# A CASE STUDY OF RESTORATIVE JUSTICE CIRCLE'S EFFECT ON DYNAMICS BETWEEN DIRECTORS AND ASSISTANT HALL DIRECTORS

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ABSTRACT

A CASE STUDY OF RESTORATIVE JUSTICE CIRCLE'S EFFECT ON DYNAMICS BETWEEN DIRECTORS AND ASSISTANT HALL DIRECTORS

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This instrumental case study offers a thick and rich description of a restorative justice circle intervention between part-time graduate assistant employees, and full-time members of the Residence Life leadership team at a major Midwestern university implementing restorative justice use in its residence halls. This thesis offers an in-depth, qualitative look at the experience of the two primary characters in this conflict—a graduate student and a director. Using Constructivist epistemology through the lenses of Conflict Theory and Feminist Standpoint Theory, it analyzes letters, e-mails, meeting minutes and interviews done individually and jointly to document the participants' transition from antagonists to colleagues as they worked through their differences using a restorative justice process and framework. This is just one example of how a restorative approach to conflict produced positive, lasting results where a traditional (punitive) approach could not, yet it has implications for broader use in our society. As Restorative Justice Coordinator and facilitator of this circle, I present this case study both to document the resolution of this conflict and to provide a guide to other facilitators considering using this process in their universities, schools, workplaces, homes or anywhere people interact.

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# DEDICATION

I dedicate this work to my mother, Judith L. Rosebush, and all my mothers before her who sacrificed and postponed personal goals to nurture their children's dreams and to support their potential. I hope you will see your own accomplishments in this work, for it is truly a product of all our efforts combined.

ACKNOWLEDGEMENTS

In producing this thesis I've often related my experiences to gestating and birthing my children. Thank you, Dr. Barbara Ames, Dr. Marsha Carolan and Dr. Esther Onaga for being wonderful midwives and coaches who have gently, but firmly helped bring this case study to life. Thanks also to the real Susan McWilliams for taking a chance on me in so many ways, and to the real Zoe Rose for sharing so openly and honestly. I owe a great debt to all five of these remarkable women.

Thanks also to my husband and three children who sacrificed family outings, clean floors and my undivided attention as I focused on my thesis and studies. Parenting with and for you has taught me that love, hard work and passion pay tremendous dividends when focused on serving others. Finally, I owe more than I can say to my parents who have supported me and my efforts for nearly half a century. I am profoundly blessed to share my life with you all.

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Chapter One

## Introduction

Conflict is inherent in every society. From bullying in our schools to road rage on our streets, conflict affects all of us. Usually in the U.S. we experience conflict by filing lawsuits, calling the "authorities," complaining to our friends, watching it on day-time television and engaging in it on talk radio. Rarely in the U.S. do we bring together the people in a conflict with the goal of helping them resolve it. The following study documents one of those rare instances when people did come together to manage a conflict and, in the process, began to change their workplace and themselves.

This case study is one of countless interactions undertaken in the emerging field of restorative justice—an approach to addressing conflict and misconduct that focuses on healing rather than punishment. In many ways restorative justice is a movement that draws from ancient human practice and, therefore, links to a variety of academic and scientific disciplines. It emerged in the 1970s as a response to weaknesses in the western criminal justice and legal systems (Zehr, 2009) and was quickly adapted to student conduct administration in schools. The vast majority of literature, therefore, analyzes its use for situations where laws or rules have been broken.

Restorative justice's foundational principles of respect, accountability, healing and empathy, however, speak to fundamental human values, ethics and experiences that apply far beyond our courts and classrooms. This case study offers an example of how restorative justice served members of a university department by providing a framework for addressing an employment issue. It also provided a new tool for constructive, direct communication between management and graduate assistants.

> Oftentimes I have heard you speak of one who commits a wrong as though he were not one of you, but a stranger unto you and an intruder upon your world. But I say that . . . you cannot separate the just from the unjust and the good from the wicked; for they stand together before the face of the sun. . . . And you who would understand justice, how shall you unless you look upon all deeds in the fullness of light? Only then shall you know that the erect and the fallen are but one man standing in twilight between the night of his pygmy-self and the day of his god-self" (Gibran, 1923, pp. 40-43).

When Kahlil Gibran wrote this phrase around 1920 (Gibran, 1923), the restorative justice movement was 50 years from birth. Yet in this excerpt from *The Prophet*'s sermon on crime and punishment, Gibran focuses on the need for a different approach to wrong-doing. Gibran teaches that instead of rejecting and casting out those who commit harm, the community must look at "all [wrongful] deeds in the fullness of light," (Gibran, 1923, p. 43) recognizing that each of us stands in that twilight between our lower and higher selves—that each has the equal ability to harm and to heal. That, he says, is how we can come to understand justice.

Nearly a century later, the western world is coming to recognize the wisdom of Gibran's teachings, which echo those of many indigenous cultures ranging from the First Nations of Canada to the Maori of New Zealand (Braithwaite, 1996; Umbreit & Armour, 2011; Umbreit, Vos, Coates, & Lightfoot, 2006; Zehr, 2002). These societies have traditions of addressing misconduct from a restorative perspective—holding wrong-doers accountable by engaging them with those they have harmed to explore the incident and identify steps necessary for healing the harm they have caused. Then when the wrong-doers complete the prescribed steps, their community welcomes them back, redeemed as a full member.

Interestingly, this also was the approach traditional English-speaking cultures followed until the eleventh century when Britain came under the control of Norman rulers. William the Conqueror's son, Henry I, reversed the traditional restorative approach when he decreed that people who committed such crimes as robbery, arson, murder, theft and other forms of violence should no longer pay fines to their victims, but would instead pay the king. This revenue-generating practice soon caught on and became the foundation for our modern justice system (Umbreit & Armour, 2011).

Under this system—what we now consider the traditional Western approach to misconduct—one authority figure judges wrong-doers and decides their punishment—often casting them out of their communities like "a stranger and an intruder upon [their] world"(Gibran, 1923, p. 40). Our society is waking up to the staggering costs of this approach. For example, in 2000, black students were 2.6 times more likely than white students to be suspended from school (ACLUMI, 2009), and in "2006, black males in Michigan graduated at a rate of 33%, compared to a white male graduation rate of 74%" (ACLUMI, 2009, p. 24). Today, nation-wide, only 55% of black students and 58% of Hispanic students will graduate on time with a regular diploma, compared to 78% of white students and 81% of Asian students (Education, 2008).

Princeton researcher Cecilia Rouse estimates that over his or her lifetime each dropout costs the nation approximately $260,000, and every year the U.S. has about 1.2 million students who drop out (Education, 2008). The costs keep mounting. The Sentencing Project reports that in Michigan there are 412 white prisoners per 100,000 white residents in the state, compared to 2,262 black prisoners for every 100,000 black residents in the state (ACLUMI, 2009). In his proposed budget for fiscal year 2012, Governor Rick Snyder allotted $1.8 billion—about 25% of

the entire state budget—to the Department of Corrections (Levine, 2011; State Budget Director, 2011). The Center for Michigan's Future reports that for every dollar Michigan spends on universities, we spend $1.19 on prisons (Bebow, 2011).

While the costs of this punitive and exclusionary approach to school-based and criminal misconduct are well-documented, the toll it extracts as our dominant approach to general conflict is no less devastating. We are waking up to the prevalence of exclusion through bullying in our schools from sensational and horrific stories of bullycides—suicide attributed to bullying victimization—and efforts of parents and children who raise our consciousness. The National Center for School Statistics found that in 1999, 5% of middle and high school students reported being bullied in school, but in 2005, fully 28% reported being bullied (Waters, 2011). This awareness is growing not only in schools, but also in the workplace. For example, Cornell University's School of Industrial and Labor Relations' research team, Green Peak Partners, polled 72 senior executives of companies earning annual revenues of $50 million to $5 billion. They found that, contrary to the prevailing view that bullying is an accepted management practice, these executives believe bullying indicates "technical incompetence, ineffective leadership, mishandling of talent and lack of vision"(Thompson, 2011, p.26).

Now that we recognize it, we are beginning to acknowledge bullying's costs in health conditions, lowered productivity, fear and mistrust related to this and other ways we view each other as "a stranger . . . and an intruder upon [our] world"(Gibran, 1923, p. 40). As a society, we must recognize and measure the emotional toll our approach to conflict extracts.

Our society must embrace a more humane, collaborative approach to conflict and misconduct. We can no longer afford the costs of separating from those whom we perceive as causing us harm and casting them out "like a stranger and an intruder upon [our] world."

(Gibran, 1923, p. 40). Restorative justice offers a community-based approach focused on understanding and healing rather than judging and casting out. It provides a structure for fruitful and open discussion about conflict and misconduct (Braithwaite, 1996) useful not only for criminal behaviors but also for more mundane conflicts such as those found in schools, workplaces and universities.

While studies abound about restorative justice's effects on school and prison populations, (Umbreit & Armour, 2011) few researchers have studied its effect in university settings (Karp & Allena, 2004; Meagher, 2009). The few that relate to university populations tend to focus on students who have violated rules then engaged in restorative justice as a discipline tool. With the exception of the University of Vermont (J. Wachtel, 2011) few universities have applied restorative justice principles and practices to daily living, but more are considering this approach.

## Problem Statement

This instrumental case study (Cresswell, 2007) offers a thick and rich description of a restorative justice circle intervention conducted at a major Midwestern university in the earliest stages of adopting restorative justice in its residence halls. In addition to using restorative justice for disciplinary issues, this university's Residence Life Unit (RLU) used a restorative justice circle to address an employment issue between graduate students and organizational leadership.

This thesis examines a restorative justice circle between assistant hall directors (AHDs) who are part-time graduate assistant employees, and members of the organization's leadership team (Leadership Team) who are full time directors of the university's RLU. It offers an in-depth, qualitative look at the experience of the two primary characters in this conflict. The AHD graduate student we will call Zoe Rose is a white, middle class Masters-level graduate student in

her second year with the RLU. The Leadership Team member, Susan McWilliams, is an African American female who holds a Masters in Student Development. Zoe is a single woman in her twenties and Susan, in her thirties, is a mother of two elementary age children and wife whose husband works outside academia. Both have earned the respect of their peers and supervisors.

Every August, the RLU hosts orientation training to prepare AHDs and other staff for students' arrival on campus. In 2010, internal power struggles over RLU resources combined with possible miscommunication to exclude restorative justice from these trainings. Some RLU staff members recall resistance to Susan's request for two days of restorative justice certification training. Others claim to have forgotten the request until the AHD training calendar and content were set. As a result, Susan and her colleagues (including me) worked late in the training cycle to schedule the AHD restorative justice training, fitting it in around other time-intensive events happening on campus. The only open days she could find were Friday and Sunday of the second week of classes.

Though the AHDs had been told at various times throughout their orientation trainings that they would need to attend RJ certification training, they only received written notification of the restorative justice training days, times (and 10-hour time commitment) on Tuesday before the training. Some expressed deep concern over the amount of time it required, especially since they were facing class and work demands, and they had just completed the intensive orientation training. The time factor and lack of advance notice prompted displeasure within the AHD cohort. One member, Zoe Rose, protested to her supervisors, who had no power to change the training circumstances. In frustration, she wrote a scathing letter of protest to the Restorative Justice Committee Chair, Susan McWilliams. Zoe circulated the letter among her 40-member

AHD cohort, inviting them to sign on. Many declined. Six of Zoe's colleagues did sign the letter, however, and she delivered it to Susan's mailbox two days after the training.

Having attended both sessions of the restorative justice training, Zoe outlined the AHDs' perspective and demands using some restorative justice terms, but missing many of its guiding principles of respect and collaboration. Instead, the letter indicated the AHDs saw the Leadership Team as "strangers and intruders," (Gibran, 1923, p. 40) and its scathing tone provoked reciprocal feelings from Susan and other members of the RLU Leadership Team.

As Restorative Justice Coordinator, I urged Susan and all AHD signatories to address this issue in a restorative justice circle. The AHDs who signed the letter and Zoe's direct supervisor accepted the invitation along with Susan and two other Leadership Team members, including Susan's supervisor. Conflict dominated preparatory discussions, conversation during the circle and the post-circle meeting, with AHDs raising concerns about the perceived power differential and Leadership Team members protesting the inappropriate nature of the letter. This situation of competing interests and power dynamics offered an opportunity for social change, (Chibucos & Leite, 2005) which I hoped to foster in the circle and document in this study.

This circle changed the perspectives of some participants by providing all those affected with a means for working through their conflict directly, respectfully and collaboratively. The study documents the transition from a conflict-based perspective in which staff-members from each side saw the other "like a stranger and an intruder upon [their] world" (Gibran, 1923, p. 40) to a cooperative, empathetic perspective which enabled the key participants—Susan and Zoe—to work together constructively thereafter.

By qualitatively analyzing this circle and its participants' experiences through the lenses of Conflict and Feminist Standpoint Theories, I hope to show how this restorative justice circle

instituted an alternative to oppositional and highly negative communication practices that plagued the department. I examine this situation through the eyes of the two women central to this conflict, using the lens of Feminist Standpoint theory to help explain and begin to transform departmental culture. I also offer this case study as a reference for emerging practitioners as they facilitate circles in their workplaces.

## Conceptual and Operational Definitions

### Restorative Justice

Seventy years after Gibran wrote the sermon on crime and punishment cited above, another revolutionary book, *Changing Lenses: A New Focus for Crime and Justice*, called for a different approach to misconduct and conflict. This book's author, Howard Zehr, proposes an approach based on the community identifying the harm resulting from the misconduct, then supporting and holding accountable those who are responsible for making it right. This concept traces its roots to traditional societies that base their philosophies and practices on the assumption that all are interconnected (Zehr, 2002). On page 21, Zehr distills the differences between today's criminal justice and the restorative justice approaches.

