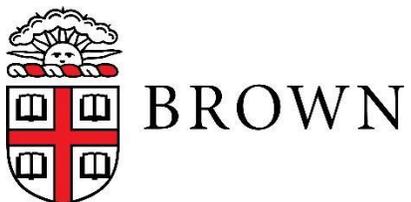


# **Student Conduct & Community Standards**

## **Restorative Justice Action Plan**

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March 2019



## **Introduction**

The Office of Student Conduct & Community Standards (OSCCS) at Brown University is charged with evaluating, processing, and adjudicating potential violations of the Code of Student Conduct. Our mission is to do so within an educational framework and to approach our work as an investment in students' learning and character development. In addition, we have worked over the past three years to shift our approach toward centering social justice due to both the personal commitments of the office staff and the student culture at Brown. As a result of this, and in an effort to be a leader among our peers, we have piloted and are now advocating for the incorporation of restorative justice practices into the work of the office. The following action plan outlines our goals for this work, how we anticipate this work will be incorporated into the Code of Student Conduct, and a process map to show what these processes will look like in practice. It also addresses our anticipated volume, our facilitation and training needs, and a plan for assessing our restorative efforts.

## **Goals of Restorative Justice Implementation**

OSCCS has several goals for incorporating restorative justice into its practices and procedures. Paramount among those goals is the creation of opportunities for learning and growth for responsible parties, harmed parties, and community members - opportunities that are not always available through traditional hearing procedures. These opportunities encourage responsible parties to take active accountability for causing harm to individuals and communities and allow all participants to engage in difficult conversations that build individual and community capacity for conflict resolution outside of University structures. The incorporation of these practices that center healing and harm repair (as opposed to the more punitive focus of traditional approaches) will also hopefully encourage the reporting of acts of harm that currently go unreported because harmed parties do not feel comfortable with the resolution options that are traditionally available.

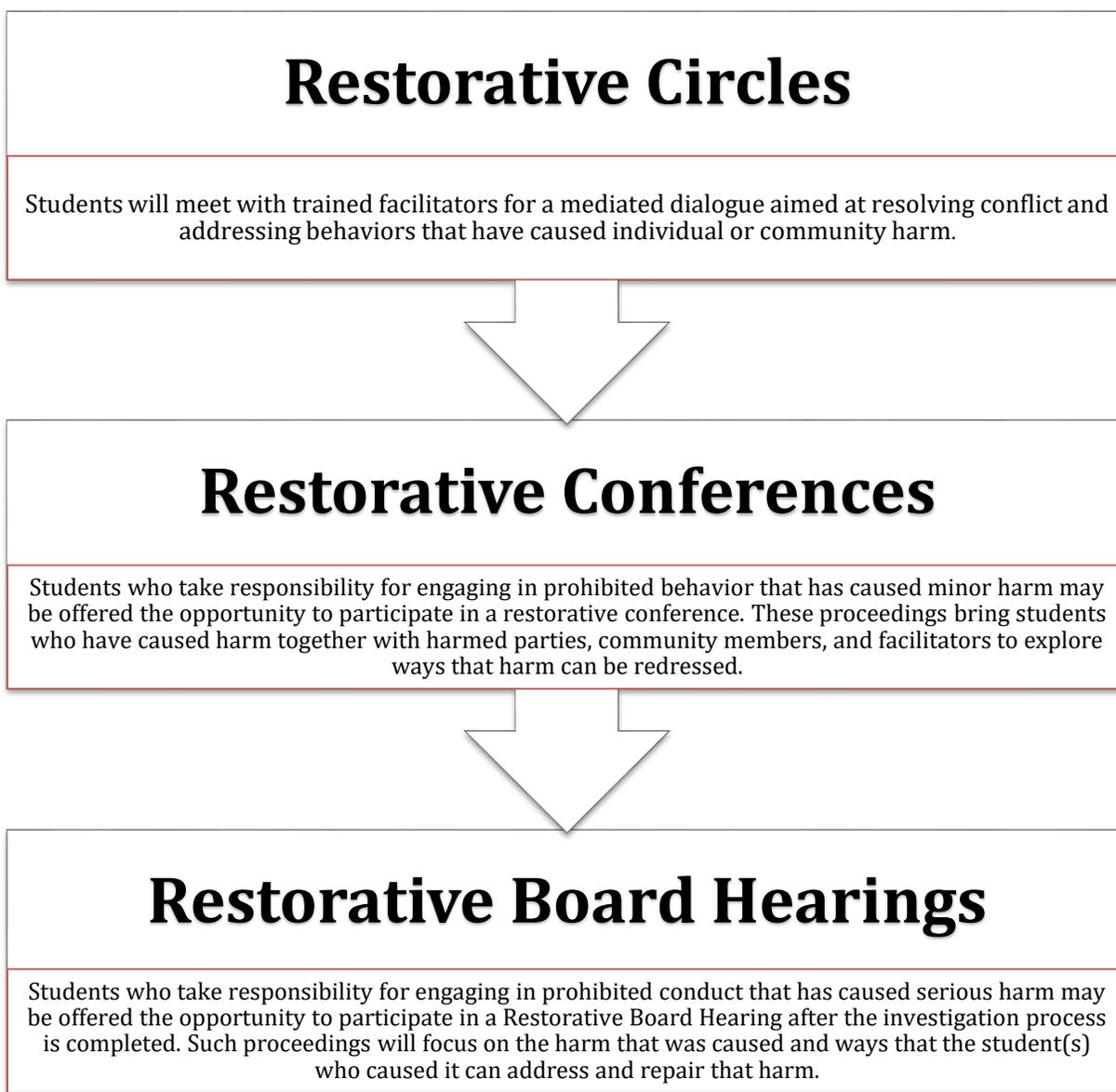
Restorative practices offer several additional benefits for all participants:

- Responsible parties will be offered an opportunity to have input into the resolution of their case, which traditional hearings do not readily offer, and a chance to “make things right” after causing harm.
- Harmed parties will be offered a process that is centered on their own healing and their own needs and will have a chance to see the person who harmed them take active accountability.
- Affected community members will get the chance to hold members of their community accountable for causing harm and to help create and enforce restorative outcomes that strengthen community bonds and values.
- Students and professional staff members who facilitate these processes will gain skills in conflict resolution that will aid in their personal and professional development.

The opportunities for learning and growth and the additional benefits to all participants in these processes make the incorporation of restorative practices into our current work a worthwhile investment of our time and resources.

### **Restorative Justice and the Code of Student Conduct**

OSCCS plans to offer restorative processes as alternatives to traditional hearings, as outcomes from traditional hearings, and as non-disciplinary resolution options, as appropriate. A basic description of each process is outlined below, followed by more detailed information about each:



1. **Restorative Circles.** Students will meet with trained facilitators for a mediated dialogue aimed at resolving conflict and addressing behaviors that have caused individual or community harm. Participation in restorative circles may or may not result in a formal agreement between students or groups of students. Circles may be offered as non-disciplinary resolutions to reports of conflict or harm or may be assigned by a hearing officer/body as an accompanying term if appropriate.

**Examples.** Concerns that may be appropriate for Restorative Circles include community expectations around bias-related language and behavior, resolving interpersonal or intragroup conflict, and community approaches to addressing disruptions or violations of community standards.

**Procedures.** Co-facilitators will conduct pre-circle meetings with major stakeholders to gather information that will inform the design of the circle. During the circle, all parties will be asked to respond to a series of prompts aimed at highlighting group concerns and resolving them.

2. **Restorative Conferences.** Students who take responsibility for engaging in prohibited behavior that has caused minor harm may be offered the opportunity to participate in a restorative conference. These proceedings bring students who have caused harm together with harmed parties, community members, and facilitators to explore ways that harm can be redressed. This process is voluntary for all parties. If the harmed party decides not to participate, the case may be referred to a traditional hearing process, depending on the particular circumstances. If the responsible party decides not to participate, the case will be referred to a traditional hearing process.

**Examples.** Cases that may be appropriate for Restorative Conferences include theft, property damage, minor harassment, and community disruptions.

