the Restorative Discipline process. We hope that your appreciation for this important part of community life will grow as you understand more fully how it works and who is involved. Please join with us in making this a caring, nurturing, and reflective community within which we become what God desires us to be.

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## CHRISTIAN LIFE AND BEHAVIORAL EXPECTATIONS

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Fresno Pacific University (FPU) is a Christ-based educational community in which the faculty, staff, and most students share a commitment to Christ and the life of Christian discipleship. The university believes that the total welfare of people is of paramount concern. It seeks to respect the dignity, worth and individuality of each person within the university community. Yet, it recognizes that in order to maintain community, occasionally it becomes necessary to subordinate individuality for the sake of community.

As a Christian liberal arts institution, FPU values community and seeks to integrate faith and learning, reflection and action. Community implies a sense of care and concern for one another. Within community, interpersonal relationships are part of the learning process. Community assumes that individuals will become more responsible for, and accountable to, one another. As they do, they are better able to understand themselves and make thoughtful commitments to God, the church and the world. In choosing to attend FPU, one chooses to participate in this experience of community as it is described in the FPU Idea (Christian Institution, Community of Learners, Prophetic) and as it is worked out in our lives together. The university is composed of a variety of intentional groupings with overlapping goals and relationships. Community needs to be understood both in the smaller, as well as its larger contexts.

The quality of human relationship and the sense of mutual care for one another should be the dominant emphasis of life together within the university community. Openness and integrity should be reflected in all relationships. Learning at FPU equips Christians for effective witness and service to the world and enables people to contribute to the social good of all. An emphasis on witness and service becomes the foundation of the educational program and its implementation. The university community is committed to the discovery and promotion of standards that will contribute to the spiritual, intellectual, moral and social maturity of all its members.

As an institution of higher education rooted in the Mennonite Brethren tradition, the University is committed to creating and sustaining an environment that facilitates not only academic development, but also the personal, social, and spiritual development of its members for the glory of God. This is our commitment as we follow Christ. It compels us to do so with excellence.

The rules of any community grow out of a particular tradition. Fresno Pacific University is firmly rooted in the **Mennonite Brethren Church** tradition. This tradition holds in high esteem the following characteristics:

- ◆ peace and justice;
- ◆ modest dress;
- ◆ thoughtfulness in social relationships and entertainment;
- ◆ honesty;
- ◆ service;
- ◆ respect of the rights, opinions and property of others;
- ◆ respect for and obedience to the laws of the state;
- ◆ willingness to do good in every situation.

Within the Christian community it is important to "pursue what makes for peace and for mutual up-building" (Romans 14:19). One must be careful not to be a hindrance to a fellow Christian in one's attitude and action. Recognizing that its students are at various stages of maturity in their faith, the university strives to provide an atmosphere which will be conducive to spiritual growth for all. This environment thrives when one considers not only one's own interests, but also the interests of others. Christians are not only to avoid endangering the spiritual lives of fellow Christians, but are also specifically instructed to encourage one another in the faith and to bear one another's burdens. The spirit of Christ is one of concern for and service to others.

In light of scriptural teachings and Mennonite Brethren faith tradition, the University has adopted a set of expectations. These standards help create an environment that promotes the social, academic and spiritual welfare of the members of the University community. The University expects:

- That all members of the University community will seek to live in conformity to the pattern of life established by the Lord Jesus Christ. This pattern is best expressed by Jesus' command to love God, neighbor and self.
- That all members of the university community will accept the responsibilities of a Christian campus community, which include abiding by the standards and policies of the University.

In keeping with this commitment, the "Christian Life and Behavior Expectations" and related policies and procedures have been formulated to guarantee each student's freedom to learn and to protect the fundamental rights of others. The concept of rights and freedoms carries with it corresponding responsibilities for which students are accountable. "There can be no rights and freedoms if all who claim them do not recognize and respect the same rights and freedoms for others." (University Judicial System Training Manual Santa Clara University 2001-2002). We believe the "Christian Life and Behavior Expectations" are biblical, reasonable, minimal--and for the benefit of individuals and the entire university community as a whole. "We want to create an environment of mutual trust and commitment in which all of us grow into the people God desires us to be." (President Merrill Ewert 2004)

All members of the Fresno Pacific community are expected to conduct themselves in a manner that is consistent with the goals of the institution and demonstrate respect for self and others. All FPU students are expected to adhere to the same high standard of conduct and behavior that reflect well upon the Fresno Pacific community and are consistent with the students' developing role as responsible and accountable citizens of the world.

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## FRESNO PACIFIC COMMUNITY STANDARDS

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**All students are therefore expected to abide by the following standards:**

- The university recognizes that the use of tobacco products and alcoholic beverages presents a danger to personal health and, therefore, it strongly discourages members of the community from using them. No member of the community may use or possess tobacco, alcohol or illegal drug products on campus. This includes the areas in and around university houses, on the streets Heaton, Garden, and Townsend, within the University block as well as University housing at the Ranchwoods Apartments. Being on campus under the influence of alcohol or illegal drugs will result in disciplinary action. FPU is a drug-free environment.
- Exercise wholesome thought and speech patterns (use of profanity and coarse joking, particularly that which is degrading to gender, ethnicity and/or people groups, is not acceptable).
- Use discretion in dating practices, public and private. Students are encouraged to build balanced, healthy, Christ-centered relationships. The university is opposed to homosexual, premarital and extramarital sexual relations.
- In an effort to minimize awkward situations, and to protect their personal relationships, students are expected to refrain from inappropriate or lingering public displays of affection or confrontation.
- In an effort to be supportive of individuals for whom it is a matter of conscience, students are expected to exercise discretion in their selection of reading materials, internet activity and entertainment. Please refer to the university's Sexual Harassment and Responsible use of Technology policies. (See Student Handbook at [http://fresno.edu/dept/student\\_life/handbook/index.html](http://fresno.edu/dept/student_life/handbook/index.html))
- Student attire should be clean, modest and non-provocative in style.
- Modest and conservative swimwear is required in the swimming pool area. Students and their guests who choose to wear inappropriate attire will be asked to cover up or leave the pool area.
- Attend classes regularly and conscientiously.
- Refrain from gossip and backbiting.

### BEHAVIORAL EXPECTATIONS

The University will hold each student responsible for these standards while enrolled at FPU. Students are expected to abide by University standards even though they may not agree with all parts of those standards. Students who are unwilling to abide by the University standards, or who give evidence of being out of harmony with the objectives of the University may be asked to withdraw in extreme cases even though there may be no specific violation of behavioral standards.

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## INTERPERSONAL CONFLICT AND RESOLUTION

### *Informal and Cooperative Restorative Procedures*

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When conflict has developed between students or when one has actually committed a minor violation of a standard, rule, or policy, both the offender and offended – when appropriate – are encouraged to seek out the other and those who have been impacted by the offense or violation, to acknowledge the harm, create agreements to restore equity, develop a plan to make things as right as possible, and plan follow-up meetings to support the agreements and prevent reoccurrence.