Figure 1: Criminal Justice and Restorative Justice Approaches Compared

| Criminal Justice Approach | Restorative Justice Approach |
|---|---|
| Crime is a violation of the law and the state. | Crime is a violation of people and relationships. |
| Violations create guilt. | Violations create obligations. |
| Requires the state to determine blame (guilt) and impose pain (punishment). | Involves victims, offenders and community members in an effort to make things right. |
| Central focus is offenders getting what they deserve. | Central foci are victim needs and offender responsibility for repairing harm. |

## The Circle Process

Adapted from Canadian First Nations and various American Indian practices, the circle process has become an essential restorative justice tool. It provides a format for those most affected by misconduct or conflict to come face to face, sitting together in a circle to explore the incident through a restorative lens. Circles are facilitated by a keeper who maintains an atmosphere of respect for all participants and who leads discussion through the use of a talking piece. Any lightweight, portable object can serve as a talking piece, and as long as one participant is holding that object, he/she has authority to speak while others listen (Pranis, 2005).

Kay Pranis, former Restorative Justice Planner for the Minnesota Department of Corrections, adapted this technique from First Nations practices for use in restorative justice. She describes a peacemaking circle as:

> a way of bringing people together in which: everyone is respected; everyone gets a chance to talk without interruption; participants explain themselves by telling their stories; everyone is equal—no person is more important than anyone else; spiritual and emotional aspects of individual experiences are welcomed (Pranis, 2005, p. 8).

## Restorative Justice Limitations

Unlike the traditional justice paradigm, restorative justice cannot be imposed. It requires that participants take an active role in identifying and resolving the harm caused by their conflict or misconduct. This means that restorative practices may not be appropriate for every circumstance of misconduct or conflict. To even consider engaging participants in restorative justice, practitioners must confirm that those harmed are willing to talk with all affected parties

to resolve the issue, and that those who caused harm have taken responsibility for their actions and are interested in making things right.

## Research Questions

I have adopted a constructivist epistemology using Feminist Standpoint Theory (Daly, 2007; Hartsock, 1998)—a conflict theory—as my approach. As noted, I believe our society must turn away from its alienating and vilifying approach to conflict and misconduct. As conflict theory proposes, we must acknowledge that conflict is a basic aspect of human life and should be accepted, understood and used as a catalyst for social change (Chibucos & Leite, 2005).

The restorative justice process exemplifies constructivism (Cresswell, 2007) because it involves people coming together around a conflict to share their experience and feelings and to collaborate in crafting a solution. This usually results in people bringing their individually-constructed realities to the process only to find that their perceptions and feelings change in the course of hearing how others experienced and perceived the situation. Then in resolving their conflict through this process, the group creates its own new reality to heal past harms and launch themselves into the future reality they will share (Umbreit & Armour, 2011).

Restorative justice lends itself to Feminist Standpoint Theory which is both constructivist and revolutionary. Standpoint Feminism posits that the traditionally feminine perspective, which values relationships (Gilligan, 1982), provides a standpoint from which we can overcome our current social order, dominated by the traditionally male perspective, which tends to value hierarchy, dominance and dichotomous oppositional thinking (vanWormer, 2009). Unlike some forms of conflict theories, Standpoint Feminism honors all perspectives because each group contributes insights into a social situation or structure and therefore each group learns to see the

world in an active and creative way (Swigonski, 1994 citing Harding, 1991). This aspect is vital to studying restorative justice practices, which are based on collaborative, respectful problem solving by those directly affected by a situation of conflict or misconduct. Within that constructivist, conflict theory framework, my research and interview questions fit into this research design illustrated in Figure 2 (Carolan, 2010).

Figure 2: Research Questions Guided by Conflict Theory

| Guiding Theory | Systemic Level | Research Question | Interview Question |
|---|---|---|---|
| Conflict Theory | RLU<br>• Policies<br>• Practices<br>• Hierarchies | How did the Sept. 16th circle affect the power dynamic between AHDs and Leadership Team members? | How do you think the restorative justice circle of Sept. 16 has affected the RLU?<br>a. How do you think it has affected power dynamics between AHDs and Leadership Team members?<br>b. How do you think it has affected communication dynamics within the RLU?<br><br>What implications do you think this circle, as part of the restorative justice process, has for RLU operations? |
| Conflict Theory | Participant<br>• Practices<br>• Beliefs | How has the Sept. 16th circle affected participants' communication choices for work-related issues? | How do you think the restorative justice circle of Sept. 16 has affected you personally?<br>a. Did it affect the way you view or experience power dynamics between AHDs and the Leadership Team? If so, how?<br>b. Has the circle affected your communication dynamics within the RLU community or broader? If so, how and why? |

| | | | |
|---|---|---|---|
| Figure 2 cont'd | | | Was the restorative justice circle useful in addressing this issue? Why do you think that's true? |

As their circle facilitator and colleague, I was moved by the transformation of Zoe's and Susan's relationship from adversarial to collaborative and empathetic. A growing body of literature in the restorative justice and student affairs disciplines is examining the power of empathy (Slote, 2011; Umbreit & Armour, 2011). Therefore, I also examine these case study data to identify and understand the role empathy played in circle participants' reconciliation and continued work collaborations throughout the year. Within the Standpoint Feminist framework, my research and interview questions fit into this research design illustrated in Figure 3 (Carolan, 2010).

Figure 3: Research Questions Guided by Feminist Standpoint Theory

| Guiding Theory | Systemic Level | Research Question | Interview Question |
|---|---|---|---|
| Feminist Standpoint | Participant<br>• Personal<br>• Professional | How did the Sept. 16th circle affect the participants' view of those on the other side of the issue? | How do you think the restorative justice circle of Sept. 16 affected your feelings toward those on the other side of the issue?<br>c. Did it give you new insights into their lives or thoughts?<br>d. Did you identify with any of the experiences of those on the other side of the issue? |
| Feminist Standpoint | Department | How did the Sept. 16th circle affect the participants' view of those on the other side of the issue? | What implications do you think this circle, as part of the restorative justice process, has for RLU operations? |

Chapter Two

# Review of the Literature

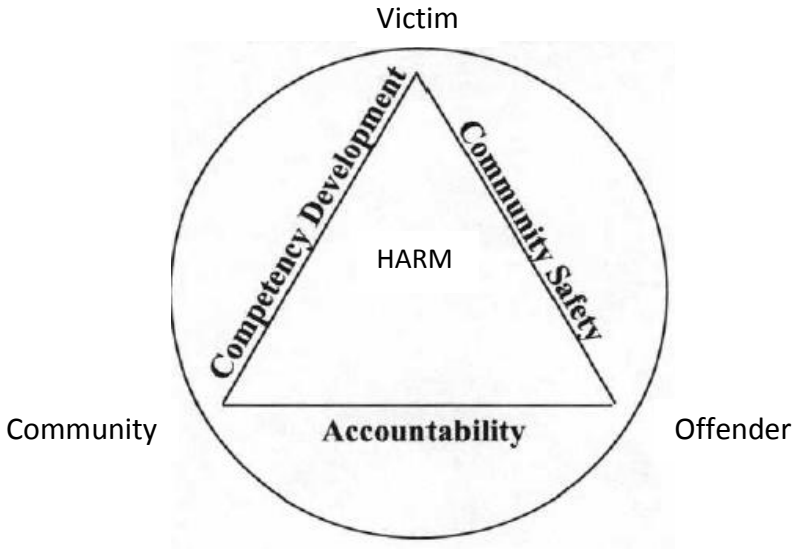
## Restorative Justice

As noted above, Zehr (1990) launched the restorative justice movement with his book, *Changing Lenses*, in which he calls for a different approach to addressing crime. This approach grew out of the Victims' Rights Movement of the 1970s and '80s (Commission, 2010; Umbreit & Armour, 2011). Restorative justice descriptions include:

- "a theory of justice that focuses on repairing the harm that a criminal offense inflicts on victims, offenders and communities" (Commission, 2010, p. 1); or
- "a fast-growing state, national and international social movement that seeks to bring people together to address the harm caused by crime, through empowerment of those involved" (Umbreit & Armour, 2011, p. 2); or
- "an ethos with practical goals among which to restore harm by including affected parties in an (direct or indirect) encounter and a process of understanding through voluntary and honest dialogue" (Gavrielides, 2011, p. 4).

Restorative justice is often depicted as a triangle with its three points representing the victim at the top and the offender and the community at the base with harm depicted at the center. (Geske, 2008) The Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice developed a Balanced and Restorative Justice model that also uses the triangle imagery, but it depicts the sides as "Competency Development, Community Protection and Accountability respectively (OJJPD, 1991, p. 1). Combined, these models are illustrated in Figure 4.

Figure 4: Restorative Justice Model




Over the past 30 years, more than 85 studies on restorative justice interventions, including four meta-analyses, have shown the power of this process. The findings suggest that the vast majority of participants are satisfied with the process and agreements and therefore tend to honor their restitution commitments and tend not to re-offend (Umbreit & Armour, 2011). Studies also reveal "remarkably consistent outcomes and results," suggesting that restorative justice offers both offenders and their victims better outcomes than traditional justice (Commission, 2010, pp. 3-4). Even before the latest studies were released, the OJJPD, American Bar Association, United Nations and various European countries from Austria to Ukrain have endorsed the use of restorative justice principles and programs such as victim-offender dialogue. Performance data on other restorative justice techniques such as conferencing and circles is limited, likely because they are relatively new to the restorative justice tool box and they are more frequently used in less formal settings where data-collection may not be emphasized (Umbreit & Armour, 2011).

As restorative justice techniques and applications have expanded, so have questions about what defines "restorative" and who controls the movement's direction. In his address to the Plenary Session of the 12th International Conference of the International Institute for Restorative Practices, Howard Zehr acknowledged that Google offers over a million hits for the term restorative justice, and definitions for the term abound (Zehr, 2009, p. 145). He points out that schools, religious organizations and whole societies are using it to deal with wrongdoing. While debate rages among various factions over standards, accreditation and best practices, Zehr points out that some simply consider it a way of life. He captures the essence of restorative justice as follows:

> When a wrong has been done, it needs to be named and acknowledged. Those who have been harmed need to . . . have the harms and needs caused by the offense addressed. . . . Those who have done wrong accept their responsibility and take steps to repair the harm to the extent it is possible (Zehr, 2009, p. 146).

He suggests we can understand restorative justice in threes. As outlined above, the three stakeholder groups are those who have caused harm and their families, those who have been harmed and their families, and the community. The three underlying values are respect, responsibility and relationship. The three principles include accountability, engagement and restoration. Restorative justice is based on answering three questions: "Who has been hurt? What are their needs? Who has the obligation to address the needs to put right the harms, to restore the relationship?" (Zehr, 2009, pp. 147 - 148).

Zehr recognizes that, if evaluated on a restorative scale, some processes would rank higher than others, and that not all practices qualify as restorative—despite labels and claims that they are. Zehr, with Harry Mika in a 1998 article titled *Fundamental Principles of Restorative*

*Justice*, suggest ten criteria that make a peace-making process restorative. Umbreit has cited the list and included it in at least two of his publications (Umbreit & Armour, 2011; Umbreit, et al., 2006, pp. 258-259).

1. Focus on the harms of wrongdoing rather than the rules that have been broken.
2. Show equal concern and commitment to victims and offenders, involving both in the process of justice.
3. Work toward restoration of victims, empowering them and responding to their needs as they see them.
4. Support offenders while encouraging them to understand, accept and carry out their obligations.
5. Recognize that while obligations may be difficult for offenders, they should not be intended as harm and they should be achievable.
6. Provide opportunities for dialogue, direct or indirect, between victims and offenders as appropriate.
7. Involve and empower the affected community through the justice process and increase their capacity to recognize and respond to community bases of crime.
8. Encourage collaboration and reintegration rather than coercion and isolation.
9. Give attention to the unintended consequences of our actions and programs.
10. Show respect for all parties including victims, offenders and justice colleagues.

**Restorative Practices**

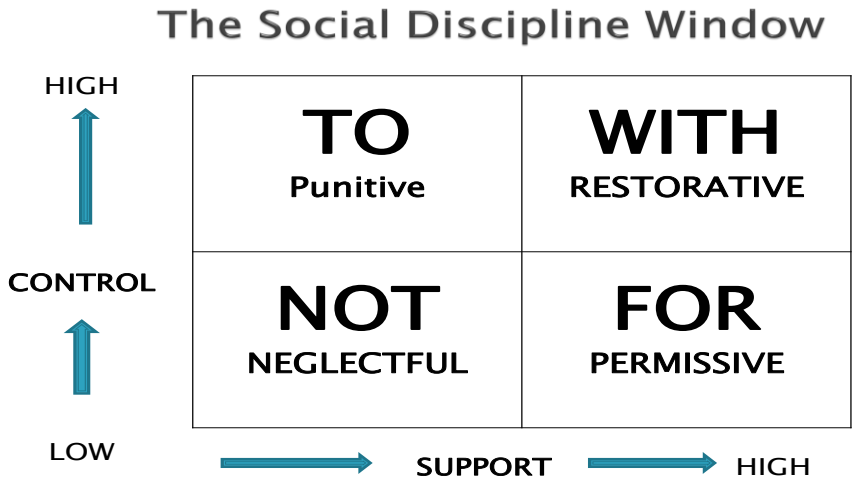
As noted above, the restorative justice movement has exploded from its humble, victim-offender dialogue (VOD) beginnings to encompass a variety of tools and applications. In addition to variations of VOD, restorative justice interventions now include various forms of

conferencing and circles, restorative community service, victim-impact panels and variations of community dispute techniques from truth and reconciliation commissions to what Umbreit calls humanistic mediation (Umbreit & Armour, 2011).

Just as Zehr recognized that these interventions fall across a scale of "restorativeness," others maintain that restorative interventions vary according to 'justice." They argue that instead of simply reacting to harm after it has resulted from a criminal act, restorative justice principles can apply proactively to help avert serious misconduct and strengthen communities. Across the globe, peace-makers from many disciplines have adapted restorative justice tools to their communities, schools, juvenile justice facilities, youth development programs, families, etc.