**Procedures.** Co-facilitators will conduct pre-conference meetings with all parties to review the expectations of the conference and answer questions. Dialogue during the conference will be regulated by the co-facilitators. All parties will be asked to describe their experience of the incident and its impact before the group brainstorms ways the student who caused harm could repair that harm. Co-facilitators will guide the conversation toward agreements that are appropriate and manageable.

**Outcomes.** If parties reach an agreement, it is considered binding, and the student who caused harm will be expected to fulfill the terms of the agreement. If the agreement is not upheld, negotiated community status outcomes will be implemented and the student may face additional disciplinary action. If the agreement is fulfilled, no official community status outcomes or further disciplinary action will result. If no agreement is reached during the conference, the case will be referred to an Administrative Review Meeting for resolution.

- 3. Restorative Board Hearings.** Students who take responsibility for engaging in prohibited conduct that has caused serious harm may be offered the opportunity to participate in a Restorative Board Hearing after the investigation process is completed. Such proceedings will focus on the harm that was caused and ways that the student(s) who caused it can address and repair that harm.

**Examples.** Cases that may be appropriate for Restorative Board Hearings include major theft, major property damage, severe harassment, and physical assault.

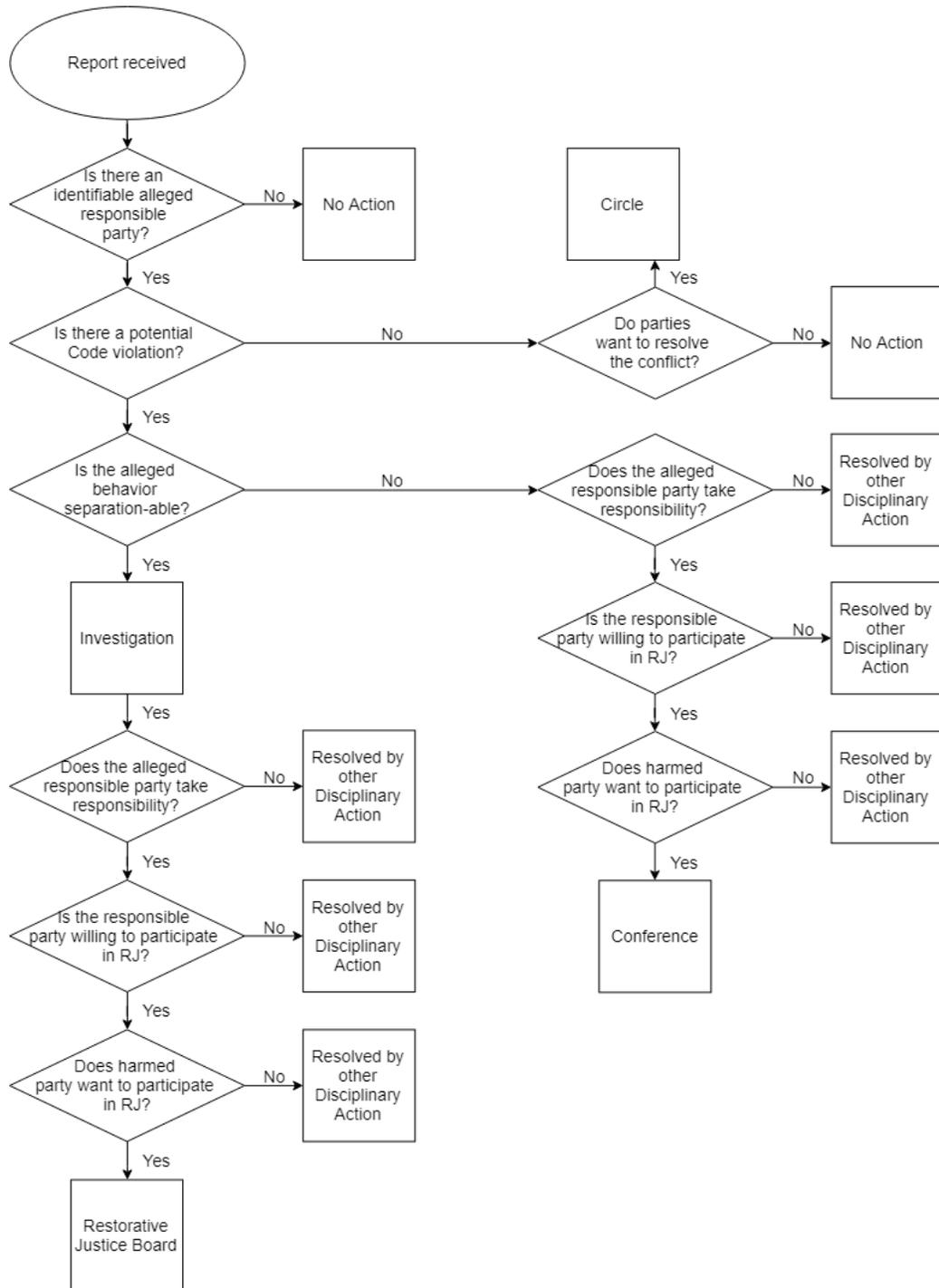
**Procedures.** Students who have caused harm will appear before a panel of three Restorative Board members in a formal setting. During the hearing, board members discuss with the responsible party the nature of the incident and its negative impacts. Harmed parties may be present or may have their perspectives represented through impact statements. Then board members will develop a set of proposed outcomes which they discuss with the responsible party until an agreement is made about the specific actions the responsible party will take within a given time period to make reparation for the harms. Subsequently, the responsible party must document their progress in fulfilling the terms of the agreement.