When one experiences a conflict or observes a minor violation of a standard, rule, or policy the “observer” has the opportunity to follow the pattern of Matthew 18. As in Matthew, the University allows and encourages the observer to confront the offender with an intention of being constructive. The “observer” should ask the offender if he or she is willing to discuss the situation constructively. If so, the observer describes his or her experience. If they really hear each other the likelihood of deciding on constructive ways to reconcile the harm created by the violation is very high. If all agree that the violation has been recognized and agreements are in place to restore equity and clarify the future, and if the agreements are kept, forgiveness will be discovered and the situation will be resolved.

#### **INFORMAL AND COOPERATIVE RESOLUTION SUMMARY**

When appropriate to confront directly, or if the violation is minor with minimal impact, the offender or observer may initiate the process for reconciliation to:

- Invite a cooperative discussion/process.
- Recognize the observations, experiences, violations and harmful behavior.
- Repair the harm or restore equity as much as possible.
- Remember admission/respect agreements.
- Create a plan to modify behavior and prevent reoccurrence.

Student Life Staff and/or the Center for Peacemaking and Conflict Studies can provide coaching or mediators to assist parties in informally addressing conflict and offenses. This precursor of the Restorative Discipline process is and must always be voluntary. The parties involved must be willing to enter this cooperative process and work to develop a constructive outcome.

In cases of standards violations, if any of the involved parties are unwilling to engage this informal cooperative process, if agreements that make things right cannot be reached that satisfy all of the involved parties, if the student does not modify his or her behavior, or the violation is considered more serious, then a report is to be filed with the Student Life Division. This report will signal that the situation is entering the formal Restorative Discipline process.

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## RESTORATIVE DISCIPLINE

### *Policy*

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### MISSION

The mission statement for the Restorative Discipline process states:

FPU is committed to honoring God by dealing with all violations and offenses by holding students accountable to the community for their behavior in ways that recognize and protect dignity, promote personal growth and maturity, while encouraging reconciliation and restoration.

Discipline at FPU is an expression of the practice of community. It is expressed through a "**centered**" perspective in which the focus is on the values and behavior Jesus demonstrated and emphasized rather than a "bounded" perspective built on rules and regulations. Primary attention is focused on who Jesus is as the center and model for behavior with the goal of becoming more Christ-like in our own thoughts, behaviors, and interactions. Discipline is understood as training that molds or perfects one toward reflecting the likeness of Christ, providing both accountability and encouragement. Students are encouraged to remember that, since the relationships of the community have priority, discipline – a process of mutual accountability with the goal of restoration and reconciliation – should be a way of living and relating that often begins even before any specific standards have been violated or "rules" actually broken.

### **Matthew 18: 15-17**

<sup>15</sup>"If your brother or sister sins against you, go and show him or her their fault, just between the two of you. If he or she listens to you, you have won your brother or sister over. <sup>16</sup>But if he or she will not listen, take one or two others along, so that 'every matter may be established by the testimony of two or three witnesses.' <sup>17</sup>If he or she refuses to listen to them, tell it to the church; and if he or she refuses to listen even to the church, treat him or her as you would a pagan or a tax collector." (NIV paraphrased)

When community relationships are damaged by conduct that is inconsistent with the behavioral standards and/or expectations of the campus community students are encouraged to seek resolution through "informal" cooperative methods. The formal discipline process starts when a report is filed indicating that a student has violated a rule or standard. Confronting and resolving conflict is normal and expected. Many minor violations can be resolved informally by listening to each other and negotiating resolutions or seeking the help of mediators (informal, trained volunteers, or professional mediators). We believe that violations of our adopted standards, rules and policies, can be resolved in ways that are constructive and restorative for all involved. We recognize that there is danger

and opportunity in each violation. The danger is that the people directly involved and others in the community respond in ways that cause everyone to emerge from the response further alienated, more damaged, disrespected, disempowered, and less cooperative with each other and the community. The opportunity is that the violation and its harms can be recognized; agreements can be made to restore equity as much as possible, to create a safe and respectful future, and to arrange for follow-up accountability meetings that will encourage and support keeping the agreements. We believe that trust will grow when constructive agreements are made and kept, even where trust did not exist before.

We prefer to accomplish this kind of discipline as much as possible utilizing cooperative structures of informal discussion, mediation or conferencing. We also recognize that there will be times when a person feels wrongly accused, is unwilling to enter a cooperative process, or agreement cannot be reached through a cooperative process. In those cases a restorative authority structure is designed to resolve the issues. The actions of these authorities and the consequences imposed will be guided and tested by whether they are **respectful, restorative, reasonable, and as much as possible, intended to reintegrate those who were harmed by the violation.**

Since our community values both freedom and responsibility some conflicts or violations are normal, inevitable, and expected. When all parties respond in ways that are respectful and constructive, it can be very stimulating and helpful in clarifying standards, rules, and values. We do not have to agree on everything in order to live and study together in a supportive, respectful, and civil environment.

Fresno Pacific University is committed to a student discipline process that is fair, restorative, and consistent with the Fresno Pacific University Idea and an Anabaptist/Christian/Biblical emphasis on justice and peacemaking. The goal is to create a just and peaceful environment based on the value of right and respectful relationships rather than on fear of punishment. We believe that in this safe environment, disagreements can be vigorously debated and discussed in an atmosphere of trust and respect.

### **RESTORATIVE DISCIPLINE GOALS**

God has called us into community, a network of mutually caring and uplifting relationships patterned after the example given to us by Jesus Christ. Recognizing that we who are involved in community are imperfect people influenced by an imperfect world, student discipline at Fresno Pacific University (FPU) is intended to be a process that:

1. Is fair and just.
2. Will enhance the academic purpose and atmosphere of the campus.
3. Is educational and developmental for the students involved, encouraging student maturity by providing students with the opportunity to learn from their mistakes.
4. Provides opportunity for reconciliation of those who have been harmed or estranged, enabling the restoration of an individual to his or her place in the community.
5. Encourages student responsibility by holding them accountable for their own actions including making restitution for damages.
6. Enhances the atmosphere of safety and well being on campus.

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## RESTORATIVE DISCIPLINE

### *Process*

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#### INFORMAL AND COOPERATIVE RESTORATIVE PROCEDURES

In an effort to minimize the number of cases which enter the Restorative Discipline process, Fresno Pacific University encourages students to resolve issues and conflicts between themselves whenever possible through voluntary cooperative means. Several resources are available to students to assist in this effort including Resident Assistants and Residence Directors, the Campus Pastor, Mentors, and the Center for Peacemaking and Conflict Studies.

When a student has violated a standard, rule, or policy, or created conflict or offense with another student, all parties are encouraged to seek out those who have been impacted by the actions to acknowledge the violation, to create agreements to restore equity, and to develop a plan and follow-up meetings to support the agreements and prevent reoccurrence.

#### INITIATING THE RESTORATIVE DISCIPLINE PROCESS

If conflict or standards violations cannot be informally resolved, or the violations are not appropriate for informal resolution, the situation would most often enter the formal Restorative Discipline process. Restorative Discipline at FPU is a three-step process which includes the Community Justice Conference (CJC); the more traditional Student Judicial Board (SJB); and the Appeal to the Dean of students. Serious situations involving concerns for student safety will be acted upon immediately by the appropriate University authorities and then referred to the Restorative Discipline process.