The International Institute for Restorative Practices (IIRP) advocates this approach, which they call Restorative Practices, described as "offer[ing] a common thread to tie together theory, research and practice in seemingly disparate fields such as education, counseling, criminal justice, social work and organizational management" (McCold & Wachtel, 2003, p. 2). In a paper presented at the 13th World Conference on Criminology, IIRP President Ted Wachtel and researcher Paul McCold introduce the Social Discipline Window that illustrates how restorative discipline works.

Figure 5:

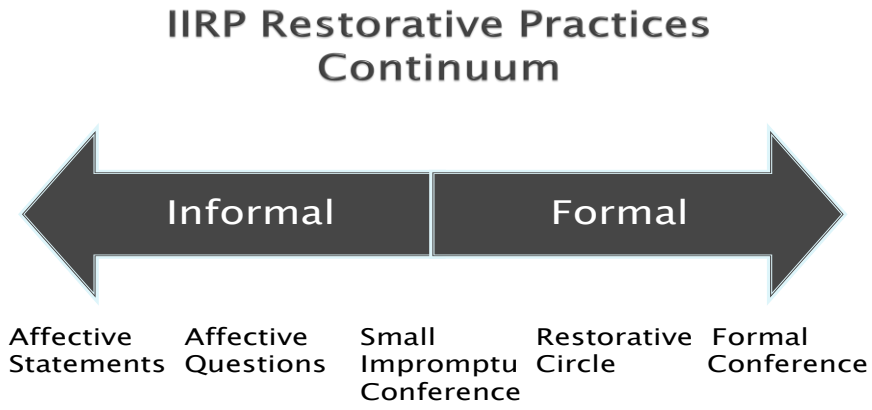


The IIRP model depicts punishment as a function of control ("exercising restraint or directing influence over others") and support ("nurturing, encouraging or assisting others"). Each function occupies its own axis running low to high as noted in Figure 5.

The IIRP argues that effective discipline provides both high control and high support. This results in the disciplinarian working WITH the child rather than doing discipline TO the child (low support and high control) or not imposing any discipline, which would be characterized as neglectful (low support and low control) or permissive (high support and low control). The IIRP advocates discipline practices that fall above the diagonal line in Figure 5 because it believes they are more effective (Costello, Wachtel, & Wachtel, 2009; McCold & Wachtel, 2003).

In addition to the social discipline window, the IIRP also developed a scale of interventions or actions that peacemakers can take in applying restorative practices. Done in the context of the restorative justice paradigm which emphasizes healing over punishment, these interactions provide the tools for creating respectful, restorative communities. The IIRP calls this scale the Restorative Practices Continuum (Costello, et al., 2009, p. 12), and they depict the various interventions along a range from informal to formal as noted in Figure 6.

Figure 6:



The IIRP has built their restorative practices approach around these models of discipline, training entire school staffs in this approach to discipline and implementing proactive circles to develop restorative school communities. In U.S., Canadian and British schools where they have fully implemented their restorative practices model, the IIRP claims dramatic drops in discipline referrals one year after implementing restorative practices. They are implementing restorative practices city-wide in Hull, England, with great success toward making Hull the world's first "restorative community" (n/a, 2010; Richardson, 2010).

Though the IIRP has engaged thousands of students through its restorative practices programs and operates a graduate school, few American academics cite its studies. While any number of points could explain this phenomenon, I propose two that seem plausible. First, the IIRP is a business with branches and affiliates around the world and a special connection to restorative programs in Australia and New Zealand. It is possible that Australian and European scholars cite IIRP data more than American scholars. It also is possible that academics shy away from IIRP studies because they are produced as part of business operations and not purely for research. Second, some in the restorative justice movement disagree with the IIRP's approach to restorative justice practices for any number of reasons, including differing views on what should be considered restorative justice and what falls outside the definition. False claims about interactions being restorative in nature are growing, posing a threat to legitimate restorative justice efforts. These different opinions may be reflected in scholars' refusing to cite IIRP data.

I have been trained in and have trained others in the IIRP's conferencing model, which is based on the highly restorative Maori practice of Whakima—community-based means of addressing wrong-doing (B. Wachtel, 2008). Having studied both under the IIRP and Kay Pranis and interacted with other restorative justice leaders, I have observed their very different styles

and approaches. I chose to adopt Kay Pranis's teachings for my circles practice and trainings. Regardless of their differences, however, I firmly believe that all are fully committed to implementing restorative justice principles and practices. I feel that drawing from multiple sources has strengthened my practice and enhanced the trainings I offer.

**Circles Process**

The restorative justice version of the circle process is founded on the rich First Nations and American Indian traditions of peacemaking and sentencing circles and the paradigm that all elements of creation are united. In 1854 Chief Seattle explained this view when he said, "Humankind has not woven the web of life. We are but one thread within it. Whatever we do to the web we do to ourselves. All things are bound together. All things connect" (Umbreit & Armour, 2011, p. 67).

From this paradigm for understanding the world and all of life, restorative justice appears logical. By comparison, the traditional western paradigm of justice through punishment (usually administered in the form of casting the offender out of society) seems counterproductive at best and suicidal at worst.

When she became the first Restorative Justice Planner for the Minnesota Department of Corrections in 1994 (Pranis, 2005), Kay Pranis turned to this paradigm as practiced by Judge Barry Stuart of the Tagish-Tlingit Nation in Yukon, Canada. Judge Stuart had successfully used a sentencing circle for a high profile repeat offender from his nation. Pranis initially used the peacemaking circle to address staff conflict within the prisons, but quickly she and her colleagues also recognized its value for various stages of prisoner re-entry (Pranis, 2005; Umbreit & Armour, 2011). Now a facilitator, author and trainer, Pranis is the recognized authority on the use of circles in the restorative justice movement.

She writes:

> A Peacemaking Circle is a way of bringing people together in which everyone is respected; everyone gets a chance to talk without interruption; participants explain themselves by telling their stories; everyone is equal—no person is more important than anyone else; spiritual and emotional aspects of individual experience are welcomed (Pranis, 2005, p. 8).

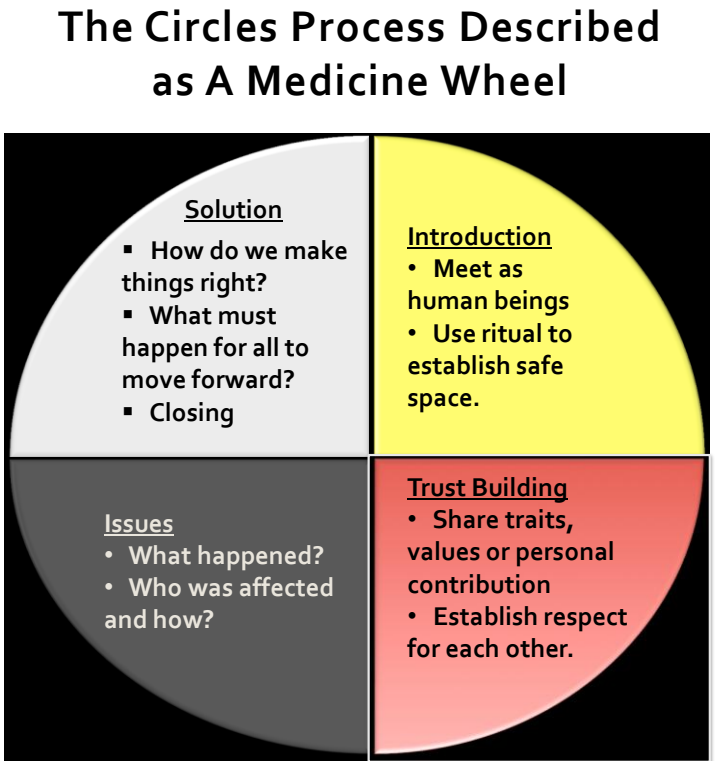
Participants sit in a circle facing each other, without a table or furniture, but often with a centerpiece that represents the group's shared values or experience. A facilitator, also called a keeper, guides the process through its various stages, using ritual, behavioral guidelines and a talking piece to maintain a tone of calm and respect. This allows every participant to freely express his/her values, thoughts and emotions, to listen deeply and to develop an agreement by consensus outlining how the issue will be addressed if needed (Pranis, 2009; Umbreit & Armour, 2011).

In 2009, Kay Pranis offered a training I attended which profoundly shaped my understanding of circles. In this training she presented the circle as a Native American Medicine Wheel with its four equal segments. She credits Tlingit teacher and mentor, Harold Gatensby with original authorship of this image (Pranis, 2005). Just as the Medicine Wheel can represent various aspects of the natural world—the seasons, the phases of the moon, the directions, the stages of human development—it also can represent the four stages of the circle process at multiple levels. For example, the initial stages of the process begin with determining suitability—the keeper decides if the circle process can effectively address the situation. The second stage, preparation, is key to the circle's success or failure and often requires extensive discussion and planning. Stage three, convening the circle, also can be divided into four stages

as outlined below. And the final stage—follow-up, is also essential to the long-term success of the circle and should not become an afterthought (Pranis, 2009).

As noted above, the four stages of conducting a circle include introduction, trust building, issues analysis and solution. The elements of each stage are identified in the Figure 7.

Figure 7:




*For interpretation of the references to color in this and all other figures, the reader is referred to the electronic version of this thesis.*

This model offers guidance for restorative justice circles, such as those used for sentencing, peacemaking, healing or support. It might not apply, however, to circles that fall into the restorative practices spectrum, such as community-building, organizational or talking circles whose purpose is not solution-focused but simply to provide a vehicle to discuss a topic or get to know each other (Pranis, 2009; Umbreit & Armour, 2011).

Having begun this segment with a quote from Chief Seattle, I propose a quote Kay Pranis features (Pranis, 2005, pp. 27-28) from physicist Margaret Wheatley to close. In her book *Leadership and the New Science* (1992) Wheatley writes:

> Each of us lives and works in organizations designed from Newtonian images of the universe . . . Things can be taken apart, dissected literally or representationally (as we have done with business functions and academic disciplines) and then put back together without any significant loss. The assumption is that by comprehending the workings of each piece, the whole can be understood. The Newtonian model of the world is characterized by materialism and reductionism—a focus on things rather than relationships. [However] the quantum mechanical view of reality strikes against most of our notions of reality. . . . It is a world where relationship is the key determiner of what is observed. . . . Particles come into being and are observed only in relationship to something else. They do not exist as independent "things." These unseen connections between what were previously thought to be separate entities are fundamental elements of all creation (Pranis, 2005, pp. 27-28).

**Conflict Theory**

Both quantum physics and Native American beliefs teach that humans are connected to one another and to all parts of our world. Pranis offers the image of a circle as a metaphor for this connectedness in which each point is equidistant from the center, and no point is higher or lower, ahead of or behind the rest (Umbreit & Armour, 2011, p. 179). This concept is central to the Native American perspective on life and on the Maori cultural belief of Whakapapa—the idea that everything and everyone is connected (Blogs, 2009).

It is, however, foreign to traditional western society's paradigm of hierarchy, dominance and dichotomous oppositional thinking as posited in conflict theory (vanWormer, 2009). From races to societies to families, conflict theory teaches that humans are in constant competition for resources and power and that this competition is in our best interest (Chibucos & Leite, 2005; White & Klein, 2008). This competition can be overt, as in the Bolshevik and Maoist revolutions, or subtle, as in familial alliances and social structures that favor members of some races or one gender over another.

**Feminist Standpoint Theory**

For decades Feminist theorists have tried to identify, expose and address both the overt and subtle forms of gender preference foundational to our social structures and practices. White and Klein cite Gordon's (1979) definition of feminist theory as "an analysis of women's subordination for the purpose of figuring out how to change it" (White & Klein, 2008, p. 218). Within this framework, Standpoint Feminism tries to reverse women's subordination based on the following beliefs and practices.

- Less powerful members of a society view and experience reality from a different perspective (standpoint) than the dominant group. Because the subordinate group must survive in both realities, it has a more complete understanding of the situation. Researchers who adopt the marginalized standpoint as their starting point, rather than accepting the standard view of a social situation, will have a less distorted understanding (Swigonski, 1994).

- Studying events from the marginalized group's everyday life yields hidden or obscured insights and perspectives on social structures and practices that maintain existing power structures and it also provides overlooked insights into the lives of the marginalized (Swigonski, 1994).
- The traditionally feminine perspective, which values relationships, (Gilligan, 1982) provides a standpoint from which we can overcome oppression and build a society better than our current social order dominated by the traditionally male perspective which values hierarchy, dominance and dichotomous oppositional thinking (vanWormer, 2009).
- All perspectives must be honored, however, because each group contributes insights into a social situation or structure and therefore each group learns to see the world in an active and creative way (Swigonski, 1994 citing Harding, 1991).
- As a member of a group—class, gender, profession, etc.—we have assimilated and helped develop the views of our identity group. In order to understand the situation we study and make it better, feminist researchers must recognize our assumptions and where we place ourselves in our work (Kleinman, 2007). Reflexivity is a key element of Feminist Standpoint theory.

Harvard student, Carol Gilligan, exemplified the extraordinary power of looking at accepted practices from a different perspective. She challenged the widely accepted assumption that human decision-making based on Classical ethical rationalism and reason constituted the highest level of moral development (Slote, 2011). Examining the theory from her perspective as a woman, Gilligan (1982) identified a flaw in this reason-based approach to Moral Development Theory because it gave clear preferences to males, thereby categorizing females as inferior on moral development scales. She built the case that moral development literature must take into

account multiple perspectives, including sex and gender roles' influence on moral development, because in our society girls are socialized around a "care-ethic" while boys' socialization is more in-line with the reason-based approach (Jaffee & Hyde, 2000).

In exposing this bias, Gilligan illustrated a classic feminist view that the dominant structure of justice- or rules-based morality defined "truth" in a way that favored those already in power (Staub, 1995; White & Klein, 2008). By pointing out that the accepted rational- or justice-based focus on moral reasoning contained an inherent bias against a moral orientation based on relationships and caring (and thereby against the experience of many women, Native Americans and others) Gilligan raised the consciousness of an entire generation and gave voice to masses of people whose experience caused them to be ranked lower on standard models of morality (Hekman, 1995).