**Outcomes.** Agreed upon outcomes will be focused specifically on the particular harms associated with the incident and may include a leave of absence from the University to allow a period of healing and reflective growth for all parties. If all terms of the agreement are completed in full, no official community status outcomes or further disciplinary action will result. If the terms of the agreement are not completed in full, or if no agreement is reached during the hearing, board-recommended outcomes will be implemented or the case will be referred to a Student Conduct Board or Administrative Hearing.

For disciplinary restorative procedures (conferences and restorative board hearings), several conditions need to be met. Responsible parties need to take responsibility for engaging in prohibited behaviors in order for these procedures to be considered viable resolution options. Harmed parties must be willing to have their complaints resolved through restorative resolution options, which will be determined in consultation with a Case Administrator. Finally, participation in restorative resolutions is voluntary for all parties. If any party decides at any time to stop participating, or if an agreement is not reached during the process, their case will be referred to an appropriate traditional hearing process for resolution. Any agreements that are made during these procedures are considered binding, including a deferred sanction that will be implemented if the terms of the agreement are not met.

## Process Mapping

The process map below outlines how cases would reach restorative resolution options. This includes the questions that OSCCS staff members would ask at each stage of the process before determining if a restorative resolution is appropriate.



## Time Investment and Anticipated Volume

Restorative Circles	Restorative Conferences	Restorative Board Hearings
<ul style="list-style-type: none"><li>• Current time investment: 9 hours each</li><li>• Projected time investment: 7 hours each</li><li>• Pilot phase: 1 per semester</li><li>• Projected volume: 3-5 per semester</li></ul>	<ul style="list-style-type: none"><li>• Current time investment: 13.5 hours each</li><li>• Projected time investment: 13.5 hours each</li><li>• Pilot phase: 1 per semester</li><li>• Projected volume: 3-5 per semester</li></ul>	<ul style="list-style-type: none"><li>• Current time investment: N/A</li><li>• Projected time investment: 6-10 hours post investigation each</li><li>• Pilot phase: N/A</li><li>• Projected volume: 1 per semester</li></ul>

**Time Investment.** During the pilot phase of incorporating restorative practices and procedures, we have facilitated four conferences and two circles. The average amount of OSCCS time invested in each conference was 13.5 hours, including the time spent on pre-conference meetings with each participant, procuring the supplies necessary, setting up the space, hosting the conferences, and finalizing the agreements after the conferences. The amount of time invested in each conference is not projected to change over time. However, it is possible that one of the two facilitators for each conference may not be a staff member from OSCCS.