#### REPORTING A VIOLATION

Initial reports of behavioral standards violations can be made by anyone in the campus community—students, staff, or faculty. Reports should be made to a Residence Assistant, Resident Director, Security Officer, or the Judicial Officer (JO) as soon as possible after the violation has occurred. When appropriate, formal written reports should be forwarded to the Judicial Officer as soon as possible (the primary issue is that violations of campus rules and standards are reported so they can be resolved).

When a formal report of a violation reaches the Judicial Officer, he or she will attempt to contact the alleged offender(s) (AO) within 48 hours to inform them—verbally and in writing—of the allegation that has been made. The written "Notice of Allegation" which the JO will give and/or send to the AO will include the specific allegation(s), make reference to the standards that have been violated, outline Steps I and II of the Restorative Discipline process, and instruct the AO to contact the CJC coordinator in CPACS within 2 days. The JO will assign a case number and prepare the CJC Referral form and forward that with copies of the Violation Report Form, Notice of Allegation form, and Incident Report forms to the CJC Coordinator. The CJC referral will occur within 3 days of when the JO receives the Violation Report or after identifying all of the involved parties whenever possible. The CJC coordinator will contact the alleged offender and all other affected parties directly regarding their opportunity to participate in a Community Justice Conference (CJC). In situations that involve possible violations by unknown parties, the JO will hold the Violation Referral/Report(s) until an alleged offender(s) is clearly identified.

**STEP 1: COMMUNITY JUSTICE CONFERENCE (CJC)**

A Community Justice Conference (CJC) is patterned after the second step of Matthew 18. As with the informal conflict resolution process, the CJC is also a cooperative process but more formally approached. A CJC includes those who were impacted by the violation, the alleged offender(s) and his or her support person(s), a representative from Student Life, others deemed helpful, and a facilitator. The participants of a CJC are assembled to listen to the experiences of those who were harmed and those who violated the standards of the community. The purpose is to:

1. Recognize injustices.
2. Seek ways to repair the harm as much as possible.
3. Address the causes or conditions that contributed to the current violation.
4. Create an agreed upon plan for the future that would prevent repeated violation.
5. Establish a follow-up plan.

When a violation of behavioral standards has been confirmed and the alleged offender(s) identified, Student Life will refer the case to CPACS, notify the alleged offender(s) of the allegation and inform them that CPACS will be contacting them regarding the opportunity to participate in a CJC. The CJC Facilitator will have ten (**10**) working days (excluding student holidays) to arrange and conduct a CJC.

The Center for Peacemaking and Conflict Studies (CPACS) coordinates the CJC process. The CJC facilitators may be graduate students, graduates, or CPACS staff members depending on the nature of the offense and parties involved. The participants of a CJC are assembled to listen to the experiences of those who violated the rules and those who were harmed, to seek ways to repair the harm as much as possible, to create an agreed upon plan for the future that would prevent repeated violation as well as address the causes or conditions that contributed to the violation, and to provide follow-up support and supervision to implement the plan. In this step:

- All participants must be provided an orientation to the CJC process and given an opportunity to decide if they want to participate voluntarily;
- All agreements require the approval of all of the parties present.

If these agreements are kept, the group **celebrates** and the situation is noted as having been resolved and the Restorative Discipline process is completed.

**Step 1 Summary:**

Every student alleged to have violated campus standards (with a few exceptions generally including serious criminal violations) is provided an orientation to a CJC and asked by the CJC Coordinator if they are willing to participate in this cooperative process to resolve the issue. If the alleged offender and those impacted or harmed agree to participate constructively in the cooperative process, a Community Justice Conference (CJC) is convened:

- The CJC may typically include:
  - Alleged offender and 1-3 support persons
  - Mentor
  - Observer and those harmed or otherwise impacted by the violation
  - Staff member from Student Life
  - Others deemed helpful
  - Facilitator(s)
- The process includes dialog providing opportunity to:
  - Recognize the experiences, violations, injustices and hurts
  - Create agreements that:
    - Repair damages and restore equity as much as possible
    - Address future intentions and create a constructive plan to provide:
      - accountability
      - support
      - prevent reoccurrence
    - Establish follow-up meeting to
      - celebrate the keeping of the agreements; and/or
      - renegotiate problems in the agreement.
- The “Decision Rule” is that all must agree.

A case will be referred to Step 2 in the Restorative Discipline Process – the Student Judicial Board – if:

- The CJC cannot be convened within **10** days of when the case has been referred to the Center for Peacemaking and Conflict Studies (CPACS)
- A student alleged to have violated a standard or rule denies the violation or is unwilling to enter the CJC
- If those harmed are unwilling to enter the CJC
- An agreement to make things right cannot be reached through the CJC

**STEP 2: STUDENT JUDICIAL BOARD**

When a violation cannot be resolved informally, or in Step 1 of the Restorative Discipline process – the Community Justice Conference (CJC) – the case will come before the Student Judicial Board (SJB). The SJB is the official judicial body within the Restorative Discipline process. It is composed of students, staff and faculty. The SJB will attempt to resolve the situation through a deliberative judicial process which culminates in the determination of whether or not an alleged offender should be held accountable for any violation(s) and the subsequent development of a Restorative Plan with when required.

When a case comes to the Student Judicial Board (SJB), the preliminary fact finding – if any – will be reviewed and a more complete investigation *may* be implemented to collect as much relative information as possible regarding the reported violation. This investigation would be conducted by designated Student Life and/or Safety and Security staff and may include gathering physical evidence when appropriate and available, statements from the offended, observers, those affected by the behavior/incident, and the alleged offender. All information gathered will be documented and presented to the SJB to aid in its preparation for the hearing and future deliberations.

The investigation and resulting documentation should be completed in a timely manner (within 5 working days, whenever possible). This time frame may be extended for several reasons, most commonly due to the difficulty in identifying students responsible for a violation and observers. Cases that cannot be resolved due to the inability to identify the alleged offenders will be held in pending status until such time as information does become available to proceed. There will be no statute of limitation for any violation of campus standards by any student.

The Judicial Officer will provide the SJB with copies of all of the information available – the Notice of Allegation form, Incident Report form, Violation Report form, Record of Contact(s), Fact Finding Summary Report, Interview Record(s), and any other documents available in the case file.

The SJB will convene at a regularly scheduled time each week to address Restorative Discipline cases. During these scheduled meeting times, the SJB will attempt to carry out its duties. When conducting a Restorative Discipline hearing, the SJB will review all of the information it has regarding an alleged violation, hear from – and may question – those harmed and others who have relevant information about the alleged violation. The alleged offender will have the opportunity to present his or her own explanation of the evidence and/or his or her involvement in the incident including additional information and witnesses. When the hearing is concluded, the SJB will then carefully consider all of the information it has and render a decision.

In some instances, the SJB may not be able to conduct a hearing and complete its deliberations for a case during a single weekly session. In such instances the SJB may withhold its determination for one additional week in order to insure adequate time for deliberation and decision. Results will be communicated to the alleged offender in writing within 3 working days of the SJB's decision by the SJB Chair.

