



Gordon Bazemore, Ph.D., is Professor of Criminology and Criminal Justice and Director of the Community Justice Institute at Florida Atlantic University. His primary interests include juvenile justice, youth policy, corrections, community policing, and crime victim's issues. He is the author of three books, over 60 journal articles, numerous book chapters, and research monographs on these topics.

Sandra O'Brien, Ph.D., is an Assistant Professor in the Division of Public Affairs and Director of the Institute for Youth and Justice Studies, College of Professional Studies at Florida Gulf Coast University. Her interests include: public policy, juvenile justice, community and restorative justice, and program evaluation.

Mark Carey, M.S., is President of The Carey Group, a criminal justice consulting firm and former Deputy Commissioner of Community and Juvenile Service, Minnesota Department of Corrections with more than 25 years of experience in the corrections field. He is currently President of the American Probation and Parole Association, and is the author of two books and numerous articles on correctional practice.

Restorative Justice and College Student Misconduct

DAVID KARP
 Skidmore College, Saratoga Springs, NY 12866, USA

dkarp@skidmore.edu

SUSANNE CONRAD
 Skidmore College, Saratoga Springs, NY 12866, USA

sconrad@skidmore.edu

Key words: organizational change, student misconduct, college judicial board, restorative justice

Abstract

This article reports the findings of a restorative justice program to address student disciplinary problems at Skidmore College. Based on the model of "Community Reparative Boards" developed by the Vermont Department of Corrections for probation cases, the Skidmore Integrity Board is representative board of students, faculty, and staff. The article describes the nature and purpose of the board and reports findings from three recent years of board activity.

The disciplinary problem

Because the colleges and universities are well-defined communities, typically maintaining their own security or police forces and internal judicial systems, they are capable of developing internally coherent restorative programs to address student behavior that violates college policies and/or the criminal law (Karp and Allena, 2004).

Fisher et al. (2004) report that 81% of campus crimes are property crimes, primarily burglaries. Of violent crimes, the most commonly reported crime is aggravated assault, although they note that sexual victimization is severely underreported. Generally speaking they note that college campuses are characterized by "high rates of property crimes compared to low rates of violent crimes" (p. 223). Although rape and sexual assault rates are substantially higher for college students than for similarly aged non-college students (p. 226), and this problem deserves significant attention in its own right, DeJong (2004, p. 101) argues that "the misuse of alcohol is the principal social problem faced by American higher education." DeJong reports that 48% of college students "drink to get drunk" and 6% of students are alcohol-dependent. Among the highest risk populations are males, whites, members of fraternities and sororities (see also Baker-Zwerenz et al., 2004), and athletes (see also Segrave, 2004). Another widespread problem is the violation of academic integrity, which typically includes plagiarism and cheating. McCabe et al. (2004) found that 15% of college students have cheated on exams and 40% have engaged in plagiarism.

The problem of student misconduct has several inter-related dimensions. First, students arriving on campus as freshmen experience a sudden, dramatic loss of supervision. Many of these students have not developed strong internal controls to regulate their behavior. Arriving students, anxious to make friends and establish a sense of belonging, are strongly pressured by peers to "party" with alcohol and other drugs. Student culture is at odds with mainstream society and legal codes with regard to drug use and underage alcohol consumption. College alcohol and drug policies, which must obviously comply with the criminal law, are accorded scant legitimacy among students. This dissensus creates an adversarial relationship between students and administration (and campus safety officers). Faculty members are caught in the middle and tend to remain awkwardly neutral about student extra-curricular conduct. Campus life is strangely bifurcated. Students describe professors as their primary non-peer role models, yet the social control faculty exert in the academic sphere does not extend to the students' residential lives. In that realm, students largely fend for themselves.

Colleges typically rely on coercive techniques to gain compliance with college policies and the criminal law because they have had little alternative. Since college administrations cannot rely on student internal controls, and since dissensus precludes them from appealing to universal moral codes, administrators are forced to increase surveillance and punitive sanctions. This creates a conundrum because higher educational institutions in the United States often operate as cloistered liberal polities. While campuses generally repudiate authoritarian social control, they increasingly rely upon the techniques of the police state to enforce campus policies. However, campus safety departments are rarely adequately staffed to accomplish coercive control, municipal police are not invited on campus, students remain largely free to consume drugs and alcohol at will, and an unlucky few are subject to increasingly harsh penalties when they are caught. Failing to achieve any deterrent effect, a common student reaction is that a few students are unfairly singled out for a punishment and call for campus officials to look the other way and leave them alone.

Because a quarter of the student body is new each year, disciplinary approaches must be educational and ongoing. Smith and Dickey (1999) describe a Milwaukee neighborhood street corner where the drug trade thrives. In a three-month period in 1996, 94 drug arrests were made, and most were convicted and sentenced to two years in prison. Nevertheless, the drug trade continued unabated. The removal of one dealer merely created the opportunity for the next to stake his claim on the corner. Just as Milwaukee police officers could not arrest their way out of the drug problem, colleges cannot effectively respond to student disciplinary problems (including the drug trade), through apprehension and removal. The continual student population turnover guarantees that individual-level solutions cannot resolve community-level problems. Instead, solutions must continuously strive to socialize students to be community members, able to consider the consequences of their behavior on the welfare of the community.

