

## **ACR Magazine Article**

### **Title: Restorative Discipline**

**Authors:** Ron Claassen, Director of the Fresno Pacific University Center for Peacemaking and Conflict Studies (ACR member) and by Zenebe Abebe, Dean of Student Life at Fresno Pacific University

### **Overview**

Fresno Pacific University (FPU) in California has changed its student discipline structure. The new discipline plan is called Restorative Discipline. While the language of the discipline plan had for many years indicated its desire to be a restorative process, its structure reflected a procedure similar to the criminal justice structure. While the hope was for restoration, the structure gave authority to an assistant dean and or a judicial body to administer punishment to those who admitted or were judged to be guilty of violating the rule or standards as outlined in the handbook. After a two-year review, the decision was made to change the structure to encourage informal conflict resolution or mediation and to require that all formal incident reports and grievances be offered a Community Justice Conference. The conference conveners invite all stakeholders to participate, and the conference is facilitated by a graduate student trained and supervised by the FPU Center for Peacemaking and Conflict Studies. If all in the conference come to an agreement that the violation/injustice has been recognized and have agreed on how to make things as right as possible (must include consideration of restoring equity, future intentions, and a follow-up plan), and if at the follow-up meeting all agree that the agreements have been kept, then a celebration ends the process. If the accused think they have been wrongly accused or refuse to accept responsibility or if the convened group cannot come to agreement or do come to agreement, but it is not kept, then the case proceeds to the judicial body. The plan went into effect in the 2005-06 school year. The results were dramatic.

This article describes the background and process that led to these changes and concludes with some of the results and observations regarding effectiveness.

### **Background**

Dealing with college students' misconduct is as common for Student Affairs professionals as students going to classes. Most colleges and universities continue to resolve disputes the way they have done for decades. At many of our institutions, it would not be surprising to find an elaborate system with various types of punishments and fines to be imposed, some of them quite stiff, for those who violate institutional rules and standards. Depending on the nature of the violation, some discipline may include fines, suspension, and even expulsion. Sometimes these punishments may seem necessary and appropriate, however, the concern we want to address in this article is not so much about the type of consequence, but about the process, which is typically combative, punitive and not redemptive in nature, and how we have addressed this concern.

At Fresno Pacific University (FPU), although the goals of our discipline policy were clearly stated in redemptive and restorative terms, our process for responding to conflict and misbehavior were similar to the process mentioned above. We asked, as do others using this

process three basic questions: Was a rule, standard, or policy violated? Who did it? What should be their punishment? This paradigm was rarely, if ever questioned.

In 1990 the Center for Peacemaking and Conflict Studies was established at FPU. The center's goal was to provide the best available academics, shaped by real life experiences in the community and to provide consultation, training, and services that are shaped by the best of the available academics. Over the years we became increasingly concerned about the structures that guide our institutional responses to misbehavior and conflict and the enormous force exerted by these generally unseen and unquestioned structures. What we noticed was that conflict resolution and mediation were generally seen as something that was appropriate and even effective in some selected cases but that the "real system" had to continue to be based on the three questions mentioned above. A primary Center goal has been to encourage and assist institutions in re-evaluate their goals, to reconsider their processes, and to embedding conflict resolution into structures.

At FPU, already in 1990, there were discussions about the possibility of utilizing mediation as part of the discipline structure and even trainings for student life leaders. And, for many years occasional referrals were being made to the Center for mediation on selected cases that someone in the authority structure thought appropriate. Mediation/Conflict Resolution was seen as something in addition to the real discipline system. The outcomes of these mediations were generally positive and seen as helping to achieve the stated goals in the discipline plan of redemption and restoration, but utilization continued to be a occasional and an exception rather than the primary way of responding to conflict and misbehavior.

Dr. Zenebe Abebe became the new Dean for Student Life at FPU in. As part of his "getting acquainted" with FPU, he decided to review the student discipline policy. He established a committee that included students, faculty, and student life personnel to review the policy and make recommendations. Hearing about the policy review committee, Ron Claassen encouraged Zenebe to consider the possibility of incorporating Restorative Justice principles and processes in the student discipline policy. Since Ron was the director of the University Center for Peacemaking, Zenebe decided to include Ron on the committee.

In the first few meetings, the committee assumed that their task was to make adjustments to the current policy to improve it. After a few meetings of reviewing the current policy, Ron asked for, and was given, the opportunity to present the principles and practices of Restorative Justice along with an overview of the Juvenile Justice model that had been established in New Zealand. The rationale behind this presentation was the observation that most school (Kindergarten through University) discipline policies operate a lot like a criminal justice system. Therefore, restorative justice principles and practices, which had developed within the context of the criminal justice system, must be equally relevant to student discipline policy. The presentation included the contrasting lenses of justice developed by Howard Zehr, the Fundamental Principles of Restorative Justice developed by Ron (<http://peace.fresno.edu/docs/rjprinc.html>), the model and results from New Zealand, and a overview of RJ City (<http://www.pficjr.org/programs/rjcity/latest/>), a model in which a fictional jurisdiction works with all crime in the most restorative way possible.

