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Restorative Justice Programs in Higher Education

Marlenee Lizeth Blas Pedreal

Numerous university campuses have adopted the practice of restorative justice to address conduct, behavior, and conflict (Karp, 2013). Currently, restorative justice teachings and trainings implement programs that are committed to student learning and community development, but do not account for racial discourse. This article considers the concept of the Truth and Reconciliation Commission of 1995, restorative justice (Davis, 2003), and community teachings (books, 2013). Through a principled examination of the links between the reproduction of whiteness, colorblind approaches, and praxis, this reflection considers race as to not reproduce racism, but more importantly, to engage in anti-racist, social justice work. Finally, this reflection brings a further understanding of facilitation, narrative, and context within a higher education setting.

It was the summer Residence Life training of 2012 and I was a first-year graduate student and an incoming higher education student affairs professional. During our training, I was introduced to the restorative justice (RJ) program at the University of Vermont.¹ I sat at the corner of my seat, along with 100 new resident advisors, trying to understand how RJ served as a way to address conflict, bias incidents, and reintegration. As I learned of this innovative approach, I also heard worthwhile criticisms.

After a two-day training, I noticed one of my resident advisors' (RA) unease as she shook her head and raised her hand. She asked if a restorative conference would take place in a Black community and if restorative justice was a luxury that people of color could not afford. Staring at the facilitators, she began to boldly raise underpinning questions about the interconnections of RJ and racial dynamics. She put her hand down after making it clear that she was not opposed to the

¹ With roots in restorative justice, a way of looking at criminal justice that emphasizes repairing the harm done to people and relationships, restorative practices has the broader goal of proactively developing community, managing conflict, building relationships and increasing social capital (HIRP, 2013). The University of Vermont uses restorative practices, however the literature in higher education and student affairs refers to restorative justice as an overarching term (Karp, 2013) and will be used in this article for consistency

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overall mission of RJ programs but instead to the unequal access, in her experience, to a RJ procedure. Her questions marked a turning point in our discussion and challenged me to think about her interventions.

The following year, as I began to wrap up my second training on RJ, a different student leader began to share her honest thoughts on RJ. At first she appeared hesitant, but finally in a shy voice she shared that she wished her community and people of color knew about RJ, because then they could address problems more effectively.

Beyond my attempts to disentangle both claims with my students, I realized the overwhelming challenges we, student affairs professionals, face to provide a broad account of RJ. In fact, I would argue, we unconsciously secured a colorblind approach and presumed whiteness to be the norm (Bonilla-Silva, 2006; Sue, D.W., 2006). The questions raised by the students challenge us, student affairs professionals, to begin a principled examination of the links between the reproduction of whiteness, colorblind approaches, and praxis by considering race as to not reproduce racism, but more importantly, to engage in anti-racist, social justice work. The interventions made by two different Black women in a setting in which they were often singled out for being the only Black identified students, suggest an ongoing and overdue analysis of the racial dynamics embedded in RJ teachings. This reflection will shift the focus to the Truth and Reconciliation Commission's 1995 efforts, Davis' (2003) work on restorative justice, and finally bell hooks' (2013) community teachings. This added perspective will enhance our understanding of facilitation, narrative, and context as we move forward with RJ praxis.

Expansion of Restorative Justice

According to John Braithwaite (2004), RJ has adopted a process where "all the stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice" and "decide what should be done to repair the harm" (p. 28). Rebecca Webber (2009) argued that in RJ processes, "offenders must take responsibility for their actions and try to repair the harm they've done," for example by, "apologizing, returning stolen money, or doing community service" (p. 1). Since the 1990s the United States Department of Justice has sponsored several conferences on RJ and began funding pilot programs (Olson & Dzur, 2004). In "Restorative Justice in the Twenty-First Century," the authors claim that "restorative justice policies and programs are known today to be developing in nearly every state and range from small and quite marginal programs in many communities" (Umbreit, Vos, Coates, & Lightfoot, 2005, p. 263). Various systemic change initiatives are taking place in the states of Arizona, California, Colorado, Illinois, Iowa, Minnesota, New York, Ohio, Oregon, Pennsylvania,

Texas, Vermont, and Wisconsin (as cited in Umbreit et al., 2005, p. 263).

Growing rapidly, RJ trainings, programs, and conferences are at the center of various higher education settings (Karp, 2013). However, as the push for RJ programs in diverse education institutions increase, we should be mindful of the ways in which higher education and student affairs professionals might perpetuate whiteness by taking a colorblind approach in applying RJ. Much of the higher education teachings on RJ also termed as restorative practices in some institutions, embody pillars and core themes of RJ and as such focus on mediations, repairing harm, and positively influencing human behavior (IIRP, 2013). Others point to restorative justice as an alternative to the racial project embedded in criminal justice systems, prisons, and mass incarcerations (Alexander, 2010; Davis, 2003). The work of these scholars challenge us to pay close attention to race in the application of restorative justice. To further understand racial realities, “Critical Race Perspectives on Theory in Student Affairs” recommends student affairs professionals to pay attention to race as a means to disrupt white dominance and racism embedded in colorblind approaches (Patton, McEwen, Rendón, & Howard-Hamilton, 2007).