The restorative approach described here offers a communitarian alternative to liberal avoidance and conservative crackdowns. It is an approach that focuses on moral education by integrating academic learning, student participation in the campus judicial process, and restorative justice principles. The approach is both a response to individual misbehavior and campus dissensus.

Thinking restoratively on the college campus

Restorative justice encourages dialogue among victims and offenders to construct plans of action that hold offenders accountable and meet victims' needs. Restorative processes help educate community members about the need for civic commitment, and build student capacity for evaluating the impact of their behavior on the community. They also legitimate college policies by creating not only due process, but consensus around behavioral standards, and equitable responses to misconduct. Offender accountability is central, but balanced with a concern for reintegration—which is defined by an offender's ability to regain trust through demonstrated good citizenship. The restorative values of repairing harm, reintegration, and community building is reflected in Figure 1. Consider one recent case at Skidmore College. A student was arrested for dealing cocaine. After serving time in state prison, the student applied to Skidmore to complete his senior year. He was readmitted, but one of the stipulations required him to tell his story to other students so they might learn from his experience. For his project, he created a 30-minute video memoir, which the college uses as a platform for discussion about the risks of dealing drugs. While it was tempting to deny his readmission, enabling the student to take active responsibility for his behavior provided the campus with a new resource for discussing drug issues with the student body.

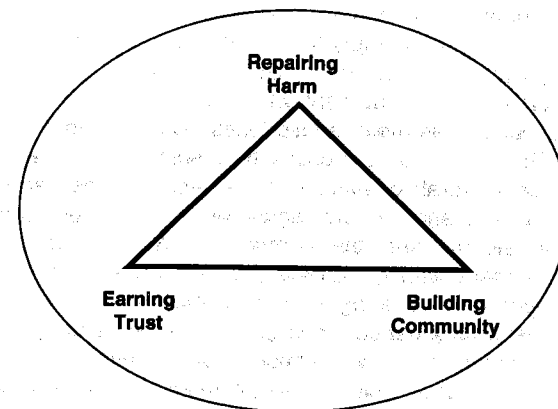


Figure 1. Restorative justice principles.

In a review of college judicial affairs practices, Lowery and Dannels (2004) argue that college student discipline has become too much like the criminal justice system. "The primary weakness resulting from these overly legalistic student judicial affairs systems is the creation of an increasingly adversarial environment. Within this environment, the educational focus of student judicial affairs is often lost" (p. 21). This is true of the proceedings as well as a relatively standardized continuum of sanctions. Students are given warnings, their privileges are restricted (such as preventing them from participating intercollegiate sports or in other co-curricular clubs), they are removed from campus housing, suspended, or ultimately expelled. Thus, a student already operating at the margins of social acceptability is progressively outcast from membership in the conventional college community. The restorative justice approach promotes inclusion over social distancing, emphasizing instead sanctioning strategies that rebuild conventional social ties to the college community.

Central to replacing outcasting with reintegration is to shift the burden of sanctioning responsibility from the college to the student. While suspension and expulsion must be retained, they are anti-communitarian devices that should be minimized wherever possible. The removal of a student from the community is likely to displace the problem to another, less-fortified community without resolving it. Suspension should be limited to two situations. First, colleges are not correctional facilities and when a student poses a threat to campus safety, removal may be necessary. Second, when a student refuses to participate in judicial proceedings, or a student fails to complete sanctioning tasks, then the student should be removed. Otherwise, the goal should be reintegration through the development of personal responsibility.

Suspension by a judicial body should be recast as "self-suspension." Each student is obligated to repair harm and demonstrate his or her ability to be a member in good standing. A contract with the student should be negotiated and it should clearly detail what steps the student must take to regain social standing. While a student may apply for an extension if necessary, in general, a student is not allowed to register for the following semester's classes until the contract is complete. Thus, a student who fails to comply with the college's expectations for responsible membership loses his or her right to participate in community life. The burden of responsibility is shifted from the college to the student. In essence, restorative justice sends a very clear message to offenders: You have done wrong, and we can agree on this by identifying clearly the damage done to victims and the community. We will now give you the opportunity to take responsibility for what you have done by repairing that harm as best you can and demonstrating to us your ability to be a good citizen.

Apology. In restorative justice, apology occupies a central place. Retzinger and Scheff (1996) argue that reconciliation is predicated on a core sequence: "This process involves the social rituals of respect, courtesy, apology, and forgiveness... The ideal outcome, from the point of view of symbolic reparation, is constituted by two steps: the offender first clearly expresses genuine shame

and remorse over his or her actions. In response, the victim takes at least a first step towards forgiving the offender for the trespass. The core sequence generates repair and restoration of the bond between victim and offender, after this bond had been severed by the offender's crime" (p. 316). The sanctioning process, therefore, must begin with an acknowledgement of responsibility for the offense, articulated through an apology. Skidmore's apology guidelines require that letters contain (a) an acknowledgement of responsibility, (b) a delineation of how the behavior was harmful, (c) an expression of remorse, and (d) a commitment to making amends and socially responsible behavior in the future.