Gilligan's challenge initiated a paradigm shift (Matthews, 2004) away from a positivistic view of human decision-making that favored rationality and reason (Slote, 2011) toward an interpretive view that high moral choices can be based on motives other than "pure" reason as defined by the ancient Greeks. While Gilligan based her challenge on gender, making it a powerful feminist statement, she also gave voice to minorities and dignity to their beliefs that had been excluded from public discourse (Hekman, 1995). More than a decade later, moral developmentalist, John C. Gibbs wrote "justice and empathy are equally primary and mutually irreducible sources of moral motivation"(Gibbs, 1995, p. 42).

**Empathy**

In any society, one of the most salient ways we understand our connection to others is through the experience of empathy. From infancy, most humans have the ability to vicariously

experience the feelings congruent with those of a person(s) in need whether parallel—feeling the same thing they are feeling—or reactive—experiencing a sympathetic reaction, such as concern, sorrow or anger, to another person's experience (Staub, 1995). Behavioral science has long recognized that empathy evolves as humans develop from infancy to adulthood (Gibbs, 1995; Small, 2011). Now medical science can even map the areas of the brain stimulated by empathic emotion (Baron-Cohen, 2011; Small, 2011).

Moral philosopher Michael Slote (2011) writes:

> some philosophers . . . think that being moral is more a matter of empathic concern for or caring about others than it is a question of being rational. . . . A large part of what it means to be open-minded or fair-minded is to be willing and able to see things from the point of view of those one disagrees with. This clearly involves being empathic, but it is an empathy with opinions and arguments—rather than empathy with sheer feelings . . . that is most relevant to the cognitive, epistemic side of our lives. Think how important it is in our contemporary world to encourage this kind of cognitive/epistemic integrity (Slote, 2011, pp. 13-15).

My experiences and conversations with fellow restorative justice practitioners lead me to believe that empathy plays a key role in restorative justice's healing effect on situations of conflict or harm. Literature on empathy's role in restorative justice is limited, however, especially in higher education (Karp & Allena, 2004; Lipka, 2009). Umbreit and Armour (2011) link restorative justice to empathy and understanding, and they quote J. Greenwood:

> Restorative justice practices encourage a sense of inclusion and recognition of the humanness in all people . . . all people have the capacity to harm and to heal. . . . This common human bond is responsible for replacing the 'us vs. them' adversarial mentality

> that fuels a retributive system with the oneness that necessitates restoration of the community"(Umbreit & Armour, 2011, p. 73).

In reading the Greenwood quote above, I am struck with how it echoes the words Kahil Gibran wrote nearly a century ago.

> You cannot separate the just from the unjust and the good from the wicked, for they stand together before the face of the sun. . . . And you who would understand justice, how shall you unless you look upon all deeds in the fullness of light? Only then shall you know that the erect and the fallen are but one man standing in twilight between the night of his pygmy self and the day of his god self"(Gibran, 1923, pp. 40-43).

I present this case study of a restorative justice circle that enabled people to replace their "us vs. them" adversarial mentality and to empathize with each other so they could work together productively.

Chapter Three

# Methods

This case study describes the elements of a restorative justice circle conducted at the beginning of a university's implementation of the restorative justice process. By analyzing participants' words from interviews and such artifacts as letters, agreements, e-mails and shared comments, I hope to understand and illustrate the role this circle played in changing individuals' and departmental perspectives and practices.

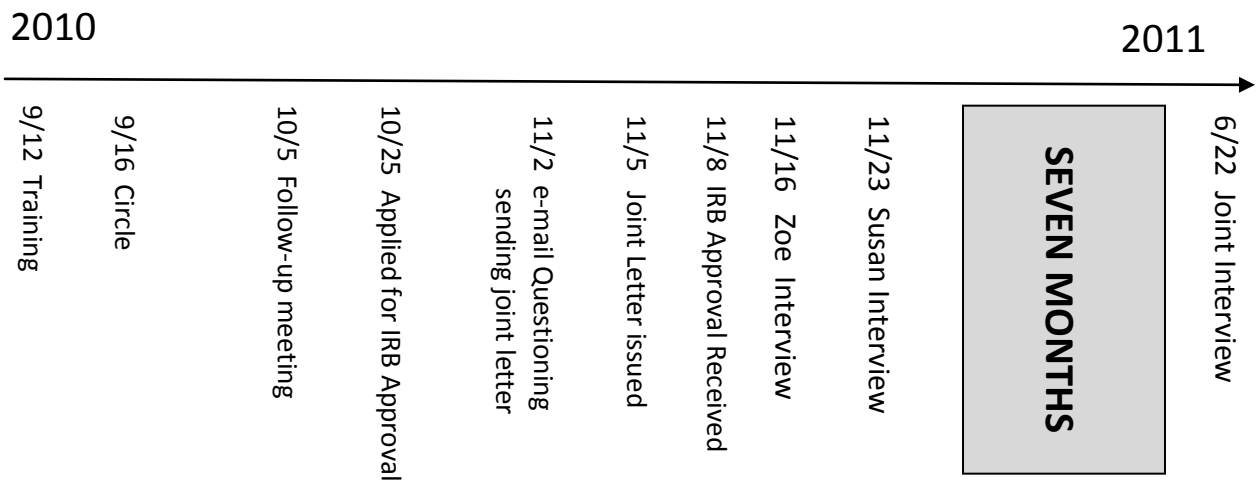
## Procedure and Data Collection

After facilitating the circle, I recognized its value as an excellent example of how restorative justice works with college age students, so I asked Susan and Zoe if they would consider participating in an in-depth study of this circle. They agreed, and I embarked on the Institutional Review Board (IRB) approval process for a case study of the September 16th circle. As the facilitator of the Sept. 16 circle, I proceeded to schedule the follow-up meeting, check in with circle participants and continued to produce documents and information from the follow-up sessions, hoping I would earn IRB approval to analyze them. Aside from the initial inquiries immediately after the circle, I did not ask the circle participants again about participating in the study until I received IRB approval on November 9.

I have collected documents and kept a log of events that led to and flowed from the circle. These include aspects of the initial training which angered the AHDs, their letter expressing their feelings to the Leadership Team member, the agreement that every participant helped craft and signed after the circle ended, minutes from the follow-up meeting and the joint statement sent by the AHD and assistant department director at the center of this conflict. As

noted earlier, I have assigned the AHD the pseudonym, Zoe Rose and have called the Leadership Team member Susan McWilliams. The following timeline illustrates the events of this study.

Figure 8: Case Study Timeline




Approximately two months after the circle, I invited the research subjects separately to my home where I conducted an interview using the questions outlined in Figure 2. As noted above, these questions were designed to explore how the circle affected power dynamics and communication practices both for participants and for the department.

Seven months later I asked them to participate in a joint discussion in the RLU conference room where we conducted the circle. This interview was designed to explore Susan's and Zoe's feelings of empathy that resulted from the circle and their opinions about how the circle affected the RLU. The questions for this discussion are listed in Figure 3.

By engaging both Susan and Zoe together in this second interview I hoped to observe how comfortable they seemed revisiting and discussing this highly emotional experience. In the spirit of modeling restorative justice techniques, I also include this longer-term follow-up as an

example for restorative justice practitioners. Long-term follow-ups can yield valuable data on the effectiveness of this process and its effect on participants.

**Data Analysis**

I videotaped all three interviews and asked my sister to transcribe them. As a secretary to a local police department, she is a professional transcriber of video- and audio-taped testimony and was willing to do this for me. In return I bought her two small gifts. My sister is not engaged in the research and has no publishing rights. She has agreed never to make public any information or elements of the interview and has given me sole possession of the footage and transcribed text (Services, 2008).

**Research Design**

I applied Thematic Analysis (Braun & Clarke, 2006) to the original protest letter, the circle agreement, the joint letter Zoe and Susan issued together and all three interviews. As noted earlier, it was clear from the beginning that this conflict centered on issues of power and communication. These informed my choice of the Feminist Standpoint Theory as the basis for my analysis. Consistent with Feminist and other Conflict Theories, I applied latent analysis techniques to find the deeper meanings in these situations, such as observing how the two women interacted and looking for underlying meanings to both their spoken and unspoken messages.

Within this context, I established a-priori codes of Power Dynamics, Communication and Empathy, as reflected in the interview questions in Figures 2 and 3. In the process I also identified a plethora of invivo themes. After several rounds of coding and (re)grouping, I

identified the following categories: Power dynamics in the RLU culture; Power dynamics within the circle itself; Passive-Aggressive communication practices; Evolution of communication from harmful to productive; Transition from adversary to colleague, Empathy in Relationships and the Restorative justice option.

**Trustworthiness**

This theoretical, rather than inductive, approach (Braun & Clarke, 2006) lends itself to a deeper examination of the power and communication dynamics and the empathy that developed between the main characters as the process evolved. My findings reflect these themes through Susan's and Zoe's comments and writings as observed through a Feminist Standpoint lens which honors each woman's perspective and offers insights into how to change or improve the existing system. Coding maps included in Appendix B support my findings.

Because the key participants of this case chose to make its outcome public, this case study risks exposing its subjects and the department to significant scrutiny. Though I have assigned them pseudonyms for this study, their situation was widely known in the RLU, and this restorative justice case was remembered throughout the year. I have been surprised at how protective I have felt toward the subjects' privacy and representation (Marshall & Rossman, 2011). I respect and admire the participants of this restorative justice circle and have taken numerous precautions to ensure that they feel comfortable sharing the details of this interaction. To this end, I compared the transcripts with the original interviews and have member-checked with both subjects all segments referencing them, confirming document contents at different stages of the process. While the first round of member-checking reflects both Zoe's and Susan's input, the second round of member-checking reflects only Susan's input. When asked to review

the final version, Zoe deferred to Susan saying, “I am sure that [Susan] will be able to give you good feedback--again, I'm sorry not to be of more help.” I have incorporated the changes both offered into the story of the circle. In accordance with IRB requirements, I asked them not to share anything with me that might compromise them or others. This serves both to protect my colleagues and to ensure trustworthiness. Member check memos, e-mail exchanges between circle participants and my audit trail throughout this process are available for review upon request.

**Reflexivity**

As RLU Restorative Justice Coordinator using public artifacts and identifiable subjects, I have tried to bring the highest level of trustworthiness and diplomacy to this study. As the sole researcher in this case study, I did not have an opportunity to do coding checks or compare conclusions with research colleagues. As noted above, I have confirmed my findings with the real Susan and Zoe and have integrated their modifications. My role as participant, restorative justice advocate and researcher has introduced complications not found in many academic studies. Yet I believe this strengthens the study by ensuring a balance of voices and accurate depiction of participants’ experiences.

My standpoint informs and colors my evaluation and conclusions, and I am aware that in a very real way, mine is the primary standpoint represented in this study. Throughout the text I have tried to share issues of reflexivity when I recognized them. I must own, however, that I may have missed some other issues that called for greater introspection and reflection. Please accept this as the sincere effort of an admitted constructivist.

Chapter Four

# Case Study

## Background

After three years of research and debate, the Residence Life Unit (RLU) at this major Midwestern university decided to adopt restorative justice philosophy and practices throughout its residence hall system. As part of that commitment, the Leadership Team had decided to give all full and part-time staff training in restorative justice conferencing. This benefitted the RLU by training staff to use this process to resolve conflict and address misconduct, and it strengthened staff-members' resumes because they earned certification from an international restorative justice entity.

As a restorative justice trainer and former program coordinator in area schools, I was delighted to serve as the RLU's first Graduate Assistant for Restorative Justice—adopting the training and program implementation efforts this new initiative demanded. Having previously helped introduce and train RLU Leadership Team members to restorative justice concept and practices, I joined the staff in mid-August and felt immediately comfortable. Given my strong favorable bias in favor of restorative justice, I was oblivious to any internal opposition to the new initiative.

Before I came on staff, the orientation training schedule had been established without including restorative justice conferencing training. Susan McWilliams, Restorative Justice Committee Chair had talked with RLU directors at all levels looking for a date we could schedule all untrained staff for this ten-hour training. Susan remembers some expressing concern that the certification demanded so many hours and questions about whether that training

time might be better spent on other issues. Overall, however, the team supported the use of restorative justice and wanted to give all staff the skills to implement this process as early as possible.

We chose the first weekend available. Two weeks after school started, Susan McWilliams and I trained 56 RLU staff members—including new directors, assistant hall directors (AHDs) and other graduate assistants. We met in two sessions from 1:00 to 7 p.m. on September 10 and 12, 2010. I ran the first session during which I noticed a number of attendees exhibiting negative behavior. For example, some held private conversations during lecture and made negative comments to those around them. A number of trainees challenged me directly, saying restorative justice might be useful for school children, but it would not work with college students. Whenever someone voiced this belief, heads bobbed in agreement.

For the second session, Susan stepped in to run the training while I spent the day in the Emergency Room with my injured daughter. As soon as my daughter's medical issue was resolved, I rushed to the training site on September 12 and arrived as Susan was wrapping up. As I walked out of the training session, Elizabeth Dear, one of the attendees, approached me outside the classroom. She explained that the trainees had acted negatively to the additional hours the training required, not to the restorative justice concepts, and told me a number of AHDs felt the same way. As Liz detailed some of their grievances, Susan McWilliams approached us and stood listening. Liz chose not to acknowledge Susan, but kept talking to me about AHDs negative feelings toward the department.

On September 14, just two days later, Susan McWilliams received a letter signed by five AHDs, including Liz, protesting the required training. (Figure 10 in Appendix A) In addition to

outlining their grievances, the AHDs' two-page letter included language and demands that offended and angered Susan and some of her colleagues in the RLU Leadership Team. Due to the letter's effect on Susan, its language and its angry and frustrated tone, I recognized this as a perfect situation for restorative justice.

I proposed restorative justice, and after hesitation and careful consideration, Susan agreed. She had completed training in restorative justice conferencing and circles the previous year along with other Leadership Team members—two of whom we invited to participate in the circle with Susan. They all knew and trusted the process enough to accept.