If the SJB determines that the alleged offender is not responsible for any violation, the process will end. If the determination is that the alleged offender is to be held responsible for the violation, the offender will be offered the opportunity to enter a CJC to “make things right”. The preference is that the offender would choose to work out an agreement to make things right using the CJC process (An exception may involve cases in which a serious violation was brought directly to the SJB and no opportunity was given for the CJC process originally).

However, if the student chooses not to enter a CJC process, or an agreement cannot be reached through the CJC for whatever reason, the SJB will then develop a Restorative Plan specifically designed for each unique situation. The SJB’s goal will be to devise a plan that is respectful, restorative, reasonable, and as much as possible, intended to reintegrate the offender(s) and those who were harmed by the violation and comes as close as possible to recognizing the injustice, restoring equity, and addressing the future to prevent reoccurrence of the initial offense. This plan might include such things as restitution, educational experiences, training classes, community service, fines, probation, etc.

If the student disagrees with the conclusions and/or Restorative Plan of the SJB, they may appeal to the Dean of Students.

### ***Step 2 Summary:***

1. Parties in nearly all *formal* Restorative Discipline cases will be given opportunity to participate in a CJC before moving to the SJB.
2. Identification and scheduling of alleged offenders, those harmed and witnesses and supporters is arranged by the Judicial Officer prior to the SJB hearing.
3. The SJB works through a deliberative process to determine if an alleged offender is responsible for and should be held accountable for any violation(s). The hearing must be held within 10 days after the case is returned from the CJC for whatever reason. This would include cases in which the alleged offender declines the opportunity to enter the CJC.
4. If any alleged offender is found to be responsible and therefore accountable, they are given the opportunity to enter a CJC process to formulate an agreement that will make things as right as possible.
5. If the offender chooses not to use a CJC process to make things right, or if the attempt is unsuccessful, the SJB will develop a Restorative Plan that is reasonable, respectful, educational, intended to restore all of those harmed by the offense, and to reintegrate those alienated as much as possible.
6. The SJB will seek out and include the feelings and interests of those harmed or otherwise impacted in its deliberations in cases where it is responsible for developing restorative consequences for an offender.
7. The SJB will consult with appropriate administrators or staff connected to the area or department affected by the violation in developing its restorative plan.

8. The actions of the Student Judicial Board and the Restorative Plan it may develop will be guided and tested by whether it is respectful, restorative, reasonable, and as much as possible, intended to reintegrate those who were harmed by the violation.

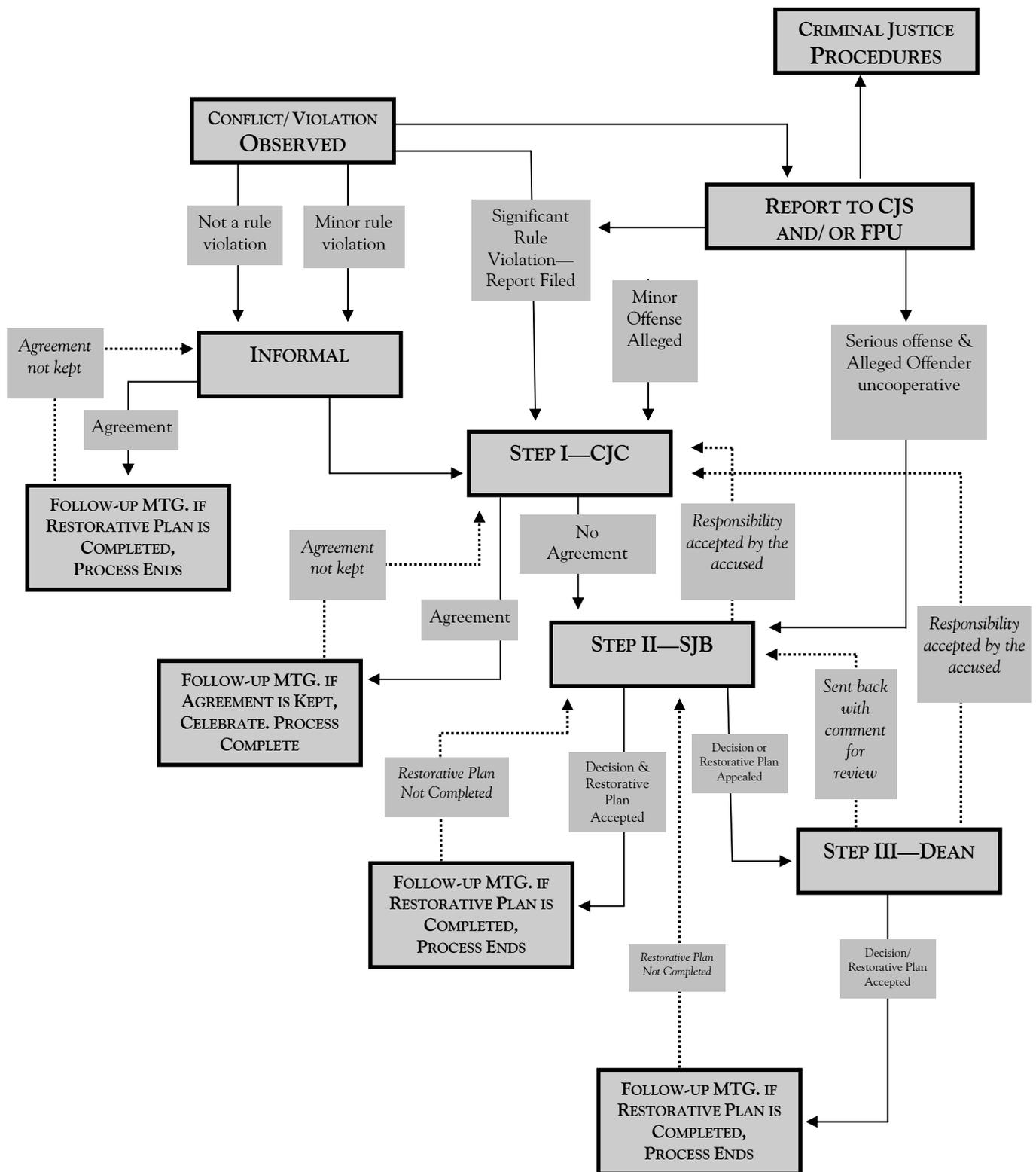
### **STEP 3: APPEAL TO THE DEAN OF STUDENTS**

In the event a student is unsatisfied with the decision(s) of the Student Judicial Board (SJB) or the Restorative Plan it has developed, that student may appeal to the Dean of Students. This appeal must be made in writing to the Dean of Students using the "Request for Appeal" form within 3 days of receiving the decision of the SJB. During the appeal the student may restate their case and present additional relevant information to the Dean. The Dean of Students will have wide latitude in reviewing the case including the right to re-interview people whose statements and information were used by the SJB in deciding the case originally. The Dean may also develop new sources of information to aid deliberations. In response to the appeal the Dean may:

- Determine that the actions of the SJB were proper and will stand.
- Refer the case back to the SJB for reconsideration with comment.

In the event the matter is returned to the Student Judicial Board (SJB) by the Dean, the SJB will then carefully review the entire case taking the Dean's comments and any additional information presented during the appeal into consideration. What the SJB determines at the conclusion of this review becomes the final decision regarding the case. There are no further appeals.