From fines to restitution. Restitution should be distinguished from fines. Fines are imposed as a punishment in order to deter the misbehavior and, presumably, to generate revenue. Restitution is collected in order to pay for lost or damaged property as a result of the offense. The amount of a fine is determined by the deterrent need, and is independent of the particular offense. Restitution is determined by the extent of harm. From the perspective of the offender, fines are likely to be perceived as arbitrary since the rationale for the amount is not transparent. More problematic, fines create moral ambiguity (Kahan, 1999). In a market society, goods and services have prices, but are morally neutral. If misbehavior is fined, the message of moral disapproval is easily obscured. Instead, we communicate that the behavior is acceptable, "if you can afford it." Restitution is paid in order to make amends. By clearly identifying harm, the offender learns why the behavior is morally unacceptable.

Enlightened community service. Community service is widely used in college judicial sanctioning, yet it is not often restorative. Community service can be misused as a retributive device. This is the case when it is merely a substitution for another punishment, interchangeable with other "unpleasant" sanctions. This is just the wrong message to send to someone in need of community reintegration. If service is used as a punitive deterrent, why would the offender embrace it as a positive expression of community membership?

Community service is central to a restorative approach when used correctly. As restitution should be distinguished from fines, so should restorative community service be distinguished from punitive service (Bazemore and Karp, 2004). If a student vandalizes a campus building, community service would be necessary—the student should fix the damage, perhaps working alongside maintenance staff. In a recent case at Skidmore College, two dormitory roommates had removed lounge furniture to their room. As part of our judicial process, the students learned that the violation was not only harmful to the other residents by denying them a comfortable common space, but had broader effects on the college because visiting prospective students would only see unpleasant residential spaces. A contract was negotiated in which the two students would return the furniture, and clean the lounge (renting an upholstery cleaner) in time for an upcoming event in which large numbers of prospective students would be visiting the campus. The students were encouraged not to do this alone, but to organize a dorm-wide "spring cleaning." Their leadership would

serve as a demonstration of their commitment to making amends and promoting school spirit.

Community service, properly understood, is a mechanism of reintegration for student offenders because it provides a venue for making their prosocial efforts visible to others, and fostering positive social ties with the campus community. It is also a means of reframing individual student misconduct as a community issue. Since the problems that appear before judicial boards generally speak to the broader issues of student culture (e.g., underage drinking and drug use), service projects linked to the offense become vehicles of community education. The student who uses hate speech might work with a diversity specialist to organize a campus event on multi-cultural issues; the drunk driver might work with MADD (Mothers Against Drunk Driving) to bring a relevant speaker to campus; the student who downloaded a term paper from the internet might organize a session during freshman orientation regarding the standards of academic integrity. Community service sanctions may be endlessly creative as they seek to change the underlying social norms that reinforce individual misbehavior.

Environmental management

DeJong (2004) argues for a prevention strategy called environmental management, which seeks to change the college "...environment from one that encourages to one that discourages high-risk and underage drinking" (p. 106). The focus of this article is Skidmore's Integrity Board and its sanctioning philosophy and practices. However, the College employs several strategies to prevent and reduce campus offending that are consistent with DeJong's prevention approach. We mention these first because Skidmore has developed a multifaceted approach, and we believe a restorative judicial system complements an environmental management approach. Below we briefly describe the major components at Skidmore.

First, the Director of Campus Safety is a proponent of community policing. Primarily, this approach emphasizes positive relationship building between officers and students and engaging officers in various prevention activities and trainings. Second, the College has increased the number of professional residential life staff over the years. Prior to 2000, senior students would coordinate the residence halls; today, two Community Coordinators each oversee five residence halls, in addition, three Residence Hall Directors were added in 2004, to join the team of five senior head residents. Each of these staff has a master's degree in student personnel administration. Third, the College offers prevention programs including alcohol-free late night activities. The health educator on campus offers alcohol and other drug consultations, including administering the Substance Abuse Subtle Screening Inventory (SASSI). Fourth, the College has

revised its alcohol and other drug (AOD) policy, which now includes fines and calls to the student's parents.¹ Fifth, the College has intensified its focus on first year students. Programs such as the Survivor Series, which teaches students how to do their laundry or how to cure a cold, as well as programs geared toward students who live in a triple room for the first semester. A new "First-Year-Experience" (FYE) program is being reviewed at this time, which would increase the focus on first year students by housing them by seminars, which the students can choose themselves, as well as by hall, which would include one substance free floor per residence hall.