The amount of time invested in each circle was 9 hours. This includes time meeting with students to gather information, designing the circles, gathering supplies, hosting the circles, and developing and reviewing evaluations. As we become more practiced in designing circles and build our reserve of supplies, the amount of time invested in each circle is projected to decline.

**Anticipated Volume.** It is challenging to retroactively evaluate cases to determine if they would have been strong candidates for a restorative approach. This is due to the fact that there were no systems in place to evaluate the necessary eligibility criteria at the time, so some cases that may have been good candidates were resolved through traditional hearing processes. Going forward, as we develop these assessment procedures (as reflected in the process map above) and train more facilitators, we anticipate that we will continue to identify cases that are strong candidates for restorative resolutions and have an increased capacity to facilitate them. In addition, given that we anticipate that these restorative options will be part of the Code of Student Conduct and will be more widely advertised, we expect that we will receive requests for restorative resolutions that will impact our volume.

During our pilot phase over the last two academic years, we averaged one conference per semester, and all were identified as good candidates for the conference process by OSCCS staff. In the future we anticipate between three to five conferences per semester, particularly if complaints come in with requests for a restorative process. Conferences are not appropriate for all types of alleged violations, and several conditions must be met, as outlined above, before the

use of this process will be deemed appropriate. Because of this, we anticipate being able to manage the expected conference volume.

To date, we have facilitated two circles that were assigned as an accompanying term from a Student Conduct Board Hearing and have consulted about a number of other potential circle opportunities to address community conflict. One such circle (currently in development) involves a student organization seeking to hold one of its members accountable for having harmed someone outside their organization and having created an environment in which members of the organization feel unsafe being in community with that individual. The group is seeking an opportunity to address this individual and talk about group expectations going forward. Staff members from two different offices are collaborating to facilitate this process.

We do anticipate that our volume in this area will increase as our work becomes more publicized and as hearing officers become more adept at identifying appropriate opportunities for this as assigned outcomes. However, with the creation of the Transformative Justice Program Coordinator position, we anticipate that some of the consultations we have done will ultimately result in a referral to the person in that position. Our anticipated number of requested and responsive circle processes is three to five per semester. As time and resources permit, we also intend to identify opportunities to use the restorative circle modality to facilitate community conversations about standards, values, and expectations. This proactive work will be carried out by a group of trained facilitators, including students, members of the Student Ambassadors, and professional staff members from OSCCS and other offices on campus.

OSCCS has not yet engaged in any Restorative Board Hearings, but given that the office averages 2-3 higher-level hearings per semester, we do not anticipate having more than one case per semester that meets the criteria to be eligible for a Restorative Board Hearing.

**Outreach and Collaboration:** In addition to consulting about and facilitating restorative practices, part of the work of building a restorative justice program involves a significant amount of outreach to others on campus. This involves educating members of the campus community about the restorative justice work we are doing in order to recruit potential facilitators and to equip campus colleagues to discuss this work with students seeking resources. Restorative justice work intersects with the goals and work of other offices on campus, and we are excited to collaborate with those offices to create learning and healing opportunities for our students.

Potential future collaborators include:

- Office of Residential Life
- Greek and Program House Engagement
- Office of the Chaplains and Religious Life
- Department of Public Safety
- Title IX and Gender Equity
- Office of Institutional Equity and Diversity
- Centers of the Institute for Transformative Practice
- Department of Athletics

## Restorative Justice Facilitation and Training

The following chart outlines the facilitation and training expectations for the proposed restorative practices in OSCCS. It includes details about the number of facilitators necessary for each process, what is expected of facilitators for each process, and the training requirements for each type of facilitation.