Detailed Flow Chart



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## RESTORATIVE DISCIPLINE

### *Possible Consequences*

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One of the important goals of Fresno Pacific University is to establish a community of learning built through relationships of quality and mutual care. The Restorative Discipline Process, emphasizing restoration and reconciliation seeks to engage students in this community by helping them to understand and appreciate their importance to this community, and their place in it. Gaining new and deeper appreciation of the benefits they can derive from full participation in the community of every member—including themselves—is a highly desired outcome.

*The consequences imposed in the Restorative Discipline process will be guided and tested by whether they are respectful, restorative, reasonable, and as much as possible, intended to reintegrate those who were harmed by the violation. The following listing of possible consequences outlines the range of official University action that may be taken as a result of any disciplinary situation. After consideration of the specific details surrounding the incident or situation through the process outlined above, the Restorative Plan developed may involve any combination of these following options.*

#### **WARNING**

Official notification that certain conduct or actions are in violation of University standards and that continuation of such conduct or actions may result in additional disciplinary action.

#### **EDUCATIONAL CONSEQUENCES**

Preparation and presentation of a program, preparation of a bulletin board, assigned reading and response or reflective papers, attending an Alcohol Education Program, counseling, and/or other educational activities.

#### **BEHAVIORAL CONTRACTS**

Required meetings with Mentors or other designated University officials to encourage dialogue and relationship building in reestablishing a student's connection to the campus community.

#### **COMMUNITY SERVICE**

Contribution of service to the University or a designated community agency consistent with the offense committed.

#### **RESTITUTION**

Reimbursement by transfer of property or services to those harmed—including the University itself—in an amount not to exceed the value of the damages or loss caused.

#### **FINES**

Financial assessment not to exceed \$350.

#### **DISCIPLINARY PROBATION**

A specified period of observation and review of behavior, including terms appropriate to the offense committed, during which the student must demonstrate compliance with

University regulations and the terms of the probationary period and is ineligible to serve in leadership positions in University co-curricular activities.

### **LOSS OF PRIVILEGES**

Limitation on University-related activities for a specified period of time, consistent with the offense committed, including but not limited to:

- Ineligibility to serve as an officer or member of any University organization, to participate in intercollegiate competition, or to receive any award from the University.
- Residence hall contract probation, residence hall relocation, or residence hall contract cancellation. Residence hall contract cancellation will result in being placed on disciplinary probation by the Office of Student Life.
- Restriction from using specific University facilities (including the campus itself) and services.

### **DEFERRED SUSPENSION**

A specified period of observation and review of behavior, including terms appropriate to the violation committed, during which time the student is ineligible to participate in University extracurricular activities. Further violation of University regulations would result in suspension.

### **SUSPENSION**

Exclusion from the University for a specific period of time after which, application **may** be required for readmission. When formal withdrawal from the University is necessary, instructions and/or conditions required for consideration of readmission will be outlined (readmission will not be guaranteed). Suspension will result in the forfeiture of all tuition, room, and board charges paid during the semester subject to the withdrawal scale stated in the catalog, student handbook, and housing contracts.

### **INTERIM SUSPENSION**

In exceptional circumstances, the Judicial Officer, in consultation with the Dean of Student Life, may suspend a student or take other disciplinary action pending a hearing, especially in matters of safety or well-being of the community.

### **EXPULSION**

Permanent exclusion from the University.

*Violations of national, state, or local laws may make a student subject not only to University disciplinary action but also to action by the appropriate court of law.*

*Adapted from Santa Clara University Judicial System Training Manual June 2005*

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## STUDENT RIGHTS & RESPONSIBILITIES

### *UNDER RESTORATIVE DISCIPLINE*

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1. Persons alleged to have violated campus standards are informed in writing of the allegations, procedural steps of the Restorative Discipline process, and their rights in the process. This notice should allow the alleged offender a reasonable amount of time to prepare a response to the allegations.
2. A person alleged to have violated campus standards will be presumed innocent until sufficient information is presented to determine responsibility.
3. In most instances, the disciplinary status of a person will not be altered – including rights to be present on the campus and to attend classes – pending action on the allegations. However, exception may be made for reasons relating to the physical or emotional safety and well-being of other students, faculty and staff of the University.
4. Alleged offenders appearing in a Community Justice Conference or before the Student Judicial Board have the right to be accompanied by members of the University community for support. Such supporters may be allowed to speak on behalf of the alleged offender.
5. Judicial Officers who have a particular interest or who have a conflict of interest regarding the facts or the principal parties – the alleged offender(s) or those offended – in a case should be disqualified. Conflicts should be discussed with the Judicial Officer at least 24 hours prior to the hearing if possible.
6. The decision by the Student Judicial Board will be based solely upon information introduced during the hearing (this may include current disciplinary status of an alleged offender).
7. No one has the right to intentionally falsify or misrepresent information or facts to University officials who are acting in the performance of their duties or the Student Judicial Board.
8. Students will not be deprived of their right to appeal.
9. Students who are found to be accountable by the Student Judicial Board may make a one-time appeal of that decision to the Dean of Students.
10. Those who have been harmed have the right to have Student Judicial Board hearings proceed in the absence of the alleged offender or witness(es).
11. Alleged offenders, those offended, or witnesses who are unable to participate in a Student Judicial Board hearing at the time and date set due to emergency or other serious circumstances must discuss the conflict with the Judicial Officer as soon as is reasonable, and prior to the hearing whenever possible.
12. Students failing to appear at a Student Judicial Board hearing or during appeal may be subject to disciplinary action.

*Adapted from Santa Clara University Judicial System Training Manual June 2005*

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## **STUDENT JUDICIAL BOARD**

### **GUIDELINES AND TOOLS FOR STUDENT JUDICIAL BOARD**

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The ultimate goal for the Student Judicial Board (SJB) is to encourage students to take responsibility for their own decisions and actions by holding them accountable for the results of those decisions and actions, including making restitution for damages. The benefits of accomplishing this goal in a fair and just manner include increasing maturity of the students involved in the process as they learn from mistakes made by themselves and others. This process also provides opportunity for reconciliation of those who have been harmed or estranged, enabling the restoration of an individual to his or her place in the community which will enhance the atmosphere of safety and well being on campus and ultimately the academic purpose and atmosphere of the campus.

#### **STUDENT JUDICIAL BOARD COMPOSITION**

The SJB is composed of 7-10 members appointed by the Dean of Students in consultation with the President of the Undergraduate Students of Fresno Pacific University (USFPU), and the Judicial Officer. The SJB members will represent the following campus constituencies:

- Faculty (3)
- Students (3-4)
- Staff (1-2)

A panel/quorum of record would require at least 4 and not more than 7 members – at least two of which must be students – who would represent the SJB when adjudicating any disciplinary situation. The goal would be that at least two faculty and/or staff and two students would normally sit on the Board for any case although circumstances in any particular case may require alternate composition from the standing members. The preceding SJB quorum composition instructions are to be considered as guidelines only as schedules and other issues may render these impractical in any given situation. Once the process has begun for a given case, the original SJB panel/quorum would not normally change to maintain fairness and consistency. SJB members would be expected to disqualify themselves from any specific case when warranted based on past or current relationship or interaction with the alleged offender(s) or those offended.