Skidmore College Integrity Board

Judicial boards are widely used on college and university campuses. Many include students as members. Nevertheless, the typical judicial board differs from restorative justice integrity boards in both process and outcomes. Integrity boards are particularly concerned with a process that encourages trust, emotional expression, and community building. These go far beyond (but include) the more common concern with fair and equitable treatment that judicial boards promote. Integrity boards seek creative outcomes that seek to repair harm and reintegrate offenders and victims. Sanctions are not simple, nor drawn from a clearly delineated menu of graduated sanctions. Thus, the focus of discussion is as much about, if not mostly about, what is to be done to find a satisfying resolution.

An integrity board has the authority to negotiate a contract with the offender specifying sanctions. The mission of the board is to work with student offenders to help them understand the consequences of their behavior, to identify the harmfulness of the offense, and to identify a set of tasks that will repair the harm and reintegrate the offenders back into the campus community.

The integrity board must address both the determination of guilt and arrive at a sanction. Therefore, it is a bifurcated process, where attention is given to due process initially, as victims and/or the college presents evidence of the wrongdoing, and student defendants (called "respondents") are afforded the opportunity to claim innocence, explain mitigating circumstances, or fully accept responsibility. If the student is found responsible, then the discussion turns to a full examination of the harm caused by the offense, and the discussion of a plan for redress. Because of the size of the group (often seven or eight participating), the dynamics are not conducive to intensive victim-offender healing. Thus, one of the terms in the sanctioning agreement might be a recommendation for victim offender mediation, a restorative practice that is just beginning to be used on college campuses (Warters, 2004).

Skidmore College has maintained an integrity board for many years, however, only recently has it explicitly embraced restorative principles and practices. This

transition came after a close examination of Vermont's Reparative Probation Program, where adult criminal offenders meet with a "reparative board" of citizen volunteers, and negotiate a restorative justice contract that must be completed within a three month period (Karp and Walther, 2001).

Membership and training

An integrity board hearing is composed of four students, one staff member, and one or two faculty members (two in cases of academic integrity). This structure makes it distinct from other restorative practices, which typically make use of a trained facilitator or two co-facilitators. Thus, a group of board members participates in each case, representing a cross section of the community and carrying their prior experiences with hearing cases to each new one. The board members are presumed to be objective about each case since they are not direct stakeholders (not victims or witnesses). However, they are expected to represent the community, voicing their concern and support as appropriate. At Skidmore, we rely on a pool of members. All participate in a "willingness-to-serve" process, and must complete training.

Table 1 shows the number and variety of cases heard by the integrity board. We find that there is a net decrease in the number of cases over the three-year period. Most likely, this is due to policy changes that reduce the number of low-level case referrals to the board, such as first time drinking and marijuana violations. As is typical of delinquency, most offenders are male. The majority of cases are with first and second year students. This is partly a developmental issues; older students tend not to get in as much trouble. But it is also explained more straightforwardly by the fact that all first and second year students live on campus, whereas many juniors and seniors live off campus or are abroad. Although some students are not found responsible, the vast majority are found in violation of the honor code, and primarily for alcohol/drug violations or vandalism/theft violations.

Skidmore's training is conducted over the course of the fall semester, with a weekly one-hour meeting. Readings are assigned for each meeting, and guest speakers often attend, such as the Director of Campus Safety, the Dean of Studies, or the Volunteer Coordinator. The training offers opportunity for role-plays, discussion of philosophy, debriefing recent cases, and evaluation of practice and policy. Student members may receive academic credit for their participation in the training through our Law and Society Program. To receive credit for this, they must attend the training sessions, complete reflection essays for each of the readings, and write a term paper that combines research on a relevant topic of interest (e.g., college student alcohol use) and their experience as a member of the board. This training has been an essential component of our program because the restorative philosophy is new to the participants, and challenges many of them to rethink their own beliefs about punishment. The

Table 1. Integrity board cases for academic years 2001-2003.

	N	% of Cases
Students		
2001/2002	101	39.3
2002/2003	81	32.5
2003/2004	75	29.2
Total	257	
Students found responsible		
2001/2002	91	90.1
2002/2003	77	95.1
2003/2004	70	93.3
Total	238	92.6
Sex		
Male	211	82.1
Female	46	17.9
Class		
First year	88	34.2
Sophomore	98	38.1
Junior	47	18.3
Senior	24	9.3
Code of conduct		
1 (classroom disruption)	1	0.4
2 (pedestrian/vehicle obstruction)	0	0.0
3 (hazing)	8	3.3
4 (guns)	3	1.3
5 (explosives; weapons)	3	1.3
6 (property damage/theft)	53	22.2
7 (assault)	6	2.5
8 (harassment)	17	6.6
9 (falsification of records/fake ID)	11	4.6
10 (trespassing)	3	1.3
11 (disorderly conduct)	6	2.5
12 (alcohol/drugs)	162	67.8
13 (failure to comply with a directive)	7	2.9
14 (computer)	0	0.0
Academic Violations ^a	16	6.7

^aSanctions for academic violations include those determined by the IB, and possible grade penalties by the reporting faculty member. Typically, grade penalties include failure of the assignment for minor violations and course failure for major violations.

training discussions are where this dialogue takes place, so that in hearings board members may present a coherent philosophy during cases.

