

RESTORATIVE JUSTICE ON THE COLLEGE CAMPUS

Promoting Student Growth and Responsibility, and
Reawakening the Spirit of Campus Community

Edited by

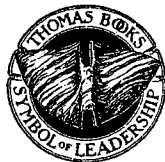
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Chapter 3

INTEGRITY BOARDS

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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 strive to repair harm and reintegrate offenders and victims. Sanctions are neither 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 into the campus community.

The integrity board must both address the determination of guilt and arrive at a sanction. Therefore, it is a bifurcated process, in which attention initially is given to due process, 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 (see Chapter 8).

Skidmore College has maintained an integrity board for many years, but only recently has it explicitly embraced restorative principles and practices. This transition came after a close examination of Vermont's Reparative Probation Program, in which 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 case. The board members are presumed to be objective about each case since they are not direct stakeholders (neither victims nor 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. In the 2002–2003 academic year, the board heard 56 cases involving 75 student offenders. These cases primarily involved alcohol or marijuana violations, but also included a number of harassment, assault, theft, fraud, weapons, hazing, and academic integrity violations. The board currently does not hear cases involving sexual assault.

Student participation in the judicial process reinforces democratic and egalitarian values that underlie citizenship. Students learn the language of community stewardship by making real decisions about matters of local consequence. One student board member commented, "I've seen several similar tripartite committees and boards at this school where either the faculty or the administration tends to dominate the discussion, and the students tend to become minor players in the final outcome. That is not the case with IB, and I applaud that fact." Students also learn how to articulate community-level harms associated with individual misbehavior. Students have tremendous social influence and legitimacy, so offenders are more receptive to their message. They also have a keen eye for "what works" in terms of persuasive language and creative sanctions that educate the larger campus community.

Our 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, such as the Director of Campus Safety, the Dean of Studies,

or the Volunteer Coordinator, often attend. The training offers opportunity for role-plays, discussion of philosophy, debriefing recent cases, and evaluation of practice and policy. We have created an opportunity for student members of the integrity board to 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. This dialogue takes place during the training discussions, 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, although 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 process, and typically will 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 script used in conferencing. Typically, as part of the training, chairs rewrite the script in their own words, and students' most recent rendition is included as an appendix.

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 ACADEMIC PROGRAMS

There is compelling evidence that the out-of-the-classroom experience, interactions and collaboration with peers, and institutional culture are as

critical to student learning as any other facet of the college experience (Astin, 1993). Over the past decade, colleges and universities have thus developed learning communities, service learning programs, collaborative research, internships, and volunteer programs to integrate academic study with students' lives outside the classroom. The educational value of these programs is especially apparent when students see participation in them as contributing to their overall intellectual development.

At Skidmore, collaboration between the Office of Student Affairs and the Law and Society Program was born out of a belief that service learning provides an opportunity for genuine intellectual liberation and citizen development (Barber, 1991). As mentioned previously, student members of the board may receive academic credit for their participation in the board training. This service-learning experience provides students with a chance to evaluate student conduct within a larger intellectual discourse as well as contribute meaningfully to community-building measures. Through readings, discussion, role-plays, and ultimately service on the board, members of the course learn how to facilitate and maintain a campus judicial system.

The academic and cocurricular components institutionalize consistent, in-depth training of a regular pool of student volunteers and create an opportunity for students to make a relevant contribution to the campus community. The project involves students in the study of their community and promotes dialogue about community values and related problems on campus.

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 also 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 FIVE STEPS

Five process steps guide our restorative approach (see Table 3.1). 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

Table 3.1 Five Steps Toward a Successful Integrity Board Hearing

1. *Establish common ground*
Create a space that encourages the full participation of respondents and harmed parties. Balance formality with social support and encouragement.
2. *Determine responsibility*
Establish if the respondent is in violation. Stress objectivity when weighing the evidence.
3. *Have offender accept responsibility*
Determine if the respondent admits any wrongdoing and evaluate his or her commitment to making things right.
4. *Identify the impact of the offense*
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. *Strategize repair and reintegration*
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.