As America’s colleges and universities struggle to increase and serve a growing, changing student body, a compelling and diverse account of restorative justice will be essential to prepare higher education and student affairs practitioners. Although higher education institutions have made progress in identifying ways in which campus programs can bridge diversity efforts, the essence of the dominant White narrative and colorblind approaches manifested, for example, in the experience of the two Black identified student leaders continues to be pervasive (Bonilla-Silva, 2006).

Lessons from the Truth and Reconciliation Commission

After Nelson Mandela came to power in 1995, he helped pioneer the Truth and Reconciliation Commission (TRC), which Michael Gavshon argued to be one of the most compelling attempts to “heal the wounds of apartheid” (CBS Interactive, 2013). The TRC was set up to help deal with crimes and violence committed under apartheid in efforts to “establish the truth in relation to past events,” pursue national unity, reconciliation, and understanding (Truth and Reconciliation Commission, 2003, p. 2). Through public hearings, victims were granted the opportunity to tell their stories and persons responsible for the commission of violations were expected to disclose facts and context of such violations (p. 4). Desmond Tutu, chairman of the TRC, explained how the commission understood justice:

I contend that there is another kind of justice, restorative justice, which was characteristic of traditional African jurisprudence. Here the central concern

is not retribution or punishment but, in the spirit of ubuntu, the healing of breaches, the redressing of imbalances, the restoration of broken relationships. This kind of justice seeks to rehabilitate both the victim and the perpetrator, who should be given the opportunity to be reintegrated into the community he or she has injured by his or her offence. This is a far more personal approach, which sees the offence as something that has happened to people and whose consequence is a rupture in relationships. Thus we should claim that justice, restorative justice, is being served when efforts are being made to work for healing, for forgiveness and for reconciliation. (as cited by Gade, 2013, p.12)

The ultimate point of the commission was not to provide a “fair trial”, repayment, or retribution but to challenge the public to begin a principled examination of the anti-racist aspects of society. They challenged colonial, racist, and punitive forms of justice through negotiations and conversations rooted in indigenous forms of justice.

Looking at previous institutionalized programs, such as the TRC, we can begin to better recognize and narrate the historical account of unequal access to resources, contextualize the aftermath, and finally allow for honest dialogue about ways to prevent similar acts. Evidently, this was an example of an honest and maybe uncomfortable conversation. If my students were aware of the efforts of the TRC, or if I as a facilitator knew about the RJ and racial dynamics embedded in these efforts, then maybe the question about race would have been more seriously explored, discussed, and validated as important and current. The profound efforts of the TRC invite us to engage in a close analysis of community, restorative justice, and race.

Lessons about Responsibility and Restorative Justice

As a result of RJ efforts, various non-profit and higher education institutions have embraced RJ models to support youth, promote responsibility, and build community. For example, Fania Davis, founder of a nonprofit organization in Oakland, California, saw RJ as an innovative way to help make youth responsible citizens and to attempt to give young people in trouble with the law an alternative to incarceration (Davis, 2010). Through the program, Davis (2010) argues that “it-takes-a-village method of addressing rule breaking” and as a result all community parties should be involved. Similar efforts continue to be explored by prison abolition movements. Fania Davis’ sister, Angela Davis, an activist, educator, and intellectual, remains among the greatest supporters of punitive system abolition and proponent of RJ. Davis (2003) chose to bluntly title her book, *Are Prisons Obsolete?* When we consider our education system, Davis (2003) claimed that we cannot ignore the alarming expansion of punitive systems:

The population of U.S. prisons increase with such rapidity that many people in Black, Latino, and Native American communities now have a far greater chance of going to prison than of getting a decent education. When children attend schools that place greater value on discipline and security than on knowledge and intellectual development they are attending prep schools for prison. (p.39)

The vigor of her analysis exposed the contradictions of both our understanding and assumptions of punitive systems. Davis (2003) depicted the disappointing barriers and limitations that youth of color face in the United States. With such odds, we must make some daring connections between RJ and communities of color, especially as we see an increase of use of RJ on college campuses “to respond to bias incidents as an approach to improve campus climate” (Karp, 2013, p. 51). As we consider how the principles of RJ draw from current social justice movements, it is also evidently important to link our theory to practice.