SJB members are expected to serve a minimum of one year however; members may serve multiple year terms. The goal will be to avoid a 100% turnover of SJB members in any one year. The presence of experienced members would serve to promote continuity in the action and work of the SJB thus providing better service to the community.

As a functional unit within the Student Life Division, the Student Judicial Board is accountable to the Dean of Student Life.

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## **DUTIES OF STUDENT JUDICIAL BOARD MEMBERS**

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### **General** (for all members)

1. Attend regular weekly SJB meetings. Time and day of the week is to be reserved by all SJB members for hearings, mid-year training, and other sessions as deemed necessary. If no cases are scheduled for that time during a given week, members may have “free” time.
2. Attend fall training session(s) and commit to weekly meeting time slot.
3. Read Notice of Allegation, appropriate Student Handbook policy information, and all case related information available prior to hearing.
4. Do not discuss the allegation with alleged offenders, offended, witnesses or non-assigned judicial board members outside of the hearing or other official deliberative process. Refer individuals with questions or concerns to the Judicial Officer.
5. During the hearing proceedings, ask questions and listen attentively. Watch for non-verbal cues of all participants.
6. At the end of deliberation, give all case material to the Judicial Officer. Material will be destroyed.
7. Maintain confidentiality of proceedings and deliberations.
8. Alleged offenders, offended, witnesses, and/or support persons, who wish to discuss hearing results should be referred to the Judicial Officer. There will be an opportunity after the Hearing has been conducted for the alleged offender(s) to meet with the Judicial Officer to discuss the hearing and SJB’s decision.
9. Participate in all assigned cases to completion. A substitute should only be used in emergency situations. Studying for a test, finishing a paper, working, attending an extra-curricular activity are not classified as emergencies. If an emergency arises, the assigned SJB member should immediately notify the Judicial Officer who will take any action necessary to preserve the integrity of the hearing process and the rights of the students involved, including the replacement of a panel member.
10. Student members must support and abide by all policies in the Student Handbook. Failure to do so may result in removal from judicial responsibilities.

### **Additional Duties of the Chair**

- Arrive 10 minutes prior to scheduled meeting time to set up the room.
  - For Restorative Discipline hearings, follow the script from the Restorative Discipline Manual.
  - Collect Formal Statements prior to hearing.
  - Maintain flow and control of meeting.
  - Facilitate SJB deliberations with the goal of achieving consensus on each allegation.
-

- After deliberations, lead development of possible restorative consequences for future reference if needed.
- Collect all hearing materials from SJB members and return to the Judicial Officer.

### **Additional Duties of Vice-Chair**

- Fulfill Chair's duties in the absence of the Chair.
- Provide support and assistance as Chair requests.

## **What to expect at a Student Judicial Board Hearing**

Most hearings are held in the conference room of the Student Life Office (SCC 127).

Arrive 10 minutes prior to scheduled hearing. Wait in the Student Life Office until asked to come into the conference room.

The usual format includes:

- SJB Chair collects optional statements from Alleged Offender(s) and/or offended(s).
- Chair welcomes all participants (offended, alleged offenders, witnesses, and support persons), introduces SJB and explains SJB hearing procedures.
- Chair will request all questions from participants to be given to him or her in writing.
- To begin hearing, Chair will ask all witnesses and alleged offender(s) to leave the conference room and wait in the Student Life Office or SCC Student Lounge until asked to return to the hearing room.
- Chair invites each participant (offended, alleged offender, witnesses) in turn to enter the room and present their perspective of the alleged violation(s)/ offense(s) and respond to questions from the hearing panel.
- SJB members ask questions, as needed, of each person who appears.
- When the hearing is completed, all offended, alleged offenders, witnesses, and support persons will be asked to leave the conference room, but may be asked to wait in the Student Life Office.
- Evaluation sheets are distributed to all offended, alleged offenders, witnesses, and support persons for completion and then everyone is excused.

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## STUDENT JUDICIAL BOARD

### *Checklist*

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1. Review all information/evidence:
  - a. Clarify case and issues of fact to ascertain during hearing.
  - b. Develop list of questions and assign to SJB members to ask.
2. Conduct Interview (see Hearing instructions and script):
  - a. Allow alleged violator to make his or her case/defense.
  - b. Interview offended and relevant witnesses
3. Deliberate openly with the SJB:
  - a. Compare initial reports and statements to those given during hearing.
  - b. Attempt to determine reliability of witnesses.
  - c. Assess credibility of statements given.
    - i. Do any statements corroborate each other?
    - ii. Do any statements contradict others?
  - d. Ask questions, give feedback, explore evidence, challenge inconsistencies.
4. Reach consensus regarding responsibility:

If consensus cannot be reached, determination of responsibility is made by simple majority vote of SJB quorum.
5. Discharge consequences:
  - a. Refer offender to CJC for agreement.
  - b. Develop appropriate consequences and put in writing.

Confer with constituencies associated with areas involved in case.

Submit final decision to the Student Life Office the next day.

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## Student Judicial Board

### *Hearing Procedures*

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In enforcing the campus community behavior standards, the University follows basic principles of due process and procedural guidelines. The Restorative Discipline process incorporates basic principles of due process for all involved. These principles may operate differently in each step of that process.

#### **STUDENT JUDICIAL BOARD HEARING, APPEAL, AND DUE PROCESS GUIDELINES**

1. Alleged offenders will be notified—in writing whenever possible—at least three working days prior to the hearing of the date, time, location, and nature of the proceeding, including the nature of the incident in question and his or her alleged involvement in it.
  2. Alleged offenders, witnesses and others required to be present will be notified at least three working days prior to the hearing of the date, time, location, and nature of the proceeding.
  3. Alleged offenders will be given the opportunity to:
    - a. Review and respond to all allegations lodged against him or her.
    - b. Discuss the incident and his or her alleged involvement with the Judicial Officer and to review the standards and/or policies that were allegedly violated.
    - c. Present pertinent information and witnesses on his or her behalf to clarify his or her case during the hearing but may not be present throughout the hearing or during deliberations.
    - d. Be accompanied by any member of the Fresno Pacific University community—such as faculty, staff, or fellow student—whose only role is to support the student during the hearing.
    - e. Be notified in writing, within three working days of the hearing, the decisions made by the Student Judicial Board, including restorative disciplinary consequences assigned and instructions for filing an appeal if relevant. The decision of the Dean of Students, in the event of appeal, would also be communicated to the student in writing within three working days.
  4. Those who have experienced harm will be given the opportunity to:
    - a. Discuss the incident and his or her alleged involvement with the Judicial Officer, and review the standards and/or policies that were allegedly violated.
    - b. Present pertinent information and witnesses on his or her behalf to clarify his or her case during the hearing, but who may not be present throughout the hearing or during deliberations.
    - c. Be accompanied by any member of the Fresno Pacific University community—such as faculty, staff, or fellow student—whose only role is to support the student during the hearing.
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- d. Have their feelings and interests heard and taken into account by the SJB in its deliberations in cases where it is responsible for developing restorative consequences for an offender.
- e. Be notified of the final decision of the SJB.