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: (1) emotional harm to victims; (2) property damage or loss; and (3) communal harm, such as fear of crime, demoralization, and divisiveness. 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 requires 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. Apology letters may be negotiated, but guidelines are needed to ensure their acceptability (see Table 3.2). Typically, apologies are a spontaneous and healing part of board hearings. Beyond apologies, victim-offender mediation/dialogue is often a very helpful way to alleviate ongoing conflict or distress about an incident. Boards strive to be open forums that allow for healing dialogue. Nevertheless, because of the number of participants, we see mediation as a complementary follow-up practice.

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. Restitution may be completed by a lump sum payment, a payment schedule, or in-kind labor. Restitution should be distinguished from a fine, because the money is returned to the harmed party and pays for loss-

Table 3.2 Apology Guidelines

Apologies are expression of remorse and the willingness to take responsibility for a transgression. They must be sincere if they are to be taken seriously. Apologies are an important way to repair community relationships and restore trust between parties.

- All written apologies must be submitted to the integrity board for approval. Letters will then be forward to the harmed parties by the board.
- Apology letters must contain the following elements:
 - A description detailing the harm caused by the offense. This shows that the respondent understands the harmful consequences of his or her behavior.
 - An acknowledgment that the respondent was responsible for the offense. Be sure to avoid any temptation to deny, displace, or minimize responsibility.
 - An expression of remorse or regret in causing harm.
 - A statement of commitment not to repeat the offense.
- Verbal apologies should be given only after written apologies are approved. Verbal apologies should convey the same information as written apologies.

es. A fine is not explicitly linked to the harm and is designed to be a retributive deterrent rather than a means of responding to victims’ needs.

Community service is used to repair harm to the community. While it can be thought of as a punitive sanction, the intention is different in a restorative process. 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. The best measure of successful community service is when the offender continues to volunteer after his or her “sentence” is completed. At Skidmore, we use the following guidelines when negotiating community service (Table 3.3).

Table 3.3 Community Service Guidelines

Community service serves two important goals. First, it is a way of making amends to the community. Second, it is an opportunity to demonstrate good citizenship. Volunteering in the community is a way to be helpful to others, show that one is socially responsible, and rebuild the trust that is lost through misbehavior. Community service should be meaningful and rewarding. The board strives to find the right placement to meet these goals.

- Arranging a community service assignment is the responsibility of the respondent. Integrity board members will provide assistance, as will the volunteer coordinator.
- Respondents must submit a letter, signed by a service agency staff member, to verify that all assigned hours are completed.
- Respondents must submit a short “impact essay” (minimum 350 words), describing the nature of the service and how it serves a community need.

REINTEGRATIVE 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 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 offenders, 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 his or her responsibility and how to 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 he or she will attain a greater stake in the community because of his or her 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 it 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 cocurricular 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. Table 3.4 outlines our conditions for suspension and dismissal. 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.

Our routine substitute for suspension is something we call “self-suspension.” For every case, we negotiate a contract and try not to impose suspension (unless the conditions outlined in Table 3.4 are met). Nevertheless, we do not provide endless chances. The contract has a timeline and the aca-

Table 3.4 Skidmore College Integrity Board Suspension and Dismissal Guidelines

The Integrity Board (IB) tries to avoid suspension whenever possible by offering students an opportunity to take responsibility for honor code violations and to make amends through prosocial activities. However, there are two conditions under which suspension or dismissal is warranted.

Condition One: Public Safety

If the IB believes a student to be a safety risk to the college community, it is best if the student is removed from campus. When evaluating risk, consider the following:

- Behavioral evidence of risk, such as documented threats
- Behavioral evidence of prior violent behavior
- Risk assessments from experts, such as Campus Safety and Student Affairs staff.
- Risk assessments from affected parties, such as victims. Note that they may not be very objective, but that IB should seek ways to help affected parties feel safe.