I immediately set about contacting the letter signers to invite them, and was delighted as one after another accepted. We scheduled our circle for the morning of September 16 in the RLU conference room.

I have to confess, I was not confident of this circle's success. While I needed opportunities to engage college students in the restorative justice process to prove it was as powerful a tool for adults as it is for schoolchildren, I could see that anger and hurt ran deep in all the parties. In my more optimistic moments, I felt blessed with the opportunity. In my darker moments, I just sighed and thought, "Oh well, if it doesn't work, we can still use it as a learning opportunity." This was true on multiple levels. Regardless of its outcome, the circle would provide on-the-job experience in the restorative justice process I had trained them to use. It would help them build empathy for future participants by experiencing restorative justice from the perspective of an invested party, and not the relatively detached position of facilitator. It would help the RLU build a core of restorative justice experiences from which to draw when future conflicts emerged.

**Key Issues**

As Thom Allena explains in his case study of a conference he facilitated at UCLA in 1999, "The success of a restorative practice (circle) is rooted in its preparation. It has been our experience that poorly planned interventions usually become unsuccessful" (Karp & Allena, 2004, p. 184). My five years of using this process affirm his observation, so I try to follow the steps outlined in the checklist excerpted here. The complete list appears in the *Conferencing Handbook: New Real Justice Training Manual* by Terry O'Connell, Ben Wachtel and Ted Wachtel. These steps make up the pre-conference or circle preparation stage of the restorative justice process.

Figure 9: Restorative Justice Facilitator's Preparation Checklist

- Do you have a clear understanding of the incident?
- Has the offender admitted responsibility?
- Have you invited all necessary participants?
- Have you spoken with or met all participants and secured their attendance?
- Do participants understand the [circle] process and purpose?
- Have you thought about how the [circle] might unfold?
- Do you know what may happen if the [circle] does not reach an agreement or the participants fail to satisfy the agreement?

Excerpted (Ted Wachtel, 2010, p. 202)

In talking with the AHDs during pre-conferencing, I heard each AHD give a slightly different reason for signing the letter. Some, such as Zoe Rose, letter author and subject of this cases study, expressed concern that the Leadership Team added ten hours of training to a week already packed with work and classes without providing for comp time or similar flexibility.

Others felt that the Leadership Team had taken them for granted by requiring their attendance but only giving them a few days notice (in the form of a Sept. 7 e-mail reminder) that the training would require ten hours of their time. Others made it clear that more AHDs would have signed the letter if they had not feared losing their jobs over it—all signatories were returning AHDs planning to graduate in the spring. Finally, others said they did not expect anything to change because of this, but that they felt they had to express their concerns. Even after some had raised the issue with their supervisors the requirement remained fixed, so they decided to submit the letter.

On the other side of the issue, Leadership Team members' concerns revolved mostly around the negative tone of the letter. Susan McWilliams, letter recipient and subject of this case study, felt surprised and hurt to have received a document she felt expressed such anger and lack of respect. "Why didn't they just come to me in the first place?" she wondered, "or send me an e-mail? I have met with [some of the signers] and they never said anything about this! Now I get this letter?!" Other Leadership Team members expressed similar feelings, wondering why the signers had not come to them as their supervisors instead of choosing the more extreme route of sending a letter they viewed as incendiary because of its tone and demands. Another Leadership Team member felt her "maternal instincts" flare because of the "disrespectful and demanding tone of the letter and the surprise attack" on Susan who was already working extremely long hours filling a number of roles for the RLU.

As facilitator, I distilled their concerns into a two neutral, key points that could form the basis for the circle discussion. I called them "contract violations and collegial discourtesy." While none said these topics fully captured the essence of their grievance, all understood the need to focus our discussion, and agreed these issue statements would serve that purpose.

As both a graduate assistant (like the AHDs) and a member of Leadership Team I had to do some introspection before facilitating this circle. Frankly, the negative tone and demands of the letter had surprised me since my primary experience had been working with Leadership Team colleagues who were overwhelmingly positive, friendly and respectful in the conversations and actions I had observed. As they processed their anger and hurt from this letter, however, I was able to observe their discussion also taking a negative tone.

RLU Leadership Team members frequently encourage people to come to them to talk, and they literally work with their doors open whenever they are in their offices. Yet in pre-conferencing discussions, I heard AHDs say they had raised the training issue with some Leadership Team-members (including Susan and me) and other supervisors and had not gotten a meaningful response—or at least the response they wanted. On the other hand, as I noted above, after the second day of training, I had also experienced some AHDs engaging in negative discussions with colleagues, but choosing not to talk openly and constructively with Susan when the opportunity arose.

Finally, I knew that RLU culture often demands extra work hours—especially at the opening of the school year, and everyone was putting in many more hours than their contracts required. These AHDs were all seasoned RLU staff, who had clearly had enough of working beyond their contracted hours. Perhaps the AHDs' frustration over this was well founded, so I looked forward to gaining more insights through the circle process.

**The Circle**

When we met in circle on September 16, I pointed out that my position as both a graduate assistant and member of the Leadership Team gave me a foot in both worlds represented. I explained it was important to me to be fully transparent for everyone, but my biases or experiences should have little effect on the circle's potential success. Like any restorative justice facilitator, I was there to ask the questions. It was up to the AHDs and Leadership Team members assembled to answer them and determine how best to move forward. They acknowledged my disclosure and agreed to allow me to facilitate.

The circle unfolded according to restorative justice protocol. I explained that respect is foundational to any restorative justice circle, so it was essential that we all treat each other respectfully throughout our discussion. Then I introduced a talking piece of a multicolored pipe-cleaner sculpture of people linked arm in arm. I explained this represented our group because RLU staff can face conflict and tough times but we are resilient enough to recover from them. As I said this, I crumpled the pipe-cleaner forms in my hands, then straightened them back to their original configuration. I asked participants to speak only when they held the talking piece. When they did not have the talking piece, I invited them to listen in a way that would help us resolve this situation. Seeing no questions or obvious concerns, I explained I would ask a question then pass the talking to piece to my right and invite that person to answer in turn. As each participant finished answering the questions, he/she would pass the talking piece to the person on the right. Participants were free to pass the talking piece without comment if they preferred not to speak.

In an effort to bring the group together and ease tension, I began with an invitation to say one nice thing about the person sitting directly across the circle. Looks of surprise greeted this request, followed by smiles as each RLU staffer shared an observation of some trait, act or sense they valued about their colleague seated across from them. Since each was facing a person on the opposite side of the conflict, this exercise made participants more comfortable and connected to each other as we moved into the crux of the conflict.

When the talking piece came back to me, I introduced the first question: "What happened?" and asked participants to answer from their own perspective based on what they experienced around the training and the letter. Each person described his or her experience and thoughts about what aspect was most troubling. Through the story-telling, all learned that RLU had tried to schedule the training earlier as part of the trainings offered before the residence halls open. Some misunderstandings and scheduling difficulties, however, had forced its postponement to early September. We also heard that a number of AHDs had raised this issue of the training with their supervisors or Leadership Team, but got little response.

Once all had a chance to speak, the talking piece came back to me, and I asked "Who do you think has been affected by this situation, and how have they been affected?" Once again, each answered the question as he/she held the talking piece. Most explained how they had felt and responded to the situation. Some said the training's 10-hour length took them by surprise when it was announced through an e-mail issued September 7. They saw this and other aspects of the training situation—such as assuming they would clear their schedules to attend training just because RLU required it—as indicators of some members of the RLU Leadership Team's disrespect and taking AHDs for granted. Others brought up their fear of retaliation from supervisory staff, saying an unnamed supervisor had made it clear that AHDs "are expendable"

to the RLU. One of the Leadership Team expressed the reality that AHD positions might be affected by budget issues, but that neither the letter nor its aftermath would result in any employee discipline.

Zoe spoke of how she had talked to her supervisor (who had joined the circle at Zoe's request) about the injustice of the required additional training hours and other training-related issues. She had spoken separately to both Susan and me about her concern that one training day fell on her Sabbath and that the only available make-up session would take eight hours instead of the five she was offered. She explained that she felt she had followed the communication protocol as she understood it, but did not get any meaningful sense that those in authority were really hearing her concerns or willing to respond meaningfully.

When Susan held the talking piece, she accepted responsibility for not specifying that RLU supervisors should allow AHDs work flexibility in exchange for the time they spent in training. She defended the RLU's decision to require this training for all AHDs as part of their plan to implement restorative justice across campus. She also expressed frustration that the letter had been shared widely with other AHDs before it appeared in her mailbox. Susan asked why some of the other letter signers, who were in the circle, had not raised this issue with her when they had had multiple chances. Finally, she made the point that while the AHDs expressed concern over the effect this letter might have on their jobs, they failed to recognize the potential damage their letter could inflict on her job and professional reputation.

When the talking piece came back to me, I asked the final question designed to bring the restorative justice process full circle: "How do we make things right?" Based on their understanding of each person's experience and concerns, individuals began offering ideas for

steps that could be taken both to address the current situation and to avoid similar situations in the future. Zoe acknowledged that the letter could be interpreted as hurtful. When she had the talking piece, however, Liz said she thought of the letter as witty and did not see how it could cause any harm. Many acknowledged ways they contributed to the breakdown in communication. Some AHDs acknowledged they should have addressed this issue with their supervisors. Some Leadership Team members acknowledged they had not recognized the depth of the issue when those involved raised it.

Once everyone had spoken and all felt comfortable that the issues had been fully discussed, I summarized their responses and drafted an agreement that laid out the steps the group would take. In that agreement (Figure 11 in Appendix A) participants pledged to explore options for:

- Processes for AHDs to give meaningful feedback that will result in action;
- Including AHDs in training planning and scheduling;
- Integrating restorative justice training into RLU August training schedule;
- Providing more timely notices of training schedules and requirements;
- Establishing methods for acknowledging and showing respect for the work of AHDs.

The group agreed to meet in one month to consider the next steps for addressing these options and to check the status of the agreement. I raised the issue, and the group agreed there was no need to keep the events of the circle confidential, and all were free to share their experience with others. Susan and Zoe decided to work together to craft an e-mail to RLU staff sharing their experience of the circle and issuing it no later than Sept. 23rd. I read the elements to the group for their approval of each statement. All verbally acknowledged that the language accurately summarized what they had all agreed on in the circle.

Two hours had lapsed since the circle began, and many had other meetings scheduled, so the circle disbanded quickly. I spoke informally with a number of AHDs who stayed to debrief and share the blueberry muffins I had made for our post-circle "breaking of the bread" ritual--an important restorative justice closing. During this discussion Zoe readily agreed to participate in a study of the circle that would be made public. Prior to the circle, Susan also had agreed to participate in the study. After we had processed the experience, I returned to my office and typed up the agreement, then e-mailed it to all participants asking them to e-mail their "signature" that day. Everyone either signed it by hand or by this electronic process.

**Post Circle**

As the agreement provided, I contacted all participants to schedule our follow-up meeting in which we were to discuss the issues raised in circle and establish a plan for addressing them. On October 5, seven of the original ten circle participants convened. I facilitated a free-flowing discussion of the major issues identified in the September 16 circle. They included: "Fear of Retaliation—Where does it come from?"; "Negative, Indirect Communication;" and "How the RLU Addresses Issues."

The group recognized that in 2009 the RLU developed a "Covenant" agreement (represented in Figure 12 of Appendix A) which addresses many of these issues, but had not been included in this year's trainings. The document, developed collaboratively with AHDs and supervisors, covers the issues of retaliation, lines of communication and RLU policies and procedures, but just one year later many current AHDs are not aware it exists. Susan agreed to revisit the Covenant at Leadership Team and at area meetings, to bring this document back into

RLU consciousness. As a veteran RLU staff member, Susan expressed weariness that the RLU makes a sincere effort to address feedback when they receive it, but due to high staff turnover the steps taken are sometimes forgotten within a year or two. She noted that this Covenant agreement was developed with input from some of the circle participants.

I labeled the negative, indirect communication dynamic as "passive-aggressive communication," and the name stuck. All knew of examples of passive-aggressive communication between colleagues on every level of the RLU staff hierarchy. The group recognized that while this complaining goes on regularly, negative issues rarely get raised with supervisors so they can be resolved. Some attribute this to the power differential and fear of retaliation, others cited their cultural values against direct discussion of negative topics, and others said they simply do not want to hurt anyone's feelings by raising negative issues about their work. Zoe noted that she had the courage to address the training issue directly by drafting the original letter. She believed she could do this because her supervisor "is a strong, positive leader who acts as a conduit for concerns and a buffer from negative consequences." All recognized that not all managers have that reputation. The group agreed that some of this dynamic was addressed in the Covenant and should be highlighted in RLU's August trainings before the residence halls open.

Finally, the group reviewed and discussed the letter Susan and Zoe had drafted in accordance with the Sept. 16 agreement. A couple of the points Susan raised became the subject of intense discussion between some members of the group. By this time Zoe had left for another scheduled event, so Susan handled most of the editing. After significant discussion, Susan modified one phrase of her proposed text in response to concerns raised by Liz. It is worth noting that Liz also observed that the letter Susan and Zoe had drafted took attention away from

the original issue (ten hours of mandatory training in a full work week) and emphasized instead the harm caused by the AHD's original letter. Others did not agree. I clarified that the letter Susan and Zoe had written should clearly express their personal viewpoints and not attempt to represent the group's opinions.

Hoping that this would resolve the issue, I closed the meeting and told everyone I would be sending them the minutes for approval. (Figure 13 in Appendix A) I sent them, and Zoe e-mailed her approval. All the attendees agreed the minutes accurately reflected the meeting's content. Liz, however, also mentioned a fear that the letter from Susan and Zoe "would do more harm than good."

These concerns were subsequently discussed privately with Zoe. After the October 5th meeting, neither Susan nor Zoe took further action on the letter until Susan initiated an e-mail exchange with Zoe beginning October 28. It is excerpted here.