## **STUDENT JUDICIAL BOARD CHAIR RESPONSIBILITIES DURING THE HEARING**

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### Pre-hearing

- Review case with SJB members. Make sure everyone understands the allegations, issues, and points of fact to uncover/establish during the hearing.
- Develop questions for hearing and assigned to SJB members.

### Hearing

- Follow Script for Hearing from Restorative Discipline Manual.

### Post-Hearing

- Facilitate deliberation with the goal of achieving consensus from the SJB on each allegation.
  - Establish whether alleged offender is responsible regarding each charge.
  - If alleged offender is found responsible, open Disciplinary Status envelope from Judicial Officer.
  - After deliberations lead development of possible restorative plan for future reference if needed.
  - Collect from panel members all conduct review material regarding case and turn material over to Judicial Officer.
  - Thank Board members for their willingness to be involved and their hard work.
  - Dismiss.
-

## STUDENT JUDICIAL BOARD CASE DELIBERATION

It is important that each member of the panel strives to engage the process of investigation and adjudication the cases that come before them as candidly and judiciously as possible. Members of the SJB must have the freedom to express their views and conclusions as well as their doubts and reservations. Indeed, it is the obligation of each member to participate fully and openly in the decision making process.

Deliberations will be lead by the Chairperson of the SJB. That person will be designated by the Dean of Student Life at the beginning of each academic year. The deliberations should deal with the facts of the case as presented and should produce one of four results:

1. The alleged offender is found to be responsible for the allegations as originally presented.
2. The alleged offender is found to be responsible for a modified set of violations. This could include:
  - a. Some of the original allegations but not all.
  - b. All of the original allegations plus additional violations.
  - c. A completely new set of violations.
3. The alleged offender may be found “not responsible” for any violation(s).
4. The SJB may defer their decision until such time as conclusive information either way is presented.

Responsibility of alleged offender will be determined by a simple majority vote of the hearing panel. In the event of a tie vote in any case, the Judicial Officer will be required to vote thus enabling a simple majority.

Once it is determined that a student is to be held responsible for violations of standards the offender will in most cases be given the option of being referred to a CJC for resolution and restitution of the offence. If that is the case, the SJB need not officially articulate its own set of consequences. It may however be prudent to note ideas the SJB may have at that time for a possible set of consequences it may be called upon to produce in the future if the CJC is unable to reach an agreement in which event the case would come back to the SJB for consequences.

If referral to a CJC is not a viable option at the time of decision, the SJB would be responsible to develop and assign a set of consequences for the offender. The consequences need to be developed under the guidance of the principles of the Restorative Discipline program. The principles require that the consequences promote responsibility, maturity, reconciliation, restoration of relationship and community, recompense, personal and spiritual growth, and change in future behavior.

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The Judicial Officer will prepare a sealed envelope for each case heard by the SJB. This envelope will only be opened by the Chair if a student is found to be responsible by the SJB and only after that decision has been made. Two pieces of information will be in the envelope:

1. The disciplinary history of the student.
2. A summary of consequences assigned in the past for similar violations.

Information regarding the disciplinary status will enable the SJB to develop a relevant restorative plan for the student if they are called upon to do so. The information about past cases can be a helpful frame of reference regarding how similar or relevant cases have been handled in the past. However, the SJB has the freedom and responsibility to develop its own appropriate and restorative solutions for each unique case.

### PREPONDERANCE OF EVIDENCE

"Preponderance of evidence" is the standard used in adjudicating all disciplinary cases within the Restorative Discipline Process. It is defined as the evidence, as a whole, shows that the reality sought to be proved is more probable than not.

### CONFIDENTIALITY

The work of the SJB involves matters that can often be very personal and private. It is incumbent upon all members of the SJB to maintain strict confidentiality in regard to their knowledge of any cases they have knowledge of due to their membership on the SJB, whether they are part of the panel actually deciding a case or not. This applies to the alleged offender, offended, witnesses and all details involved.

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## RESTORATIVE DISCIPLINE

### *Scripts*

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### CJC Referral Script

Script for Judicial Officer in contacting alleged offender(s) after a “Violation Report” has been filed.

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#### Outline of Purpose:

1. Inform alleged offender of the written report regarding alleged violation.
2. Describe purpose of Restorative Discipline system at FPU.
3. Describe basic steps in the system
  - a. Community Justice Conference (CJC)
  - b. Student Judicial Board (SJB)
4. First step in formal process is referral to PACS.
  - a. They explain the CJC process
  - b. They listen to your experience
  - c. You decide if you want to continue, they convene a CJC.
5. SJB is next step if not resolved in CJC.
  - a. SJB is a judicial process
  - b. They determine responsibility
  - c. They decide on a restorative plan
6. The decision of the SJB can be appealed to the dean.
7. Questions regarding overall process. (Save CJC questions for CJC Coordinator.)
8. Contact CJC case manager at: 453-3426 by: [two days from now]

#### Script:

(After informing the alleged offender a Report of Violation has been filed.)

“The discipline system at FPU is called a Restorative Discipline system because our hope is that all violations of rules and standards will be resolved in a way that will be restorative for all who have been touched by the incident.”

“Our Restorative Discipline process calls for all situations to be given an opportunity to enter a mediative process which we call a Community Justice Conference (CJC).”

“I am making a referral to the Center for Peacemaking and Conflict Studies (CPACS) because you are alleged to have been involved in/with—

[briefly describe violation in question].

You need to contact the CJC Case Manager at The Center for Peacemaking and Conflict Studies (453-3418) within the next 48 hours. The Case Manager will describe and discuss with you how the CJC process works.

“If the situation is not resolved in a CJC, they will return the referral to me so that I can refer this allegation to the Student Judicial Board (SJB). The SJB is a more traditional judicial body that will talk with all parties involved and determine responsibility. They may also develop a restorative plan to address the needs and obligations created by and related to the incident if you were found to be responsible.”

“If you are found to be responsible for the alleged violation and or others that may be discovered in the course of the investigation, you would then be required to carry out that restorative plan.

The decision of the SJB can be appealed to the Dean of Students.”

“Do you have any questions about what is happening or what you need to do next?”

“If you have questions about the CJC process, please save them for your conversation with the Case Manager.

## Scripts for Student Judicial Board Hearings

*Managing a hearing can be a complex task of gathering information, forming impressions, following procedures and protecting the rights of all the persons involved. A simple tool to aid in this hectic process is a script that includes a check-off list of the various tasks that need to be accomplished. What follows is a script that has been adapted for the Student Judicial Board, courtesy of Santa Clara University.*

### STUDENT JUDICIAL BOARD CHAIR SCRIPT AND CHECK-OFF LIST

#### \_\_\_\_PRE-HEARING DISCUSSION BY STUDENT JUDICIAL BOARD

SJB members discuss the case to ensure that all written material is understood, to develop questions that should be asked, and to ensure any procedural questions of the SJB are addressed. At this time it might be useful for SJB Members to identify questions they would like to ask, so a consensus can be reached about who will ask which question. New questions may develop in the course of the proceedings which SJB Members will be free to ask when indicated.

\_\_\_\_All people involved in the hearing, including witnesses are invited into the hearing room.