Condition Two: Rejection of Responsibility

The IB may suspend/dismiss a student who is unwilling or unable to take responsibility for their behavior, even if the behavior poses no risk to public safety. When evaluating a student’s irresponsibility, consider the following:

- Recidivism: is this a first offense or is a pattern of violations emerging?
- Compliance: has the student successfully completed prior sanctions?
- Acknowledgment of responsibility: does the student admit responsibility or deny (“It wasn’t me”), diminish (“It’s no big deal”), or displace (“I was drunk”) responsibility?

Suspension vs. Dismissal

Dismissal is permanent. It is a statement that the IB believes that it would be impossible for the student to become a responsible member of the community. It is equivalent to “life without parole” whereas suspension can be likened to a specific prison term. When evaluating suspension vs. dismissal, consider the following:

- Severity: is the violation so offensive to the values of the community, that the IB cannot imagine having the student associated with the College?
- Prior suspensions: has the student been suspended before?

When Suspension Is Recommended by IB

Unlike dismissal, suspension assumes that the student will return to Skidmore to complete his or her degree. The suspension period, therefore, provides the student with an opportunity to demonstrate responsible behavior. Typically, we suspend a student for one semester, believing that this is sufficient time to complete an accountability contract, and convey our disappointment with the offending behavior. Longer terms of suspension increase the likelihood that the student will not return to the College. With reintegration in mind, consider the following:

- What sanctions must be completed prior to or during the suspension period?

demicalendar is closely considered. Students may not register for the following semester’s classes until the contract is completed. We have partnered with the registrar so that a hold is placed in the student’s file until the board releases it. Thus, a student “suspends” himself or herself by failing to honor the contract and must do so to register and regain status. This is a dramat-

ic shift in the burden of responsibility. Rather than having the board sentence the student, the student becomes the arbiter of his or her own fate.

CONCLUSION

Boards are an effective tool to engender an ethical community such as the one proposed by McCabe, Butterfield, and Treviño (see Chapter 12). It calls upon students, faculty, and staff, as well as student offenders, to reflect on the impact of student misconduct and how the situation can be resolved in a way that is both educational and reparative. The restorative philosophy underlying board practice is the same as for other restorative practices we describe in this book. When should we use one practice versus another? Table 3.5 represents my own view of the niche each fills within a campus community.

Table 3.5 Choosing Between Restorative Practices

	<i>Integrity Boards</i>	<i>Victim-Offender Mediation</i>	<i>Conferencing</i>	<i>Circles</i>
Structure	5 board members hear cases	Trained facilitator	Trained facilitator	Trained facilitator
Niche	Victimless offenses; routine processing; Active volunteer participation by various campus stakeholders, e.g., students, faculty, staff	Small number of affected parties	Moderate number of affected parties (N = 5–10)	Large number of affected parties (N>10)
Focus	Norm affirmation and negotiating restorative contract	Resolving ongoing conflict; Healing dialogue	Healing dialogue and negotiating restorative contract; Active participation of affected parties and supporters	Identifying community impacts; community healing; support circles for offender and victims
Preparation	Modest time commitment	Variable, depending on preparation needs	Moderate time commitment	Significant time commitment

Integrity boards may be best suited for routine processing of cases. They allow for ongoing participation of various campus constituents, lending the judicial process legitimacy and credibility across the campus community.

Boards can hear a wide variety of cases, particularly those without direct victims and those in which victims prefer not to participate. Because they invite but do not necessitate the participation of affected parties, case processing is more efficient. Nevertheless, participation by victims and their supporters is incredibly valuable and is often worth the extra effort to arrange it.

Facilitation models, like conferencing, differ from boards by focusing the decision-making process entirely on the stakeholders. Facilitators do not offer input about the content of sanctions, whereas board members do (except for the facilitating board chair). Boards, therefore, are more likely to have consistent sanctions because board members retain knowledge of prior agreements in similar cases. Outcomes in facilitated models are likely to vary more because they suit the particular preferences of the stakeholders in each case.