Susan wrote:

> . . . Wanted to touch base about the letter. Do you still have a desire to send it out? . . . Liz did raise some concerns, but we didn't get to fully explore because time was running out. You weren't there so it felt a bit awkward for me. So I'm checking in. Let me know your thoughts. Susan.

Zoe responded the next day saying:

> I was just wondering what we were going to do with the letter. It sounds like there were some unresolved concerns about it—I've touched base with Liz about some of what you've talked about. I think my vote would be not to send out the letter but to move

> forward with our next steps . . . What do you think? Thanks and have a great weekend. Zoe

On November 2, Susan responded and copied me as the restorative justice facilitator. She expressed her disappointment that she and Zoe had invested a great deal of time and effort into drafting and reworking the letter only to have her decide not to send it.

I asked Zoe for clarification. It seemed to me that she was proposing not sending the letter, but had not actually made a final decision. I added the following paragraph:

> I need to remind you both that you built the public release of this letter into the circle agreement, so if you don't send it you will be violating the terms of the agreement. If you, as AHDs and Leadership Team, don't honor your own agreement that will set a precedent for the RLU that restorative justice agreements are optional. That would be deadly to the process and a violation of the trust of all your fellow participants. Please take this into consideration before you decide. Nancy

The next day Zoe responded:

> Hi, Nancy and Susan: Nancy: Yes I was proposing that we not send out the letter, but am still willing to do so after more discussion. Susan: I can meet . . . I will touch base with Liz beforehand to get a better idea of [specific] concerns. Thank you and happy Wednesday. Zoe

One week later, on November 10, Susan sent an e-mail to all RLU senior staff. She attached the letter Zoe and the AHDs had submitted, the agreement produced in the September 16 circle and the letter she and Zoe had authored together. (Figure 14 in Appendix A)

By November 2 when Susan copied me on Zoe's suggestion that they not issue the letter, I had just received IRB approval to develop a case study around the September 16 circle. My statement to Zoe and Susan, encouraging them to consider the ramifications if they chose not to send the letter, came from my passion for the restorative justice process and my desire to build it into the RLU culture. By sharing the details of the September 16 circle, I hoped to show more of our colleagues that restorative justice does work with college-age students. It would be foolish of me, however, to ignore that my investment in the research process also prompted my response. I felt my heart sink when I read Zoe's first e-mail because my IRB approval was built around Zoe and Susan's decision to share the letter with their RLU colleagues. I held onto the hope that Zoe would choose to honor the agreement as written, but Susan and I did honestly explore what would happen if the agreement was not going to be honored. Since we did not build consequences for that possibility into the restorative justice agreement, we thought we would probably have to reconvene the ten original circle participants and decide as a group how to proceed.

When Zoe's e-mail came through saying she was willing to send the letter after further discussion, I breathed a sigh of great relief. Once Susan had e-mailed the letter and accompanying documents, I e-mailed both Susan and Zoe to request interviews. On November 16, Zoe sat down for an interview about the process. Susan did her interview November 23rd. Based on the key issues we had identified during all three stages of the circle process, I wanted to explore their opinions about how our restorative justice circle experience had affected the power dynamics and communication practices of RLU employees.

The year progressed normally for Zoe and Susan—with both enduring full workloads. Although their paths rarely crossed, Susan and Zoe enjoyed a comfortable working relationship. Zoe graduated in May and has accepted a Residence Life position in a university in another state. Susan has changed positions within the university to spearhead a new multi-departmental initiative. I am continuing to serve the RLU as Restorative Justice Coordinator on a part-time basis.

Chapter Five

# Discussion

## Themes

***Power Dynamics in the RLU Culture*** affected this circle on every level. As Conflict Theory predicts, participating AHDs—part-time graduate students—believed the balance of power in their department was tipped highly in favor of directors and leadership—full-time staff. This is clear in thematic analysis of the documents and individual interviews which reflect AHDs' attitude early in this process that they have little control over their circumstances. Phrases from the initial letter such as "we implore you . . ." "we, as victims . . ." and "We are under no delusion that we will be compensated . . ." indicate that the signers see themselves as powerless and view RLU leadership as controlling policies and resources.

As the restorative justice process unfolds, however, documents and interviews produced after the circle and meeting overwhelmingly represent an attitude that they can work as part of the RLU team This is indicated in statements such as "[AHD and Leadership Team Participants] met in circle September 16 . . . as a result of this circle the RLU will explore the following options;" (from the circle agreement) and "We are a large department, and even with the best people and the best of intentions, there are many opportunities for communication to break down. We need your help in addressing this issue" (from the joint letter). It becomes clearer in the interviews with statements such as, "Many times we had to agree to disagree, but . . . we were very civil in trying to understand the other person's point of view" (from Susan's interview) and "I don't think because [Susan] was [a member of the Leadership Team] and I was

an AHD she had power in that [circle]" (from Zoe's interview). Figure 15 in Appendix B charts this progression and Figure 16 offers additional examples of the coding process.

This attitude that power disadvantages AHDs is evident in the minutes of the post-circle meeting where AHDs and two senior level staff members fleshed out the issues raised but not resolved in the circle. Those minutes begin with this issue, titled "Fear of Retaliation: where does it come from?" The group traced some of the fear to messages delivered by at least one hall director in previous years' training, saying it was difficult to fire a hall director but easy to fire an AHD. Some reported receiving other messages that AHDs are "expendable." This was discussed for some time, and the group agreed that many of these points are addressed in the AHD Covenant—a document developed in 2009 outlining the RLU's commitment to and expectations of AHDs.

Like restorative justice, the AHD Covenant had not been covered in training that year, therefore many AHDs did not fully understand a number of things about their positions—including discipline procedures, RLU reporting process, behavior guidelines and more. By clearing up the AHDs' fears that the circle would not result in termination of their employment and clarifying their employment rights, the participating Leadership Team members helped diffuse this issue. The group agreed that clarifying and distributing the AHD Covenant should diminish these power-related concerns . . . for the short term.

"I think that re-examining the covenant is a good next step," Zoe explained in her first interview. "I don't think that that can be the end of the line 'cause as it came up in both conversations we had as a group these are recurring issues. These are concerns that have come up in various manifestations for a while." She continues:

> I think part of the problem we run into is that in our department we have a lot of turnover. We're a much more transient population with the HDs and the RAs [resident assistants] than the people who are here much longer as full time directors and the Leadership Team, and so there's a disconnect between their knowledge of the department, existing channels of feedback, channels of knowledge of things like the [AHD] Covenant. So I think that the fact that Leadership Team spent so much time doing it is really irrelevant to the current HD's. It sounded like we had a lot of good conversations about that. So I think that we are certainly on the right track. I guess I couldn't say where I think it should go after we have a conversation.

A long-term RLU employee, Susan confirmed that a lot of good conversation went into developing the AHD Covenant. In various discussions she explained that the AHD Covenant was developed through:

> focus groups [and] . . . written surveys and conversations with graduates staff, directors and Leadership Team members. AHDs shared their feedback about working in RLU—how they were supervised, if they have a voice, if they are valued, etc. They mentioned they didn't feel connected to the Leadership Team, so we tried to address that . . . We all worked together to come up with the two-paragraph statement to address AHD concerns and negative statements about Leadership Team's performance. It wasn't just Leadership Team. All voices were included.

This was done in part to address a long-standing rift between AHDs and RLU Leadership. In her first interview Susan disclosed:

> We as Leadership Team get a lot of critical feedback of how um, 'Oh you guys don't really work' . . . Some have said, 'We think you guys just sit there and concoct ways to torture us and ways to change.' It's just ridiculous, ridiculous. We don't get the benefit of the doubt sometimes.

This undercurrent can be felt in some comments from circle participants not represented in this study, and the implied negativity troubles Susan. Though no AHD actually accused the Leadership Team of having a poor work ethic, various statements in her interviews imply that this issue affects Susan's feelings and perceptions of the circle and some of its participants. From a Feminist Standpoint perspective, I believe these persistent negative messages may have led Susan to see some AHD statements about Leadership Team's handling of the training as a continuation of this battle. "We don't get the benefit of the doubt" sums up the lack of trust and respect that Susan has felt AHDs afford Leadership Team, even though from her experience Leadership Team works extremely hard.

As Feminist Standpoint tells us, revealing people's hidden or overlooked experiences can change assumptions by illuminating the whole situation. Clearly this experience is reflected in Zoe's statement to Susan in their joint interview:

> So I think I actually got to know you better . . . in the circle it came out like how much extra work you were doing . . . I didn't know you had small children, you know, sort of . . . your life outside of your work. I think I got a much better perspective of what that would look like because I knew so little beforehand.

***Power Dynamics in the Circle*** became a topic of fruitful discussion between Susan and Zoe. In both interviews Zoe mentioned feeling that the initial letter had dominated discussions

in the circle and follow-up session. This is interesting because in every meeting the AHDs outnumbered Leadership Team members two to one. (I facilitated both discussions and am not including myself in these numbers.) Additionally, careful analysis of the circle agreement, the post-circle meeting minutes and Susan's and Zoe's joint letter (all found in Appendix A) fails to support Zoe's claim.

The consensus agreement from the restorative justice circle mentions the letter only in the introduction. The seven action items are silent on the letter, and the agreement reflects neither the apology Zoe offered Susan nor any other letter-related comments from AHDs during the circle. Action item #6 says that Zoe and Susan "will jointly craft an e-mail to RLU staff to share their experience of the circle and share relevant thoughts with all." That letter, written collaboratively by both women, does mention the original letter. Of its 16 paragraphs, six mention the original letter of complaint. Two focus on it: Susan's statement of harm and Zoe's explanation and apology. Finally, the post-circle meeting minutes break down into four topics according to what we discussed. The fourth section begins with "Finally, the group reviewed *the letter Susan and Zoe drafted* as part of the Sept. 16 agreement." I added the emphasis here to highlight that the minutes refer not to the original letter but the one authored by the two women. These data are graphed in Figure 17 of Appendix B.

I must point out that I drafted the agreement—which required participants' consensus on every element of the document. I also developed the minutes from the post-circle meeting—which was reviewed by all participants and received unanimous approval. Recognizing that my standpoint led me to emphasize some elements over others, it is possible the contents of these documents are skewed to reflect my perspective, which differs from the AHDs' on this point.

It is worth noting, that while the circle and subsequent discussions did not center on the original letter as Zoe believed, the post-circle discussions and documents do focus on the issue of communication within the department. This includes the "choice of tone and language in the letter [which] caused Susan harm," as Zoe writes in her joint letter with Susan. Of that same letter Susan writes, "The specific concerns in and of themselves were not a source of the harm. The tone and language of the letter came across as disrespectful, rude and unprofessional."

It also includes the passive-aggressive communication practices that permeate this situation. In the joint letter, Susan writes:

> The other harmful part for me was the fact that individuals who had the opportunity to talk to me directly about their concerns did not. At least two individuals who signed this letter did not use opportunities they had to address me face to face.

This issue is addressed in more detail next.

From a constructivist perspective, Zoe's belief that the circle focused on her letter is noteworthy because it illustrates how Zoe created her reality of the circle experience. Though Zoe did not raise this issue during the circle or during the post-circle meeting, Liz had expressed this opinion in the post-circle meeting. Liz and Zoe lived in the same residence hall, and during her interview, Zoe referred to discussions with Liz while she was vacillating between sending the joint letter or not. Through a Feminist Standpoint lens, one could easily see how Zoe, as a friend and colleague of Liz, could have changed her perspective in the time between drafting the letter with Susan and talking with her peer and colleague.

***Passive Aggressive Communication—talking behind leadership's back instead of addressing issues directly***—exists even though RLU staff at all levels welcome input, conduct

regular one-on-one meetings and often literally work with their doors open. While passive-aggressive communication is not uncommon in many organizations and personal relationships, it has proven highly corrosive in the RLU.

The post-circle minutes reflect a variety of explanations participants offered for passive-aggressive communication in the RLU. These include fear of losing their jobs if their supervisors do not like what they hear, fear of hurting others' feelings if negative feedback is taken personally, fear of going above a supervisor's head in chain of command, and a lack of clear understanding of RLU system for complaints. These reasons made sense to Zoe, who offered the following observation in her initial interview:

> I think that it's certainly partly probably about the power structure 'cause we talked about the perception that Leadership Team doesn't care, so maybe it's not that they're not comfortable sharing that feedback but think that it won't make a difference? So if they thought it would make a difference, they'd be more proactive in sharing it.
>
> I think also part of it, and we talked about this too in our second meeting, it's just sort of the socialization that happens or it's just almost a bonding thing between peers like, 'Oh my supervisor's such a . . . blah, blah, blah, blah, like this department sucks . . .' So even if it's not something that they really believe or even if it's not something that they would give as feedback, it's just socializing.
>
> And I think that that is probably something that we could change . . . So much negativity makes me tired, you know so when we have um a staff or we have a culture that just involves complaining about each other, it's hard for me to really want to get that into it. (Laughing) . . . So I don't know really how as an organization we can get at that. Um,

> but I think, you know, I think sort of the passive complaining . . . could be cut down if we have more meaningful contact with other people.

While also acknowledging this behavior happens at all levels of RLU staff, Susan has made a commitment to curb it. "I think that [the circle] rejuvenated my personal . . . crusade," Susan said in her first interview, then recounted the following post-circle experiences.

> Two directors weren't communicating very well, talking behind other people's backs but not saying things to our faces, and I told them that this is not the culture I want to have in this organization. I challenged them to role model what we'd like to experience ourselves in our organization. And actually afterwards in the debriefing one of them was like, 'I was so embarrassed you had to come and mediate this issue for us. We should have been able to manage that ourselves.'
>
> I [also] recently had an excellent one-on-one about this with a staff member who called me later and said, "I'm walking out of a professional development session and I can't wait to talk to you because he said some things really related to what we were talking about in our one-on-one. I think if we . . . embrace certain things that he said, we can change the communication culture in our organization.' And I'm like WOW!