The chair of Skidmore's Integrity Board is always a student. His or her primary job is to facilitate a hearing, though he or she also has administrative responsibilities. Good facilitation requires training, but unlike mediation, conferencing, and circles, there is less pressure on the facilitator. We have found that all board members pay attention to the process, and will typically remind a chair if something needs attention. The chair is clearly a leader, and we stress that as

facilitator, the focus should be on ensuring a good process, rather than taking charge of decisions. The chair uses a script that is similar to the one used in conferencing. Typically, as part of the training, chairs rewrite the script in their own words.

In addition to board members and offenders (called respondents), several others may be invited to a hearing. First, we invite victims (called harmed parties) and they are encouraged to bring a support person. Second, we invite affected parties, such as a campus safety officer who responded to the incident. Third, a representative of the Student Affairs Office that administers the program plays the role of "judicial officer." This person is usually our Dean of Studies (for academic cases) or our Associate Dean of Student Affairs. The responsibility of the judicial officer is to present the facts of the case as they have been determined by administrative inquiry (campus safety report, interviews, etc.). The judicial officer also briefs non-member participants about the nature of the process and the role they will play.

Partnership with the criminal justice system

Some of our cases are pursued simultaneously by the criminal court. A problem we frequently encounter is that students appearing before the board have been instructed by their lawyers to say nothing to the board since their case is almost always still pending "downtown." Unfortunately, such behavior may be advantageous to their day in court, but serves them poorly in front of our integrity board. Cases proceed smoothly when offenders are forthcoming, expressing understanding of the harm they caused, remorse, and a willingness to make amends. "My lawyer told me not to say anything," does not advance that cause.

Ironically, we have discovered that for most minor criminal offenses, our board holds student more accountable, requiring much more of them, than does the criminal court. With this in our favor, we have established a relationship with the Saratoga County District Attorney's office in which the DA will review our findings and, hopefully, agree to let ours stand in the criminal court. Although we do not have many cases yet to illustrate this, a good example comes from a well-publicized case from 2002. The City of Saratoga Springs sponsored an art exhibit in which painted, fiberglass horses were displayed in various locations downtown. A Skidmore student stole one of the horses, causing considerable public outrage. Our board hearing included not only the student offender, but the artist, the store owner who sponsored the artist, and the director of the arts council that organized the exhibit. The agreement included several specific sanctions including restitution and community service among others. Several months later, the case was settled in the criminal court, and the sentence was identical to our own, the court accepting exactly what we had negotiated (McCord, 2003).

The process in five steps

Five process steps guide our restorative approach (see Table 2). First, participants in the judicial process seek to create an atmosphere of trust and civility, emphasizing the social ties and shared community membership of the participants. The goals are to avoid adversarial proceedings in favor of cooperative decision-making, and full participation of the key stakeholders. As Stoner (1998) recommends, we avoid the use of criminal justice terminology. For example, offenders are referred to as "respondents," victims are referred to as "harmed parties," and those bringing charges are referred to as "complainants." Second, the board determines who is responsible for the harmful behavior and what codes of conduct were violated. Third, the process concentrates on identifying the harmful consequences of student misconduct. It assumes that no violations of policy or law are "victimless," since the violation itself raises concerns about the student's commitment to the community. At the same time, a civil discourse can afford the opportunity to reexamine policies that appear arbitrary, and may need reform. Fourth, the process enables the offender to acknowledge responsibility, express remorse, and endeavor to regain the trust of the community. Fifth, the board negotiates a contract that delineates the tasks and timeline of restoration and reintegration.

Reparative sanctions

Typically, integrity boards attempt to respond to three types of harm: emotional harm to victims; property damage or loss; and communal harm, such as fear of

Table 2. Five steps toward a successful integrity board hearing.

1. <i>Establish common ground</i>	Create a space that encourages the full participation of respondents and harmed parties. Balance formality with social support and encouragement.
2. <i>Determine responsibility</i>	Establish if the respondent is in violation. Stress objectivity when weighing the evidence.
3. <i>Have offender accept responsibility</i>	Determine if the respondent admits any wrongdoing and evaluate his or her commitment to making things right.
4. <i>Identify the impact of the offense</i>	Work with harmed parties and respondent to figure out what harm was done. Pay attention to personal harm (physical, emotional), material harm (lost or damaged property), and communal harm (material harm to community spaces or intangible harms, such as public fear and anger).
5. <i>Strategize repair and reintegration</i>	Work together to identify the best way to fix the damage done. Also, identify ways that the respondent can demonstrate their commitment to the community and become more closely tied to the values and behaviors of a responsible community member.

crime, demoralization, and divisiveness. In training, for example, we use a role play that involves a drunken student, Ted, who breaks the glass cover and pulls a fire alarm in a residence hall. Another student, Lenny, confronts Ted about the behavior, and quickly becomes the recipient of a racial epithet and attempted assault. A third student in the role play, Pauline, loses sleep, and subsequently performs poorly on an exam the following morning. This scenario illuminates the many "circles of harm." First, there is the emotional harm to victims, from Lenny's anger over the racial epithet to Pauline's frustration about her exam. Second, there is property damage; the fire alarm needs repair. Third, there is communal harm. The entire residence hall is inconvenienced by the evacuation, public resources are wasted as the fire department responds, and the community expresses mistrust about student drinking behavior and anger about racist attitudes. The quality of life for the community is diminished.