Circles are a time-consuming process, but allow for participation of a large group. Thus, for community-wide issues and highly visible cases, they may best respond to community concerns. Such practices are logistical challenges, however, and cannot be conducted routinely.

In sum, all restorative practices share a vision of conflict resolution that prioritizes dialogue between stakeholders and sanctions that seek healing and redress and avoid stigmatizing punishments and community outcasting. Having a repertoire of practices available to a community may be the best future for a judicial system, making use of one or another as the circumstances require.

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Appendix

Skidmore College Integrity Board Chair's Script

- Turn on tape recorder
 - "Welcome. This is Integrity Board Hearing # _____. Before we begin, let's introduce ourselves. I'm _____, and I'm chairing today's hearing."
 - **INTRODUCTIONS**
 - "We are here to evaluate an alleged violation of the Honor Code. The Integrity Board will work with the complainant(s) and respondent(s) to understand the situation that brought us here today, and to make a fair determination of responsibility."
 - "If the Integrity Board does not find the respondent(s) in violation of the Honor Code, the case will be dismissed."
 - "In the case that the Integrity Board finds the respondent(s) in violation of the Honor Code, we may assign sanctions designed to make amends to any or all parties affected by the violation. Respondents are encouraged and expected to participate in the creation of these sanctions."
 - "As chair, I will try to keep the discussion organized. It is important that everyone contributes to this process, but also that we respect the person speaking. Please keep in mind that we all want this hearing to proceed in a timely manner. If anyone has any questions about how we will proceed, feel free to ask at any point during the hearing."
 - "I'd like everyone to keep a few things in mind as we proceed: how this situation has affected individuals, as well as the campus community. Also, it may be pertinent to identify this violation as an isolated incident, or whether the respondent has received other sanctions from Skidmore in the past."
 - "The Judicial Counsel will review the case."
-
- Judicial Counsel reviews case.
 - Statement by **complainant/college**
 - Board questions **complainant**
 - Statement by **respondent**
 - Board questions **respondent**
 - Statements by respondent's supporters
 - Final questions
 - Final statements by **complainant** and **respondent**
 - Deliberation (board only; turn off tape recorder)
 - Determination (call parties back in, turn on tape recorder)
 - "After careful discussion of the complainant and respondent's testimonies, the Integrity Board finds you in violation/not in violation of the Skidmore Honor Code, specifically conduct code(s) _____."

- "Since the Integrity Board has found you in violation of the Honor Code, now we need to have a discussion of what you can do to make things right."
- To respondent: "Are you willing to take responsibility for this violation, and to participate in the creation of restorative sanctions?"
- To complainant: "Could you tell us how the situation has affected you?"
- To respondent: "Could you tell us how the situation has affected you?"
- To everyone: "How has this affected the Skidmore community?"
- "Sanctions should aim to repair harm to individuals and the community, and completion of sanctions should show that the respondent understands the harm caused by this event."
- "If sanctions rise to the level of suspension or dismissal, the Dean of Student Affairs will review the case. Otherwise, sanctions will be assigned a specific time frame for completion. You will not be able to register for next semester's classes until sanctions are completed."
- "Now we need to create sanctions based on the nature of the violation. We all need to work together to create sanctions that will best resolve the situation."

CREATE CONTRACT

- "You will receive a letter from me in your campus mail detailing these sanctions next week."
-
- "You should know the grounds for appeal. A student found in violation of a policy or procedure by the Integrity Board may request a review of the case by the Board of Appeals and the Dean of Student Affairs. The request must be made in writing to the Dean of Student Affairs within five business days of the time the decision was delivered in writing (which will be included in the letter I send you detailing your sanction and any deadlines) for any of the following reasons:
 - discovery of new information
 - failure to follow stated procedures
 - belief that the sanction is unfair or too harsh given the circumstances
 - "Further information about appeals can be found in the Student Handbook."
 - "Thank you all for participating today, and have a great weekend."