***The evolution of communication from harmful to productive*** is also a powerful point of this study. As Zoe acknowledged in her joint letter with Susan, the language of her original letter went beyond expressing her frustration and included a "choice of tone and language in the letter [which] caused Susan harm." The following excerpt from her letter illustrates not only a lack of respect for Susan's authority, but also an element of disdain.

> We are under no delusion that we will be compensated monetarily for our overtime work. However, we do demand restorative measures:
>
> 1. An apology from you, acknowledging the unfair and undeserved burden placed on the [graduate assistants] by the additional training sessions, as well as the unprofessional manner in which the session times were communicated
>
> 2. Assurance that, in the future, the terms of our contract will not be so egregiously violated
>
> 3. Respect for our lives outside of our roles as staff members; scheduling unnecessary weekend work hours impedes our work-life balance as well as religious observance.

Conflict Theory would explain Zoe's reaction to the power differential between AHDs and RLU leadership because leadership controlled her resources of time and compensation. It does not predict the ultimate outcome, however, in which the opposing sides came together without any shift in power or exchange of resources. I turn instead to Feminist Standpoint Theory to explain this change in attitudes through exposure to the different perspectives each woman held. For example, in the circle, when given a chance to hear how the letter's wording affected Susan and other RLU Leadership Team members, Zoe quickly and easily acknowledged the effect of her actions. She talks about this in her first interview.

> I think it made me a lot more aware of the impact my letter had on Susan. When I wrote it, I really tried to direct it at Susan in her capacity as chair of this committee and not at Susan as the individual. In my mind those were two very separate things, so I didn't anticipate her having the reaction that she did. I think it was helpful that I got to hear from her about how she had perceived the letter and how it affected her . . . and to, to

> take ownership to what role my actions played in the harm that it caused her, so I think that was good.

Her joint letter with Susan reflects the appreciation Zoe mentions above, when she writes:

> I sincerely apologize for the harm I caused her. I do not regret bringing forward the concerns expressed in the letter, but certainly regret that my choice of expression was felt as a personal attack. I truly appreciate Susan's participation in the restorative justice circle and her honesty in sharing her response to the letter. Discussing with her has made me understand more fully the consequences of my actions.

Thematic analysis of documents and interviews reflect the progression Zoe describes from disrespect and opposition to respect and collaboration. This progression is more fully illustrated in Figure 18 of Appendix B.

In applying latent analysis, one can easily see from their joint interview that Susan and Zoe were comfortable. They sat side-by-side, laughing and smiling together honestly but respectfully discussing issues they felt they had not fully resolved in their previous meetings. Susan frankly asked why Zoe targeted her in the letter, and Zoe spoke honestly about her belief that the letter dominated the circle and follow-up discussion. While neither may have felt she received a fully satisfactory answer, both women talked honestly and collegially, without rancor or any undercurrent of disrespect. As a seasoned restorative justice practitioner, I always hope that I get to observe this kind of comfortable interaction between those who were once adversaries. It pleased me tremendously to observe this in these two women whom I have grown to respect.

***Empathy: Transition from adversary to colleague*—**Figure 19 in Appendix B of thematic analysis of the documents shows a positive correlation between Zoe's and Susan's interactions and language, moving from oppositional to respectful and finally collegial. When considered for indications of empathy, phrases were selected if a participant seemed to be "Seeing [a fellow participant] as the Other" or "Not Seeing as the Other." In categorizing these comments, I found 31 data segments which included phrases or comments indicating alienation and 77 that indicate a coming-together. Not surprisingly, most (42) of the collaborative comments appear in the joint letter or the joint interview—each produced at the end of the stages of the circle and this study.

Similarly, as Figure 18 indicates, when the data were analyzed for the Tone of Communication, the language these participants used showed a significant progression from Disrespectful/Passive-Aggressive to Respectful over time. Eight of the nine comments classified at the negative end of the spectrum came from the originating letter and post-circle meeting minutes. Of the 110 phrases classified as Respectful Communication, 14 came from the original letter; 15 came from the circle agreement or minutes from the meeting held within a month of the training; 16 came from the joint letter, released two months after the training; 19 came from the individual interviews conducted within two months of the training; and 56 of the comments or phrases classified as Respectful came from the joint interview held seven months after the training.

Finally, as Figures15 and 16 illustrate, the data indicate a significant shift from participants viewing themselves as victims to viewing themselves as team-mates. Phrases or comments indicating victimhood total 16 and come primarily from the originating letter, minutes or joint letter, while three come from the individual interviews. On the other hand, I identified

61 phrases or comments indicating team identification. Data segments indicating the individual perceived herself as part of a team were slightly more likely to come from the interviews conducted two and seven months after the training (32) than they were to originate from documents created in the first month (29).

***Empathy: Relationships*** are the lifeblood of RLU, and clearly very important to both Zoe and Susan, who referred to the importance of relationships numerous times in the context of their work. As noted above, in her first interview Zoe noted that the Sept. 16 circle allowed her to develop a better relationship with Susan and a deeper awareness of her letter's effect. In the interview Zoe and Susan shared seven months later, the two women talked together about their circle experience. Zoe told Susan:

> So I think before the circle, my sense of residence life was very much about how the building worked you know, like my direct supervisor, the RAs I supervise there and the students, then [I was] sort of seeing Leadership Team as kind of this separate entity. So even though geographically it was very close, I didn't really have any idea what Leadership Team did a lot of time, like what their day looked like or how they communicated with each other. I think I really only knew sort of what my area director did in terms of having one-on-ones with me or with my supervisor. So I think their relationships had changed. I think just being able to see more, sort of just what kind of people they area, both in the capacity of the positions they have in res life and then just as people, kind of like how they relate to each other and their lives sort of outside of work.

Susan responded:

> I would agree with the first part. I think that our relationship and our follow up conversations like coming together to draft the letter and all of that, and, making agreements and talking out perspectives I think that had the greatest impact to me overall.

Later in their joint interview Susan recalled the moment in circle when she connected with the AHDs' experience.

> I think an insightful moment for me was when the grads went around and talked about like their idea of the timeline and how they had received information. Whereas I thought we were being very transparent and open like 'Hey, don't forget there's a training.' 'There's a training!' but then saying we didn't know how long it was gonna be. We didn't have a sense of that, and kind of what it meant. They didn't have anywhere to put it. . . . And also realizing thoughts about this is a really busy time for us. We just came off training, we're now just able to think about ourselves and our studies in preparing for class and then we have all of this time taken up and a little bit of anxiety from, especially from some of the new folks and even returning folks' crap, and then, all this stuff. So it was kind of like, 'Okay, yes, I remember that. It put me right back in that place of being you know shell-shocked. (Zoe begins laughing while Susan continues.) And so that was really insightful for me. I think at that moment I was like 'Aaahhh!' 'Cause when I sat in my office I thought: 'No we've been saying this from the very beginning.' So I think that was probably the biggest.
>
> Susan concludes, laughing with Zoe.

***New and Improved Restorative Justice Option:*** In the following exchange from their joint interview, Susan and Zoe talk about how the issue might have been addressed if restorative justice had not been an option. Susan begins:

I know my initial response [after receiving the AHDs' letter] was one to cool off . . . I think I probably would have sent an email response to the group and probably, typically I'd say if you'd like to have a conversation about this I'm willing to do that. And probably put out how I felt about the letter [and] what I would have wished would have taken place prior to the training. That's typically my style.

Zoe responds:

Yeah, I think that's what I was expecting to happen . . . But I do think that the circle was the best option just in terms of like getting people all in a room together and talking about it. So I was really glad when Nancy called and said there was an interest in doing that. 'Cause I think certainly I was not expecting you to send a letter . . . like 'Yes Zoe you're absolutely right, how could we have done this? Like 'here's a bunch of coupons for free meals.' I didn't expect that to happen.

Susan:

Yeah, and that's interesting because I wonder if, again the thing about the power dynamic, if it would have come across as if 'I come into Susan's office, you know I'm kind of entering the wood shed' kind of thing . . . Whether I intended that or not.

Zoe agrees, "Maybe a little bit, yeah."

Susan continues:

And, even if I think it's some of the same issues that would have been highlighted that came out in the circle, I think it still might have felt a little different just because Susan called the meeting.

Zoe nods in agreement, "I think you're right because it was in the circle, kind of out in the open . . . there was a little more."

We will never know whether Zoe's "trip to Susan's woodshed" would have resolved this issue between the two women. We do know from latent and thematic analysis, including the above exchange, that these women did resolve their conflict using this restorative circle and completing the agreement they crafted in community with their colleagues.

Chapter Six

# Conclusion

## Summary

Conflict is part of life in human societies. Conflict Theory posits that conflict arises when two or more individuals have competing self interests. Additionally, when one individual or group controls more resources (e.g.money, time, authority) than another, those with fewer resources try to get more while those with more try to retain what they have. Although this can lead to a range of conflict, including violent confrontations, conflict theorists recognize that conflict leads to change—which they consider positive (Chibucos & Leite, 2005) Recognizing that conflict is a natural part of social fabric, the key question is how can society manage it (White & Klein, 2008).

Famously, conflict theorist Karl Marx prescribed mass revolution as a way to create a just society. Some feminists theorists call for radical social realignment to correct the injustices of prolonged male dominance. In our society this polarizing attitude extends to many people's approaches to conflict and misconduct. From road rage and bullying to zero tolerance and overcrowded prisons, American society is replete with examples of how we distance ourselves from those with whom we disagree or those who have broken our rules.

Philosopher and author Kahlil Gibran describes it this way: "Oftentimes I have heard you speak of one who commits a wrong as though he were not one of you, but a stranger unto you and an intruder upon your world"(Gibran, 1923, p. 40). He goes on to point out that this alienation does not reflect reality. In fact, Gibran tells us "you cannot separate the just from the

unjust or the good from the wicked for they stand together before the face of the sun"(Gibran, 1923, p. 41). He instructs us:

> And you who would understand justice, how shall you unless you look upon all deeds in the fullness of light? Only then shall you know that the erect and the fallen are but one man standing in twilight between the night of his pygmy self and the day of his god self (Gibran, 1923, p. 43).

Unlike traditional Conflict Theory, Feminist Standpoint Theory advocates a more balanced approach to managing conflict. Specifically, many standpoint feminists maintain that to achieve social change we must incorporate the voices and interests of all members of society—especially those most often silenced or overlooked because they lack sufficient power or resources (vanWormer, 2009). Standpoint feminist scholar Nancy Hartsock (1987) maintains that in order to successfully manage conflict, we must care for everyone's needs rather than succumb to those motivated by a desire to dominate and control (vanWormer, 2009). This belief reflects restorative justice principles and approaches to addressing conflict and misconduct (vanWormer, 2009).

Restorative justice offers a balanced approach to managing conflict by engaging all people affected by a situation of misconduct or conflict and hearing every participant's experience and ideas for healing (Costello, et al., 2009; McCold & Wachtel, 2003; Umbreit & Armour, 2011; Zehr, 1990, 2002). Working from a foundation of respect, restorative justice practices bring together people on opposite sides of a conflict or incident of harm to decide how they, as members of the same community, can heal the harm that has resulted (Pranis, 2005;

Zehr, 1990). This approach, inherent in indigenous cultures, fosters understanding, mutual accountability and empathy rather than vilification and isolation.

By adopting a restorative approach to resolving their conflict, an AHD and Leadership Team member changed their views of each other and set their workplace culture on a new, collaborative path for resolving conflicts. These department pioneers paved the way for future constructive approaches to conflict, and offer a powerful example for their peers and future generations.

While neither woman had all her doubts put to rest, each developed a trust and respect for the other that enabled them to work through their initial disagreement. Initially each saw the other "as though [s]he were not one of you, but a stranger . . . and an intruder upon your world"(Gibran, 1923, p. 40) . Yet by coming together to discuss their disagreement openly, honoring all perspectives and respecting every participant—"looking upon all deeds in the fullness of light"—as Gibran wrote nearly a century ago, they came to understand and define justice for their situation (Gibran, 1923, p. 43). They saw and respected each other as colleagues and opened the pathway for future RLU staff to do the same.

A year after the circle, as I write this closing, I understand that some of the issues from this circle will never be resolved. Some of these are addressed in the limitations section below. But Susan and Zoe feel the restorative justice process served them more effectively than usual RLU practices because it afforded opportunities for addressing harm and fostering healing and insight on multiple levels.

While this was the first restorative justice circle I facilitated on campus, it has not been the last. Based on this circle's success, a number of participants subsequently addressed

conflicts in their halls using restorative justice techniques. The university continues to explore new applications for this process and find new ways to integrate it into both its residence life and judicial affairs processes. In the last year alone the university has used restorative justice to resolve roommate conflicts, assaults, cultural disputes, employment issues and more. In every one of these cases, participants were able to restore their relationships and/or reclaim their place in society because they "look[ed] upon all deeds in the fullness if light" as Gibran calls us to do, and recognized themselves in the "good and wicked stand[ing] together before the face of the sun" (Gibran, 1923, p. 43).

**Limitations**

1. While Susan and Zoe came to a mutual understanding, Susan did not feel that she had that same experience with other AHD members of the circle. Susan speaks frankly in both interviews that she does not feel the sense of closure with Zoe's colleagues that she does with Zoe. Susan attributes this to being able to work with Zoe on the joint letter and the final interview, but these issues may relate as much to the personalities of those involved as to their collaborative efforts.
2. While latent analysis and invivo coding played a key role in this analysis, there is a level of understanding below the surface that cannot be ignored. Issues and thoughts silenced or only selectively revealed play a key role in how a person creates or experiences his/her reality. What is left unsaid cannot be addressed either in circle or in scientific analysis, so this study ignores issues that might have played a key role had they been revealed, and may always influence the situation even when left unsaid. These issues include the

participants' ethnicity, socio-economic levels, familial and other backgrounds and how those factors influence the participants' experience of this process.