Emotional harm is partly addressed through apology, something victims want, but rarely receive. Restitution is a way to repair material harm. In many cases, students have committed a property crime, such as theft or vandalism. The board is responsible for determining the nature and extent of material harm, and identifying a way for the offender to return, repair, or pay for lost or damaged property. Community service is used to repair harm to the community. While it can be thought of as a punitive sanction, in a restorative process, the intention is different. First, it is a means of making amends for causing harm to the community. Ideally, the service will be linked to the harm, for example, by having offenders repair damage to vandalized property. Second, service is meant to be educational. It is an opportunity for offenders to learn about civic participation and the value of contributing positively to one's community. Thus, the service should be meaningful, rewarding, and even fun. Third, service is an opportunity to establish prosocial relationships with peers and authority figures who can serve as role models.

Table 3 reports the use of apology, restitution, and community service. As expected in a restorative model, apologies, restitution, and community service are common sanctions. Many cases are victimless offenses, therefore apologies are not applicable. Unfortunately, our data do not distinguish between victimless cases and cases where apologies might have been sanctioned, but were overlooked. Nevertheless, Apologies were assigned in 44.4% of the cases. Similarly, restitution is not applicable to many cases, but we assume that cases where it was warranted, it was applied. This was the case, at least, for 13% of the cases. Finally, we find that the integrity board negotiated community service in 33.9% of the cases.

Reintegrative and disintegrative sanctions

Beyond the consideration of repairing harm, the board also asks the question: "What can be done to restore trust so that we feel confident about the offender's

Table 3. Restorative sanctions.

	N	% of cases	
Apologies			
2001/2002	24	26.4	
2002/2003	50	64.1	
2003/2004	32	45.7	
Total	106	44.4	
Restitution/return property			\$
2001/2002	6	6.6	No data
2002/2003	8	10.3	6,866.56
2003/2004	17	24.3	2,784.21
Total	31	13.0	9,650.77
Community service			# of Hours
2001/2002	23	25.3	635
2002/2003	29	37.2	792
2003/2004	29	41.4	400
Total	81	33.9	1,827

membership in the community?" Tasks that answer this question are designed to reintegrate the offender as a member of the community in good standing. During the board meeting, participants continuously evaluate their level of trust in the offender. Many, because of their sincere expressions of remorse, willingness to make amends, and stated commitment to future responsible behavior, convince the board members of their trustworthiness. Often, however, a board will seek additional reassurances.

A typical strategy is the reflective essay. The offender may be asked to write about the incident, examining their responsibility and how they may avoid repeating the mistake. They may conduct research on the damage caused, such as tabulating the costs of vandalism to a residence hall, and provide recommendations for prevention. Another strategy is to ask the offender to join a campus group in the hopes that they will attain a greater stake in the community because of their investment in it. A board member might ask about the offender's hobbies or interests, and help identify a campus group that shares it. Sometimes, offenders may be asked to seek assistance, such as by getting an alcohol abuse screening or academic tutoring. Of course, board members are not therapists, and their job is not to diagnose and treat psychological problems. The board cannot order treatment, but may require an initial visit to someone with specialized expertise. The spirit of reintegrative sanctions is not rehabilitation. Instead, it is successful community membership. The approach assumes that offenders are operating on the margins of the campus community, and that they will become more responsible as they become more involved in both academic and co-curricular life.

Reintegration is not always possible. When the College views offenders as a threat to the safety of others or to themselves, a student will be removed from

campus. Furthermore, a student who refuses to comply with our judicial process will also be removed. Our attitude toward suspension and expulsion is ambivalent. Of course, it is always a relief to be rid of a nuisance; but at the same time, we realize that our failure to reintegrate will simply mean that the problem will travel to some other community—a community likely to be less aware of the problem and less capable of addressing it. The Integrity Board's use of reintegrative sanctions is reported in Table 4.

The data reveal that reintegrative sanctions are commonly applied, much more frequently than suspension or dismissal. The most common sanction is a writing product, which appears to reinforce the academic mission of the institution. Suspensions were a result of a variety of violations, all by repeat offenders. We treat suspensions as a temporary separation from the community, and specify what tasks the respondent must complete during this "regrouping" period—generally one semester—before returning to campus. Two students were permanently dismissed, one for repeated academic violations and the other for harassment of a professor.

Another feature of our model is the "self-suspension." Students cannot register for the following semester's classes until they have completed their

Table 4. Reintegrative sanctions.