	Facilitators Per Process	Facilitator Description	Training Requirements
Restorative Circles	2	We would like to have at least 10 people, students and staff, trained in circle facilitation at all times. This will provide us flexibility in terms of scheduling and in balancing the facilitation teams for each process. If we are able to keep a larger group trained, we will be able to facilitate more responsive processes in addition to being able to do more proactive work. Facilitators will work together in collaboration with the Assistant Director of OSCCS to design and implement these circles.	Facilitators for restorative circles will be required to attend a minimum of 8 hours of training before being eligible to facilitate circles on behalf of OSCCS. This training may be provided by internal or external trainers. Ongoing training and learning opportunities will also be provided through webinars, workshops, and practice sessions.
Restorative Conferences	2	All members of the OSCCS staff will be trained to facilitate conferences. Our vision is to supplement this with a small group of 5-6 others - students and staff members - who want to be a part of this work. Every conference takes 2 facilitators, one who guides the dialogue and one who assists with note-taking and synthesizing the work of the group in coming to an agreement.	Lead facilitators for restorative conferences will be required to attend a minimum of 15 hours of training before being eligible to lead a conference. Assistant facilitators for conferences will be required to attend a minimum of 6 hours of training before being eligible to assist in the facilitation of a conference. This training will be provided by internal and external trainers. Ongoing training and learning opportunities will also be provided through webinars, workshops, and practice sessions.
Restorative Boards	3	We would like to have at least 6 people, students and staff, trained to serve on Restorative Board Hearing panels. We do not anticipate very many of these cases, so our need for trained panelists is relatively small. Panels will consist of 3 members, all of whom will ask questions aimed at naming and exploring harm and will work with responsible parties to craft agreements that are aimed at repairing the named harms.	Restorative Board Hearing panel members will be required to attend a minimum of 15 hours of training before being eligible to serve on a panel. This training will be provided by internal and external trainers. Ongoing training and learning opportunities will also be provided through webinars, workshops, and practice sessions.

**Training Needs.** Training for facilitators has thus far been provided by Dr. David Karp and his team at the Project on Restorative Justice at Skidmore College. Dr. Karp is a restorative justice scholar and practitioner and is considered a leading expert on restorative practices on college campuses. He and his colleague Jasmyrn Story provided a 2.5-day training for a cohort of 25 professional staff members and 2 students at Brown in August 2018 (see APPENDIX A). The total cost of this training was \$12,645, including materials and meals for participants. We anticipate hosting similar trainings every other year initially and supplementing this with shorter training sessions offered by OSCCS. One 2.5-day training delivered by outside trainers would cover the basic training needs for all levels of facilitators. Trainings on alternate years will be shorter and will be supplemented with webinars, workshops, and practice sessions to meet the training requirements for all facilitators.

Projected Training Costs				
Year	2018	2019	2020	2021
Training Description	Outside Trainers 2.5 days 30 participants	OSCCS 1.5 days 20 participants	Outside Trainers 2.5 days 30 participants	OSCCS 1.5 days 20 participants
Facilitator Fees	9500	0	9500	0
Supplies	75	75	75	75
Books	170	170	170	170
Catering	2900	1160	2900	1160
Total	12645	1405	12645	1405

**Training topics.** The basis of each training will include restorative justice theory, the roots of restorative practices, and basic restorative skills. These skills include using core restorative questions, developing literacy around identifying participant needs, translating participant narratives into concrete harms and brainstorming solutions, and using restorative practice for one-on-one support. Additional topics will include how to design circles to address different needs, an introduction to basic conference and board procedures, and role plays of each practice.

In addition to workshops and practice sessions, supplemental training opportunities will include webinars on different topics related to restorative justice practices. These include sessions on trauma-informed facilitation, the neurobiology of restorative responses, and other topical webinars delivered through organizations like Restorative Justice on the Rise and the National Association of Community and Restorative Justice. The Youth Restoration Project of Rhode Island also has resources that may be used in supplemental training sessions.

**Assessment Plan**

The following assessment plan provides details about how trainings will be evaluated and how participant and facilitator learning and growth will be measured.