Restorative Justice is contrasted with Retributive Justice by Howard Zehr in his groundbreaking book, *Changing Lenses* (1990). He compares two lenses for justice:

#### Retributive Justice

Crime is a violation of the state, defined by lawbreaking and guilt. Justice determines blame and administers pain in a contest between the offender and the state directed by systemic rules.

#### Restorative Justice

Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance.

The FPU student discipline policy review committee could see that FPU goals were closely aligned with the Restorative Lens but FPU structure operated like the Retributive Lens.

According to Judge Fred McElrea of New Zealand, legislation was passed in 1989 which required that almost all juvenile cases, before being heard by a court, must be given an opportunity to have a Family Group Conference (FGC). An FGC included the offender and several immediate and extended family members if possible, the victim and several support people, some community and faith community representatives, at least one criminal justice official, and was led by a facilitator. The process in the FGC was to recognize what had happened, to decide on how to make things as right as possible between them and to create agreements for a constructive future. If the FGC came to an agreement (required a unanimous agreement), it was accepted by the court and if agreements were kept, that ended the case. By the end of five years, the number of cases needing to be decided upon by the court had been reduced by 75% and the number of youths being incarcerated had been reduced by nearly 66%.

Ron suggested that FPU could change its structure to be informed by a restorative lens and to provide the opportunity for a community justice conference (a form of mediation including as many of those impacted by the violation) to all cases and in doing so, align its goals and process.

The students on the committee immediately responded that they thought that this would be a very good improvement and that students would be more likely to accept responsibility in this kind of system. The person from student life who had been responsible for determining guilt and for meting out the punishments could see that this would substantially relieve that horrible weight from his shoulder and provide a redemptive option for those who were willing to accept responsibly. Everyone thought it was more consistent with our goals and everyone had serious doubts about it. However, by consensus, the committee decided to develop a restorative discipline policy.

We looked for university models. We found many universities that had mediation programs. In the article "The Power and Potential of Mediation, 2004, Michele A. Goldfarb writes that across the country hundreds of campuses are in the process of adopting mediation

programs and integrating them into their student disciplinary and other grievance process. It was clear that there was new movement introducing mediation to resolve conflict on college/university campuses. However, it was less clear if any of colleges/universities have changed their discipline system to embed restorative justice and conflict resolution directly into their student discipline policy. The Wayne State University web-based publication (2004) states that while campus conflict resolution and mediation efforts are growing in popularity, at that time they still were only available on some 12-15% of the campuses nationwide. Of the college/university campuses we found which had implemented mediation programs, none had replaced their punitive student discipline system with a restorative one that made a mediation process the primary and central process while reserving the authority and coercive processes as their back-up systems. Rather, it seemed that most were offering mediation as an option parallel with their old system. And on many campuses, mediation was simply offered as a course and not as a process to deal with student conduct or to deal with discipline.

In 2004, upon the recommendation of the discipline policy review committee and with help from the Center for Peacemaking and Conflict Studies, the Division of Student Life decided to move from a one-person authority-based discipline process to a community-based process. We developed a new student discipline process we call *Restorative Discipline* ([http://restorativejusticediscipline.com/library/FPU\\_Campus\\_Restorative\\_Discipline-RJ\\_Handbook](http://restorativejusticediscipline.com/library/FPU_Campus_Restorative_Discipline-RJ_Handbook)) Since the University is owned and operated by Mennonite Brethren Churches, we developed a restorative discipline policy that is consistent with the Christian texts:

Matthew 5: 38 – 48

*“You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you...*

*“You have heard that it was said, ‘You shall love your neighbor and hate your enemy.’ But I say to you, Love [be constructive with] your enemy...*

Matthew 18:15-16

*“If one of my followers sins against you, go and point out what was wrong. But do it in private, just between the two of you. If that person listens, you have won back a follower. But if that one refuses to listen, take along one or two others....”*

The title *Restorative Discipline* is used to highlight the intended purpose. We launched this new discipline model at Fresno Pacific University in the fall of 2005.

We believe that this new process has already and will enhance the academic purpose and atmosphere of the campus educationally, socially, spiritually, and developmentally. We are convinced that the process will encourage maturity, 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/her place in the community. We also believe that this process encourages students to take responsibility by holding them accountable for their own actions including making restitution for damages.