	N	% of Cases
Essays/writing product		
2001/2002	13	14.3
2002/2003	32	41.0
2003/2004	29	41.4
Total	74	31.0
Consultation/training		
2001/2002	14	15.4
2002/2003	22	28.2
2003/2004	15	21.4
Total	51	21.3
Public presentation or organize program		
2001/2002	13	14.3
2002/2003	11	14.1
2003/2004	21	30.0
Total	45	18.8
Suspension		
2001/2002	4	4.4
2002/2003	7	9.0
2003/2004	10	14.3
Total	21	8.8
Dismissal		
2001/2002	0	0
2002/2003	2	2.6
2003/2004	0	0
Total	2	0.8

assigned tasks. This is a dramatic shift in the burden of responsibility. Rather than having the board suspend the student, the student becomes the arbiter of his or her own fate. In the three year period, we have had many students wait to the last minute, others who needed some cajoling, but only one student fail to complete the sanctions and prohibited from registration. This signals a near perfect compliance rate of 99.6%.

Recidivism

The most common question about any disciplinary program is, "Does it work?" Most simply mean the more specific question, "do the respondents become repeat offenders?" While that answer is important, we believe the true answer must be multidimensional, accounting for the variety of concerns of all stakeholders. Was the process fair? Were decision-makers satisfied by the agreement? Was the harm repaired? Was it a learning experience? Was it an opportunity for community building? Future studies must look for positive changes not only in offenders, but also in victims and other affected parties, and ultimately to campus culture. With regard to the narrow question, Table 5 reports the recidivism rate of our program. Over the three year period, 25 students had to appear before either the Integrity Board or an Administrative Hearing Board² for a second offense. This is a 10.5% recidivism rate overall. While this number is accurate, it is also highly dependent on the net cast by the board. Recent changes, discussed below, dramatically reduce the number of low level violations seen by the board. Thus, the board is much less likely to see an offender more than once and the recidivism rate will decline. Thus, the recidivism rate is more of a reflection of judicial policy than the number of honor code violations committed by students.

Traditional punishment

Sometimes the board assigns sanctions that do not appear to be guided by restorative principles. We note below three somewhat common sanctions, each of which is a variation of a theme—warnings, zero tolerance, and social pro-

Table 5. Second time offenders.

	N	%
2001/2002	7	7.7
2002/2003	11	13.6
2003/2004	7	10.0
Total	25	10.5

bation. None of them specify any particular restriction or task; instead they seem to serve as a written reminder that the board will be unhappy should the respondent get in trouble again. No formal provision exists to treat a second time offender differently should he or she have received one of these sanctions previously. And nothing distinguishes the difference in meaning between these three sanctions. Thus they appear to be an empty threat or, more positively, a rhetorical device to emphasize the seriousness of the occasion. Table 6 reports the use of these sanctions by the Integrity Board. We believe that warnings and social probation are simply a continuation in the use of sanctioning language that was used by the board before implementation of the restorative model. Previously warnings were common, although they never specified particular restrictions or sanctions. Social probation was also common, but it did refer to restrictions that are no longer applied, such as disallowing the respondent from serving in a leadership position in a student organization.

Can restorative sanctions coexist with traditional sanctions? Traditionally punitive or outcasting sanctions have disappeared from use by the Integrity Board with the exception of the expressive sanctions described above. However, this year (2004–2005), Skidmore instituted new alcohol and drug policies that move away from restorative practices and embrace more traditional retributive and deterrent philosophies. Part of the reason was based on findings that Skidmore's alcohol and drug consumption exceeded its peers, and though highly unscientific, this was reinforced by the Princeton Review's designation of Skidmore as number one in the "reefer madness" category in 2003 (MacDonald and Rosenberg, 2003).

Table 6. Traditional sanctions.

	N	%
Warning		
2001/2002	72	79.1
2002/2003	40	51.3
2003/2004	30	42.9
Total	142	59.4
Zero Tolerance		
2001/2002	0	0.0
2002/2003	9	11.5
2003/2004	7	10.0
Total	16	6.7
Social Probation		
2001/2002	10	11.0
2002/2003	2	2.6
2003/2004	3	4.3
Total	15	6.3

Since Skidmore College implemented a new alcohol and other drug (AOD) policy, the number of cases seen by the IB has decreased dramatically. During the fall 2004 semester, the IB handled 5 cases, while in previous years, the IB would see an average of 35 cases during each semester. Now, up to three alcohol and drug violations per student are handled within the Office of Residential Life; a fourth offense could lead to an IB case. Interestingly, damage reports have gone down ever since the AOD policy has been implemented: \$2,697 in September/October 2003 and \$981 in September/October 2004. In addition, 18 medical transports involving alcohol and/or drug incidents (i.e., alcohol intoxication) were recorded in Fall of 2003; in the Fall semester of 2004, this number had decreased to 7. More anecdotally, residential life staff are commenting that this is the quietest it has been for several years at Skidmore.

Whether the new AOD policy is the reason for these positive changes still needs to be determined. It is possible, however, that low level traditional deterrence strategies such as fines may complement restorative practices in two ways. First, they may simply be effective at preventing offending. Second, they may reduce the workload of the board so that it can focus on more serious cases. However, it may also prove to be confusing to students, since the style of punishment changes abruptly from deterministic and punitive, e.g., automatic fines, to one that invites moral discourse and collective decision-making.