Goals and Objectives	Data Source	Targets
<b>Restorative processes will provide opportunities for learning and growth for student participants.</b>		
Responsible parties will report engagement in meaningful conversations that inspire reflection and growth.	Direct observation of student participants by OSCCS staff utilizing the Assessment of growth using Learning Outcomes rubric (see APPENDIX B).	<b>100%</b> of responsible parties will report growth and reflection and will be assessed as having demonstrated growth by OSCCS staff.
	Assessment of compliance based on completion of terms of agreement.	<b>80%</b> of responsible parties will complete all agreement terms by set deadlines and without prompting.
Harmed parties will report satisfaction with having harms and their needs addressed.	Post-process evaluations completed by all participants.	<b>80%</b> of harmed parties will report satisfaction with resolutions.
	Overall post-circle evaluation done by all participants, including facilitators, administered via Qualtrics.	<b>80%</b> of circle participants will report appreciation for additional perspectives and will 'Agree' or 'Strongly Agree' that a restorative circle was a good method for addressing their conflict.
Circle participants will report appreciation for additional perspectives and satisfaction with the use of the circle to address conflict.	Post-process evaluations completed by all participants.	<b>100%</b> of student facilitators will report growth in conflict resolution skills.

**Restorative justice trainings will provide opportunities for facilitators to learn the principles of restorative justice and develop facilitation skills.**

Facilitators will develop the skills necessary to facilitate restorative processes.	Pre- and post- training evaluations will assess learning and growth for facilitators.	<b>100%</b> of facilitators will be able to articulate the basic principles of restorative justice and the facilitator’s role in each restorative process.
		<b>80%</b> of facilitators will indicate ‘Agree’ or ‘Strongly Agree’ for the question “I feel prepared to facilitate a restorative process.”

**Restorative process facilitation will provide opportunities for facilitators to practice and improve their facilitation skills.**

Facilitators will effectively facilitate restorative processes.	Post-process evaluations will assess facilitators’ effectiveness.	<b>90%</b> of facilitators will ‘Agree’ or ‘Strongly Agree’ that they were effective at facilitating their circle or conference.
		<b>90%</b> of facilitators will ‘Agree’ or ‘Strongly Agree’ that their co-facilitator was effective at facilitating their circle or conference.
		<b>80%</b> of circle or conference participants will ‘Agree’ or ‘Strongly Agree’ that the facilitators were effective at facilitating their process.

# Appendices

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- APPENDIX A - August 2018 Restorative Justice Training Outline
- APPENDIX B - Learning Outcomes Rubric

# **RESTORATIVE CIRCLES FOR COMMUNITY BUILDING AND IMPROVING CAMPUS CLIMATE**

*August 15-17, 2018*

David Karp and Jasmyn Story

In this intensive training, you will gain a thorough understanding of restorative justice principles and practices, strong facilitation skills, practical information about program implementation, and the satisfaction of having participated in a powerful intellectual, emotional, and spiritually-uplifting training experience.

We try to be as responsive to the group as possible. This agenda is malleable!

## **Day 1**

(Morning Session: 9:00 – 12:00)

- **Circle Experience**
  - Introduction to Circle Practice with a focus on the “5 C’s” of circles: convening, connection, concern, collaboration, and closing
  - Using circle practice to build community
- **Restorative Justice Defined**
  - Exploring the definition of RJ and its alignment with campus mission
  - The global RJ movement and its varied cultural traditions
  - Three tiers of campus practice
    - Build and strengthen relationships
    - Respond to conflict and harm
    - Support reentry

(Afternoon Session: 1:00pm – 4:00 pm)

- **RJ Origins and Practices**
  - Distinguishing “circle” practice and “conference” practice
- **Circle Design**
  - Building a circle around a topic of CONCERN (the 3<sup>rd</sup> C)
- **Listing and Brainstorming Harms**
  - Translating participant narratives into concrete harms and brainstorming solutions
- **RJ Conference Role Play**

## Day 2

(Morning Session: 9:00 – 12:00)

- **Circle Experience for Community-Building: The Talking Piece**
  - Please bring a “talking piece” with you—an object you wouldn’t mind passing around the circle, but is meaningful to you and has a story you can share
  - Building a circle around a CONNECTION (the 2<sup>nd</sup> C)
- **A Bit of Restorative Theory**
  - Why does RJ work?
- **RJ Conversations and Coaching**
  - Exploring the impact of RJ’s core questions
  - RJ practice for one-on-one support

(Afternoon Session: 1:00pm – 4:00 pm)