### **Description of Structure/ Policy**

The Restorative Discipline Process is designed to provide students and other community members of the University with two main options (**Informal and Formal**) to consider when they are in conflict with each other. With the informal option, students are encouraged to go to each other directly to resolve issues and repair damages as much as possible. Depending on the personality and maturity of persons involved, this may not be easy to do for some students. The second informal option may include a third person. All resident assistants and student leaders are trained to provide informal mediation. Coaching and informal mediation are also available through the Center for Peacemaking and Conflict Studies. However, if an agreement is not reached and conflict is not resolved at this level, an incident report is filed, and the case escalates to our formal discipline process.

The Formal Option contains up to three steps. The first step of the formal process involves the Community Justice Conference (CJC). The CJC is convened by a graduate student employed in an assistantship with training and supervision from the Center for Peacemaking faculty. The convener/facilitator meets with all stakeholders and invites them to participate. If they decide to meet and if all in the conference mutually agree that the violation/injustice has been recognized and plans have been made to make things as right as possible (must include restoring equity, future intentions, and a follow-up plan), and if at the follow-up meeting(s) all agree that the agreements have been kept, then a celebration ends the process. However, if the accused think they have been wrongly accused or refuse to accept responsibility or if the convened group cannot come to agreement or do come to agreement, but it is not kept, then the case proceeds to the judicial body.

The second step of the formal process involves the Student Judicial Board and as mentioned, is utilized only when a case cannot be resolved cooperatively through the Community Justice Conference. The student judicial board made up of students, faculty and staff will attempt to resolve the situation through a deliberative judicial process. The judicial body's first responsibility is deciding on guilt. If judged guilty, the offender has an opportunity to decide how on to "make things as right as possible." The offender now has another opportunity to enter a CJC or to have the judicial body make that decision. If the judicial body make the decision, they are also guided by restorative justice principles and will decide on consequences that are respectful, intended to address the needs and obligations created by the offense, to restore individuals and relationships as much as possible, and to re-integrate the person into their place in the community as much as possible.

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

### **Implementation and Evaluation**

We began the implementation process by involving all staff, faculty, and administration in at least a one-hour training. Residence life staff, director of safety, and those serving on the Student Judicial Board attend additional training. For example, all Resident Directors, the Director of Res. Life and Housing, the Asst. Dean of Student development Programs, who oversees the discipline system and the Dean of Student, and the director of Safety have all participated in a week-long Basic Institute in Conflict and Management and Mediation. All resident assistants and other student leaders attend a one-unit conflict resolution class. The

graduate assistant, who is the case manager and often the mediator for the CJC process is a graduate student in the Peacemaking and Conflict Studies MA program.

There is a monthly meeting of a team (the Dean of Students and his staff meets with faculty from the Center for Peace Making and Conflict Studies and the Director of Campus Safety) to review all facts, what worked and what did not, challenges and self-evaluation and dialogue among team members. Although we have the system in place, we see this as an ongoing process to address issues that were not anticipated, work out implementation challenges, discern where we can improve our system by learning from mistakes and successes we experience, and to monitor and evaluate case flow, progress, and goals.

### **Results**

Now into the second year of the program we have been impressed to see how this process is working pretty much as planned. We see more conflicts and misbehaviors being handled and more agreements being reached at the informal level. It appears that less cases are entering the formal level when compared to our prior system.

In the school year 2005-06 there were 19 formal incident reports filed, the mechanism that sets in motion the formal option. Of those, 18 chose to utilize the CJC and were resolved in that process. Only one case proceeded to the Student Judicial Board.

### **Conclusion**

Finally, the lesson for us is that our students are capable of resolving many of their own conflicts and misbehavior if we give them the tools and structures. Yes, we can challenge and support, but we can also retool our students and expect more from them when it comes to individual and social responsibilities.

### **Short Biography of the Authors**

**Zenebe Abebe, Ph.D.**, is the Dean for the Division of Student Life and Psychology professor at Fresno Pacific University. He has been at Fresno Pacific for 4 years now and prior to that, he was VP for Multicultural Education at another institution for over 11 years.

He earned his Ph.D. from Southern Illinois University in Higher Education Administration-Specialized in International Studies and Student Development.

**Ron Claassen, M.A., D.Min.** is Co-Founder (1990) and Director of the Center for Peacemaking and Conflict Studies at Fresno Pacific University. Ron is a member of the Fresno Pacific University faculty and devotes 80% of his time to teaching in the Master of Arts in Conflict and Peacemaking Program and 20% to community training, consultation, and intervention. Ron is also the founder and former director (1982-1999) of the Fresno County Victim Offender Reconciliation Program, the first VORP in California. Ron has extensive experience in mediation and restorative justice as a practitioner, trainer, and developer of models and theory.