Conclusion

Restorative justice has proven successful in a variety of criminal justice and K-12 settings. Only a handful of colleges and universities have implemented restorative practices to address campus disciplinary problems. While our findings are not comparative, at Skidmore we have seen positive results, widespread endorsement, and few complaints. Student volunteers seem to like the experience and the opportunity to participate in this innovative justice model. Because Skidmore already had a tri-partite judicial board that included students, it was not difficult to alter practices to more fully embrace restorative principles. Our hope is that these findings will encourage other schools to implement restorative programs, and that their experiences will be as positive as our own.

Notes

1. Fines are not a part of a restorative approach, and the inconsistency is discussed in a later section of this article.
2. Administrative Hearing Boards are run just like Integrity Boards except they do not include student board members. These occur infrequently and because it was necessary to conduct a hearing during a vacation when student board members are away or because the Dean of Student Affairs

judged the case to be too sensitive to allow student board members to participate. Five of the 25 cases in Table 5 were seen by an administrative board.

References

- Baker-Zwerenz, C., M. Lopez-Phillips, N. Rogers, and L. Strohminger. (2004). "Fraternity and Sorority Culture: A Guide to Implementing Restorative Processes in the Greek Community." In D.R. Karp and T. Allena (eds.), *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community*. Springfield, IL: Charles C Thomas, pp. 142-155.
- Bazemore, G., and D.R. Karp. (2004). "Community Service and Offender Reintegration." *Justice Policy Journal* 1, 1-37.
- DeJong, W. (2004). "The Impact of Alcohol on Campus Life." In D.R. Karp and T. Allena (eds.), *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community*. Springfield, IL: Charles C Thomas, pp. 101-119.
- Fisher, B.S., K.R. Blevins, S. Santana, and F.T. Cullen. (2004). "Crime and Sexual Victimization on College and University Campuses: Ivory Towers or Dangerous Places?" In D.R. Karp and T. Allena (eds.), *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community*. Springfield, IL: Charles C Thomas, pp. 217-238.
- Kahan, D.M. (1999). "Punishment Incommensurability." *Buffalo Criminal Law Review* 1, 691-708.
- Karp, D.R., and T. Allena (eds.). (2004). *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community*. Springfield, IL: Charles C Thomas.
- Karp, D.R., and L. Walther. (2001). "Community Reparative Boards in Vermont." In G. Bazemore and M. Schiff (eds.), *Restorative Community Justice: Repairing Harm and Transforming Communities*. Cincinnati, OH: Anderson, pp. 199-218.
- Lowery, J.W., and M. Dannells. (2004). "Contemporary Practice in Student Judicial Affairs: Strengths and Weaknesses." In D.R. Karp and T. Allena (eds.), *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community*. Springfield, IL: Charles C Thomas.
- MacDonald, P., and S. Rosenberg. (2003). "Getting Serious." *Skidmore Scope*. Retrieved January 30, 2005, <http://www.skidmore.edu/scope/fall2003/features/serious.html>.
- McCabe, D.L., K.D. Butterfield, and L.K. Trevino. (2004). "Academic Integrity: How Widespread is Cheating and Plagiarism?" In D.R. Karp and T. Allena (eds.), *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community*. Springfield, IL: Charles C Thomas.
- McCord, J. (2003). "Saratoga Springs Horse Thief is Sentenced to Probation: Community Service, Restitution Ordered for Spirit Horse Vandal." *The Saratogian* January 10: B7.
- Retzinger, S.M. and T.J. Scheff. (1996). "Strategy for Community Conferences: Emotions and Social Bonds." In B. Galaway and J. Hudson (eds.), *Restorative Justice: International Perspectives*. NY: Criminal Justice Press, pp. 315-336.
- Segrave, J.O. (2004). "The Off-The-Field Deviance of College Athletes: Problem or Hype?" In D.R. Karp and T. Allena (eds.), *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community*. Springfield, IL: Charles C Thomas.
- Smith, M.E., and W.J. Dickey. (1999). *Reforming Sentencing and Corrections for Just Punishment*. Washington, D.C.: National Institute of Justice. <http://www.ncjrs.org/pdffiles1/nij/175724.pdf>.

- Stoner, E.N. (1998). "A Model Code for Student Discipline." In B.G. Paterson and W.L. Kibler (eds.), *The Administration of Campus Discipline: Student, Organizational, and Community Issues*. Asheville, NC: College Administration Publications, Inc.
- Warters, W.C. (2004). "Applications of Mediation in the Campus Community." In D.R. Karp and T. Allena (eds.), *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community*. Springfield, IL: Charles C Thomas.

David Karp, Ph.D., is Associate Professor and Chair of the Department of Sociology, Anthropology and Social Work at Skidmore College in Saratoga Springs, New York. Dr. Karp is also Director of the Program in Law and Society. He is the author and editor of five books and more than 60 academic articles and technical reports.

Susanne Conrad previously served as Residence Hall Director at Skidmore College during the academic year of 2004-2005. She received her master's degree in student affairs administration from the University at Buffalo.