- **Evidence of Effectiveness**
  - What does the research say?
- **Circle Design**
  - Designing a circle with a focus on CONVENING (the 1<sup>st</sup> C)
- **Restorative Reintegration**
  - Reentry support circles for students on leave
  - Designing a circle with a focus on COLLABORATION (the 4<sup>th</sup> C)

## Day 3

(Morning Session: 9:00 – 12:00)

- **Developing “Needs” Literacy**
  - GROK: A game that develops interpersonal competence
- **Self-Assessment and Integration**
- **Closing Experience and Group Photo!**

## Training Team

### David R. Karp, PhD

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David Karp is Professor of Sociology and Director of the Project on Restorative Justice at Skidmore College in Saratoga Springs, New York. His current scholarship focuses on restorative justice in community and educational settings. He was the recipient of the 2010 Donald D. Gehring Award from the Association for Student Conduct Administration for his work on campus restorative justice. David has published more than 100 academic papers and six books, including *The Little Book of Restorative Justice for Colleges and Universities* (2013), *Wounds That Do Not Bind: Victim-Based Perspectives on the Death Penalty* (2006), and *The Community Justice Ideal* (1999). David is on the Board of Directors for the National Association for Community and Restorative Justice. He has previously served as Associate Dean of Student Affairs, Chair of the Department of Sociology, and Director of the Program in Law and Society. David received a B.A. in Peace and Conflict Studies from the University of California at Berkeley, and a Ph.D. in Sociology from the University of Washington.



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### Jasmyn Story, MA

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Jasmyn Elise Story is Assistant Director of the Skidmore College Project on Restorative Justice. She is an RJ trainer and facilitator with expertise in K-12 schools and higher education, with a particular focus on sexual harm and racial bias. Jasmyn has been an RJ coordinator at Black Diamond High School, and alternative school in the San Francisco Bay Area, Partnership with Children, with a placement at a middle school in Brooklyn, and the JAGS Foundation in London. She is the founder of the nonprofit organization, The People's Coalition. Jasmyn received her BA in Anthropology from Skidmore College and MA in Human Rights at the University College London.



**Brown University Office of Student Conduct & Community Standards  
Learning Outcomes Rubric**

Students who engage in programs, procedures, and services provided by Brown University's Office of Student Conduct & Community Standards will be able to:

- (Knowledge Acquisition): identify and acknowledge Brown's community standards and the kinds of behaviors that violate the standards for student conduct.
- (Personal Development): explain how their behavior does/does not reflect their values and goals, and how to avoid repeating the behavior.
- (Interpersonal Competence): explain how their behavior has impacted others.
- (Practical Skills): identify University resources and articulate how to utilize them effectively.
- (Social Responsibility): understand their role in upholding community values and standards.

<b>Learning Outcomes:</b>	<b>1-Denial</b>	<b>2-Resistance</b>	<b>3-Progressing</b>	<b>4-Invested</b>
Knowledge Acquisition	Sees no educational value in process and unaware of reasons for policies and procedures	Understands need for the process and policies or educational value but not both	Somewhat recognizes the educational nature of the process and understands the policies and procedures	Fully versed in policies and procedures and understands educational impact
Personal Development	Sees no misalignment, even when it is clear the behavior is not congruent with goals; staunch opposition to changing behavior	Acknowledges misalignment; demonstrates awareness of need to change behavior but not willing to do so	Acknowledges misalignment and can explain discrepancies; demonstrates basic awareness of need for behavior change	Fully acknowledges misalignment; volunteers own strategies for behavior change or has already made at least one change
Interpersonal Competence	Refutes responsibility for behavior and sees no consequences or effect on others	Acknowledges actions but is deflective of responsibility and consequences or effect on others	Accepts responsibility for actions and begins to accept impact on others	Takes full responsibility for actions and sees impact on others
Social Responsibility	Do not feel any responsibility to uphold community values and standards	Acknowledges that the community must have some individuals willing to invest in upholding its values and standards	Feels some investment in helping the community uphold its values and standards	Embraces the shared responsibility for setting and upholding community values and standards
Practical Skills	Unable to identify any University resources	Can identify a few University resources but does not understand how or is unwilling to utilize them	Can identify some University resources but is not articulating when to use them	Can identify many resources and how to utilize them