Lessons on Community Facilitation

Although there is a widespread assumption that we live in a post-racial society race remains heavily contested across various institutions (Bonilla-Silva, 2006), including higher education. Inevitably the facilitation is informed by our understanding and awareness of our own positionality as facilitators, account of narrative, and context. As a result, it is crucial that as higher education and student affairs professionals, we provide a more diverse analysis to our own training and reconfigure our programs to meet a more diverse student body.

Facilitation

As we begin to undertake the role of facilitators and educators we must consider bell hooks’ (2003) analysis of community. She claimed, “to build community requires vigilant awareness of the work we must continually do to undermine all the socialization that lead us to behave in ways that perpetuate domination” (p. 36). As we begin an RJ intervention and student conduct response, how do we assess our role and sanctions? Do we at any point recognize the presence of People of Color in a context where the privileged identity is White? (p. 37). During facilitations, it is important to recognize our biases, how we perpetuate racist stereotypes, and how we may play into securing a dominant narrative. Evidently, in RJ facilitations, an acute awareness of self-thinking and behavior are critical to the outcome. If we recognize how we learn and the content to which we are exposed to, we will recognize the methods we use to teach.

Narrative

In my work at a predominantly White institution I have become aware of how we can portray and narrate students of color in RJ programs and other educational settings. Dynamics that can surface include: “guest” like treatment, offenders by default, and subordinated position (hooks, 2013). At a predominantly white institutions (PWI), where students of color presences are heightened, their voices and contributions can be seen as minimal. In *Teaching Community*, bell hooks (2003) claimed that:

Often individual Black people/and or people of color are the only colored person present. In such settings, unenlightened White folks often behave toward us as though we are the guest and they are the host. (p. 33)

Evidently in a PWI setting, this is often the experience of students of color; early on they are positioned as guests in residence halls, classes, and programs. Embedded in this dynamic we hinder the voices of students of color and automatically impose a charity model, allow for “permission,” and uphold a pervasive dominance of whiteness through implicit and “innocent” colorblind assumptions. As facilitators, it is important to break from the guest/host narrative of racial bias and expression of White-dominant thinking. For example, by addressing the question and interventions made by students like the ones I worked with, we can better engage in conversations that break from guest/host narrative, even if they are outnumbered by an overwhelming White group.

Context

As racial bias incidents continue to disrupt community and space, RJ practices are used to mediate and respond to such incidents. In these situations, dialogue is an important step to address oppressive behavior. In various scenarios, students of color can be portrayed as offenders. During response protocol to bias incidents, universities in California turned to RJ in hopes to facilitate and address racial campus climate (Karp, 2013, p. 51). While it is important to address racial climate and use RJ, it is equally as important to be aware of how students of color are portrayed in the incidents. In the example that bell hooks (2013) boldly exposes:

Individual Black people/People of Color often describe moments where they challenge racist speech at meetings or in other formal settings only to witness a majority of folks rush to comfort the racist individual they have challenged, as though that person is the victim and the person who raised the question a persecutor. (p. 27)

Rooted in a narrative that caters to whiteness, it is crucial to become aware of how we address conflict and how we may respond to interventions that challenge the norm. The context in these scenarios becomes evidently important, since students of color can automatically be portrayed as offenders, disruptors, or angry.

Discussion

Most recently, in *The Little Book of Restorative Justice for Colleges and Universities*, Karp (2013) outlined principles of RJ to “encourage colleges and universities to seriously consider implementing restorative practices on their campuses” (p. 7). First, through a close account of RJ principles and practices, the author provided a broad account of RJ definitions and a review of programs across college settings. After an evaluation of various models of RJ conferences, circles, and boards, he described best practices to identify and repair harm. Following a close review of RJ models, practices, and limitations, Karp outlined a brief account of “multipartial facilitation techniques” to help bridge the concepts of restorative justice and social justice (p. 54). Despite an increased interest in social justice work, this review offered little account for the experience of students of color and diverse curriculum perspectives.

Like any curriculum, special attention should be directed to the content of RJ training and facilitation. RJ is a practice embedded in many communities that represent various cultures and practices, and as such we should recognize and contextualize their work. Racial markers determine who we read, what information we accept, and how we legitimize authority (hooks, 2013). When we fail to include a diverse narrative, a broad range of examples, or omit students of color and their relation to RJ, we perpetuate and secure a White narrative through a colorblind approach and nonetheless we perpetuate a racist stereotype. The account of the two students of color, scholars, and partners urge us to unravel the links between the reproduction of Whiteness, colorblind approaches, and praxis to undertake the challenge that comes with social justice work. In reflection, we must continue to reconfigure our curriculum and facilitation to meet the needs of our students and to provide a more holistic, complex, and broad account of RJ.

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