\_\_\_\_ READ:

**Thank you for coming today, my name is \_\_\_\_\_ and I will be chairing today's hearing. The goals of Restorative Discipline at Fresno Pacific are to:**

- 1. Be fair and just.**
- 2. Enhance the academic purpose and atmosphere of the campus.**
- 3. Be educational and developmental for the students involved, encouraging student maturity by providing students with the opportunity to learn from their mistakes.**
- 4. Provide opportunity for reconciliation of those who have been injured or estranged, enabling the restoration of an individual to his or her place in the community.**
- 5. Encourage student responsibility by holding them accountable for their own actions including making restitution for damages.**
- 6. Enhance the atmosphere of safety and well being on campus.**

\_\_\_\_READ:

**[Alleged offender], do you object to any members of the SJB? If so, please state your reasons.**

\_\_\_\_ IF A SUPPORT PERSONS ARE PRESENT,

**READ:**

**I need to remind any support persons present that you may not disrupt the proceedings of this hearing in any way. You must conduct yourself appropriately at all times during this hearing or you will be asked to leave. You are here primarily to**

provide support through your presence for [*the alleged offender*]. You may have an opportunity to speak in support of [*the alleged offender*]. Challenging the integrity of the process or any participants – including members of the SJB – or campus behavior standards would be considered inappropriate.

Do you have any questions at this time?

\_\_\_ IF THERE ARE WITNESSES INVOLVED,

READ:

The process will begin with a statement of the allegations. [*Alleged offender*] will have the opportunity to present his or her explanation of the alleged violation(s) and may present any information and or witnesses they wish.

Following this, witnesses will be brought in one at a time to answer questions concerning this case. [*Alleged offender*] is not permitted to speak to any witnesses during these proceedings. If they have any questions for any witness about particular details or circumstance of the allegations that he or she wants the SJB to be aware of, they will write them down and give them to me so that after the SJB has completed its questioning, [*alleged offender's*] questions can asked if necessary and appropriate.

After the SJB is satisfied that all relevant information has been shared and that all relevant questions have been asked, you will all be dismissed and the SJB will deliberate the question of whether or not [*alleged offender*] is responsible for a violation or violations of campus/community behavior standards. If it is decided that [*Alleged offender*] is responsible and is to be held accountable for a violation or violations of the campus/community behavior standards, he or she may first be given the option of making things right through a Community Justice Conference process. If an agreement to make things right cannot be reached through the CJC or he or she elects not to participate in or is not eligible for this option, the Student Judicial Board will develop appropriate restorative consequences.

Does anyone have any questions about the procedures for this hearing?

ANSWER QUESTIONS.

\_\_\_ Explain to them that they will be called in individually to convey the information they have about the incident. Ask everyone to leave at this time.

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## CONDUCT HEARING

\_\_\_ REVIEW THE ALLEGATION:

You are alleged to have violated the following sections of the campus/community behavior standards.

*(read from Notice of Allegation letter)*

It is the SJB's understanding that a member of the Student Life staff (usually the Judicial Officer) has reviewed and discussed these allegations with you. Provided for you is a copy of the report presented to the Student Judicial Board. Would you like time now to review this document? (This will be a copy of the notice of Allegation

**that has been provided to the alleged offender in a prior meeting with the Student Life staff member.)**

\_\_\_ Present the report to the student.

Once the student finishes reviewing the report ask the following:

**Do you accept responsibility for all of these alleged violations as they have been presented, or do you wish to dispute any and/or all parts?**

\_\_\_ Make note of which parts – if any – are being disputed. Also note if there are no disputed items. (If alleged offender accepts responsibility for all alleged violations, conclude the proceedings and read closing script.)

\_\_\_ SJB asks appropriate questions.

\_\_\_ Witnesses are brought before the SJB (individually).

\_\_\_ The SJB asks questions of the witnesses.

\_\_\_ **WHEN ALL THE INFORMATION IS COLLECTED READ TO ALLEGED OFFENDER**  
(Closing Script):

**Is there anything else you would like to say to the SJB? (Pause here)**

**You are now excused and the SJB will deliberate in private to determine whether or not you did violate campus/community behavior standards.**

**If you are found to be responsible for violating campus/community behavior standards, you may first be given the option of making things right through a Community Justice Conference process. If an agreement to make things right cannot be reached through the CJC or you elect not to pursue or are not eligible for this option, the Student Judicial Board will develop appropriate restorative consequences. Within five (3) business days of the conclusion of the SJB's deliberations, you will be provided a written copy of the SJB's decision.**

**[Alleged offender], you will be notified in writing of the Student Judicial Board's decision within three (3) business days of the conclusion of its deliberations. (moved from previous page).**

**If you wish to appeal the SJB's decision to hold you accountable or the consequences it has assigned, you may do so by filing a "Request for Appeal." You may obtain this form at the Student Life Office in the Steinert Campus Center. For your appeal to be considered, you must return the completed and signed form stating your reasons for filing a request for appeal to the Dean of Students in the Student Life Office within three (3) business days of receiving the Student Judicial Board's Letter of Decision.**

**Do you have any final questions?**

**Thank you for your cooperation and attention.**

WHEN HEARING HAS BEEN COMPLETED:

- \_\_\_ Deliberate issue of responsibility.
- \_\_\_ Draft the main points to be included in the letter to the student.
- \_\_\_ Final letter to the student(s) submitted to the student life office the following day.
- \_\_\_ Outline key elements of a restorative plan for future reference, if needed.
- \_\_\_ Shred excess copies of all written materials.

*Adapted from Santa Clara University Judicial System Training Manual June 2005*

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## APPENDIX I

### *Principles*

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#### **RESTORATIVE JUSTICE PRINCIPLES**

1. Restorative justice is a way of thinking and responding to conflicts, disputes, or offenses. Restorative justice is concerned with making things as right as possible for all people.
2. Restorative justice recognizes that response to conflicts, disputes or offenses is important. Restorative justice responds in ways that build safe and healthy communities.
3. Restorative justice is not permissive. Restorative justice prefers to deal cooperatively and constructively with conflicts, disputes and offenses at the earliest possible time and before they escalate.
4. Restorative justice recognizes that violations of rules and laws are also indicators of transgressions and offenses against persons, relationships, and community.
5. Restorative justice addresses the harms and needs created by, and related to, conflicts, disputes and offenses.
6. Restorative justice holds disputants and offenders accountable to recognize harm, repair damages as much as possible, and create a civil future.
7. Restorative justice empowers offended, disputants, offenders and their communities to assume central roles in recognizing harm, repairing damages, and creating a safe and civil future.
8. Restorative justice repairs the breach and reintegrates the victim, offender and their community as much as possible.
9. Restorative justice prefers maximum use of voluntary and cooperative response options and minimum use of force and coercion.
10. Restorative justice authorities provide oversight, assistance, and coercive backup when individuals are not cooperative.
11. Restorative justice is measured by its outcomes, not just its intentions. Do offended emerge from the restorative justice response feeling respected and safe? Are participants motivated and empowered to live constructive and civil lives? Are they living in the community in a way that demonstrates an acceptable balance of freedom and responsibility? Are responses by authorities, community, and individuals respectful, reasonable, and restorative for everyone?
12. Restorative justice recognizes and encourages the role of community organizations, including the education and faith communities, in teaching and establishing the moral and ethical standards that build up the community.