3. RLU culture valuing student development sometimes goes overboard in supporting behavior that would not be tolerated outside RLU. Susan sees restorative justice as a great accountability process that addresses the need for direct communication, though it could have perpetuated this enabling behavior. This was illustrated most clearly when Zoe considered not sending the letter after agreeing to in the circle. The RLU did not require Zoe's compliance with her agreement, which both highlights a weakness in using it in a developmental organization and reveals the power that personal accountability plays in the success of future restorative justice agreements. Had Zoe refused to honor her agreement, the outcome for the restorative justice process at the university and for the relationship between Zoe and Susan would have looked dramatically different.

4. The magnitude of the issues in question (Power Dynamics, Communication Practices, RLU Culture) is too big to resolve with one circle—even after building in the follow-up discussion. Both subjects agreed that to wrestle with these issues, the RLU must choose a venue designed for sustained, long-term discussion focused on producing outcomes. Susan notes that other attempts to address these issues in the RLU have been unsuccessful and Zoe acknowledges that point. This circle has, however, informed and generated action within RLU designed to correct or continue to address the issues the AHDs raised.

**Implications**

**1.** Both restorative justice and the AHD Covenant were built into the AHDs' August training this year, both in a general presentation and in one-on-one discussions between AHDs and their supervisors. Learning from this circle, RLU leadership wove restorative justice principles and techniques throughout as many different training sessions as possible to help normalize and ingrain restorative justice in organizational culture and practice. I am also developing professional development sessions on restorative justice issues and tools that we will offer throughout the year to reinforce the concept.

2. In the post circle meeting, participants suggested taking steps to:

   revisit the AHD Covenant document, and include it in the August training so all are familiar with it from first of the year; have a member of Leadership Team explicitly tell AHDs, et al in training they should come to him/her with concerns—opening the door to dialogue; and provide staff training on how to receive (and give) negative feedback so it's not taken personally.

As Restorative Justice Coordinator, I am pursuing these options with RLU training staff and am also creating options for the personal interactions that Zoe advocates and Susan practiced. I am also working with RLU Leadership to reinforce knowledge and understanding of the AHD Covenant through organization-wide discussions and will continue to advocate for the AHD Covenant's permanent placement in August trainings to help avoid the mistrust and anger apparent in this circle from AHDs unfamiliar with their rights and expectations.

3. At Susan's suggestion, the Restorative Justice Committee will consider methods to help facilitators identify factors related to their own and other participants' identities that might influence their experience of the circle. Issues left unmentioned or not considered can be recognized and identified through a process called Social Justice Mediation. One technique this mediation format recommends is mediators' specifically asking participants if there are factors related to identity that should be explored in order to address all the levels of harm in the situation. While we likely will not adopt the entire Social Justice Mediation process, we will explore using this and related elements in the pre-circle meetings so we can fully address the issues that will come into future circles.

4. While this case study illustrates a restorative justice circle held on a university campus, the restorative justice process applies to an almost limitless range of situations and populations. As noted in earlier chapters, this process is innate to many indigenous cultures based on generations of practice and philosophy. In U.S. mainstream society, the restorative justice movement began in the prison systems and quickly translated to juvenile justice systems and schools. Its principles of respect, mutual accountability and empowerment make it a powerful youth development tool that can be used in youth-serving organizations. In addition, families can use restorative justice to resolve conflict and support positive development. Many issues can be resolved in circle with family members holding each other accountable when they cause harm, but supporting and remaining committed to each other as full members of the family unit. For more extreme levels of harm, family group conferencing is a restorative justice process specifically designed to help

dysfunctional families address issues of concern and develop ways to heal. This process is already in use in social services circles.

APPENDICES

# APPENDIX A

## Case Study Artifacts

Figure 10: AHDs' Letter

10 September 2010

Ms. Susan McWilliams

Chair, Restorative Justice Committee

Assistant Director, Dept. of Residence Life

Michigan State University

Dear Ms. McWilliams:

We, the undersigned, write to you regarding the mandatory restorative justice training for Residence Life staff. We believe that the time commitment for the training violates the terms of the Assistant Hall Director and Night Receptionist Coordinator work contract. Additionally, we assert that you, in your capacity as chair of the Restorative Justice committee, gave insufficient notice to the AHDs/NRCs and our supervisors with respect to the time of the training sessions, thereby demonstrating a lack of professional courtesy.

Figure 10 cont'd

This letter outlines the nature of our complaint, utilizing a framework of restorative justice. To be clear: our intent is not to debate the merit of restorative justice practices or the content of the training sessions themselves. Rather, the contract violation and collegial discourtesy have caused harm to the AHD/NRC community; we implore you to recognize that harm and be held accountable.

According to the International Institute for Restorative Practices (2000), restorative justice is an opportunity for the victim to express their emotions to the offender. We feel frustrated and exploited by, angry about, and disappointed in your decision to require ten hours of training in addition to our regular job duties. In short, we are not convinced that you truly considered our needs as half-time employees and full-time students. A feeling of betrayal compounds this frustration, as you yourself are a former AHD.

We, as victims, seek "assurance that [the restorative justice training requirement] is unfair and undeserved" (IIRP, 2000). We completed two weeks of training in August before beginning undergraduate staff training. If the restorative justice training could not have been included during that training period, then the sessions should be held during our continuing staff training time on Thursday mornings. Barring that, the restorative justice training should have been made optional. Poor planning or communication on the part of Leadership Team or summer committees is not a valid rationale for heaping additional work hours on part-time staff. It does

Figure 10 cont'd

not matter if you choose to call these additional work hours a "professional development opportunity".

Grad assistants are not compensated for working more hours than stipulated in our contracts; we do not receive flex time, overtime pay, or comp days. A fair amount of flexibility in work hours is necessary in our positions, but this training requirement constitutes a serious deviation from the guidelines stated in our contract. Further, the GAs' supervisors did not receive notice to release the GAs from ten hours of recurring job duties, so we were required to work ten unpaid hours. Even with more advance notice, we could not, in good conscience, have canceled meetings or time with undergrad staff members at this point in the semester. (This is particularly relevant for those of us who do not currently have a Resident or Complex Director in our buildings.) As a result, you placed us in the unfair position of either failing to meet the needs of our staff or failing to meet our own needs. We expect better leadership from our department.

Our jobs are important to us. We value the work that we do with our students and staff, and want to do that work to the best of our abilities. We want and need the support of the department to do so. We are not supported by the department—as students or as staff members—when we are required to work 150% of our appointment time on short notice with no overtime pay. First-year AHDs are not required to facilitate conduct meetings until the

Figure 10 cont'd

spring semester; there is no reason to add all ten hours of restorative justice training to a single workweek in September.

We are under no delusion that we will be compensated monetarily for our overtime work. However, we do demand restorative measures:

- An apology from you, acknowledging the unfair and undeserved burden placed on the GAs by the additional training sessions, as well as the unprofessional manner in which the session times were communicated

- Assurance that, in the future, the terms of our contract will not be so egregiously violated

- Respect for our lives outside of our roles as staff members; scheduling unnecessary weekend work hours impedes our work-life balance as well as religious observance

Thank you in advance for your thoughtful consideration of our position. Many of us have indicated an interest in discussing this matter further. Please contact us if you are interested in participating in a productive and mutually respectful conversation.

Figure 10 cont'd

Signed,

Zoe Rose (author), Case Assistant Hall Director

And four others, including Elizabeth Dear

Figure 11: Circle Agreement

Zoe Rose, Susan McWilliams, Elizabeth Dear [and six others] met in circle September 16, 2010. They discussed issues around the Restorative Justice training that required ten hours of the AHDs' time over Sept. 10 and 12, and the letter the above AHDs sent expressing their concerns.

As a result of this circle, the RLU will explore the following options:

- Consider opportunities for AHDs to give meaningful feedback that will result in action.
- Continue to include AHD representatives in training planning and scheduling.
- Establish methods for acknowledging the work AHDs do, so they feel respected for their contributions. (Some of these options may include revisiting The Covenant, doing occasional check-ins, etc.)
- Integrate restorative justice training into RLU August trainings before school starts.
- Provide AHDs with scheduling and other information in a more timely manner.
- Susan McWilliams and Zoe Rose will jointly craft an e-mail to RLU staff to share their experience of the circle and share relevant thoughts with all. They will issue this e-mail no later than Thursday, Sept. 23.

All agree to meet again in one month, to follow-up on this issue and check the status of the issues listed above. Nancy Schertzing will coordinate this meeting.

Figure 12**:** AHD Covenant

Assistant Hall Directors are valued members of the [university] Residence Life staff. The Department is committed to shaping a positive graduate experience. As a member of the Department, Assistant Hall Directors will be treated as professionals. Departmental staff are committed to ensuring that voices are heard and that Assistant Hall Directors are respected contributors within their unit/building, to Leadership Team decision-makers, and across the Department. The Department is also committed to professional development, mentoring, and networking for Assistant Hall Directors at the local, regional, and national level. Supervisors will work directly with Assistant Hall Directors to accomplish these goals. The Department believes that these commitments, in addition to supporting academic scholarship, will provide Assistant Hall Directors developmental experiences, practical knowledge, and build transferable skills for their post-graduate careers and lifelong learning.

As a Department in the Division of Student Affairs and Services, Assistant Hall Directors are bound by guidelines outlined in the SAS/ASSMI Graduate Assistant Handbook. The Department believes that Assistant Hall Directors are committed to working with students and have an interest in student development, regardless of their academic specialization. Assistant Hall Directors should be professional, ethical and pro-active participants and contributors to the department, their personal growth, professional development, and problem-solving. To incorporate the voices of all Senior Staff members, involvement in addressing departmental initiatives at the building/area and departmental level is expected. The Department will provide learning opportunities for graduate students but the shaping of the learning that takes place will be done in partnership with the Assistant Hall Director. (Developed 2009)

Figure 13: Minutes of Follow-up Meeting to Sept. 14, 2010 Circle

Meeting: Tuesday, October 5, 2010 9:00 a.m. to 11:00 a.m. in Conference Room B

Attendees: Elizabeth Dear,_____, Zoe Rose, Susan McWilliams, _____, _____and Nancy Schertzing

The group discussed a number of issues that came out of the Circle—not in an effort to resolve each, but to identify them and put them out for discussion. They included:

**Fear of Retaliation: where does it come from?** Group traced some of the fears to message sent in previous years' trainings that it is difficult to fire a Hall Director but easy to fire an AHD. Previous messages indicated that AHDs are expendable. This was discussed for some time and the group agreed that many of these points are addressed in the "Covenant" (the group would like to see its name changed) developed a couple years ago by RLU, but not really focused on in trainings this year. Because the "AHD/Director Covenant" was not covered in training this year, many AHDs don't fully understand a number of things about their positions—including discipline procedures, RLU reporting process, how to know they are being heard and get a response, etc.

Susan will take lead on revisiting the "Covenant" with Leadership Team and at area meetings. She then expects to ask that the "covenant become part of the agenda for review and discussion at Area Meetings. Once Leadership Team and Directors have reviewed, offered updates, feedback, etc., the "Covenant" would go to AHDs for their

Figure 13 cont'd

comment/discussion/proposed modifications. We did not discuss how their feedback would be processed or offered.

**Communication:** Much negative discussion happens within peer group, but rarely do issues get raised to higher-ups. This was labeled passive-aggressive communication and was acknowledged to take place at all levels. Discussion began on why this might be true. Ideas included fear of losing job if supervisor doesn't like what he/she hears, fear of hurting others' feelings if negative feedback is taken personally, fear of going above supervisor's head in chain of command, lack of clear understanding of RLU system for complaints. It was also noted that Zoe et al, felt empowered to send the letter to Susan because their Director, _____, is a strong, positive leader and acts as a conduit for concerns and a buffer from negative consequences. Not all AHDs perceive their directors in this way.

Thoughts to address these issues included revisiting the "Covenant" as noted above, having a member of Leadership Team explicitly tell AHDs, et al in training they should come to him/her with concerns—opening the door to dialogue. Include "Covenant" in Aug. training so all are familiar with it from first of year. Provide staff training on how to receive (and give) negative feedback so it's not taken personally.

**How we address Issues:** Many of these and other issues have come up before and RLU staff has taken steps to address them. This has the potential to wear down longer-term RLU staff who have a historical perspective of the efforts and energy already invested in averting/resolving them. It often seems that RLU addresses issues by establishing blanket

Figure 13 cont'd

policies rather than taking them on directly. When an issue comes up that requires attention, RLU should look at how to address the situation directly rather than trying to build a new policy or training around it. This was likened to "killing an ant with a sledgehammer." This may stem from any number of considerations, including the growing/dominant feminization of this field.

Thoughts to address this issue: Revisit the "covenant" as noted above. Make options clear in each case for how to address issues and then expect those involved to address them head-on within that process. Certainly RJ is an option for addressing issues, but not the only (or even the preferred option for some) so it should be offered as one option among others.

Finally, the group reviewed the letter Susan and Zoe drafted as part of the Sept. 16 agreement and offered feedback to Susan as Zoe had to leave before the full discussion took place. Liz raised some concerns about various points in the letter and they were addressed in the discussion. Susan agreed to reword one passage, but maintained her language on others. Recognizing that the letter is from Susan and Zoe, and not from the entire group that met in Circle, Liz agreed to review the minutes of this follow-up meeting and offer her input on these minutes before they are added as an attachment to the letter and other items Susan and Zoe will send to the RLU community.

Nancy typed up these minutes October 7th and e-mailed them to Liz and all members of the meeting for their feedback. She asks that each member provide either edits or agreement that the minutes accurately reflect what took place in the meeting.

Figure 14: Post-Resolution Letter from Susan and Zoe

October 1, 2010

Residence Life Staff Members,

This letter is co-written by Zoe Rose and Susan McWilliams to address concerns raised by Zoe, [three other AHDs] and Liz Dear. The issues raised centered around to the mandatory 10-hour Restorative Justice training which took place on Friday, September 10th, and Sunday, September 12th, from 1-6pm.

<u>What Happened</u>

On Tuesday, September 14th, I, Susan, received a letter authored by Zoe and signed by the other 4 Assistant Hall Directors named above. It was clear that these five individuals were upset and harmed by the additional 10 hours of training added to their already busy schedules. There is an assumption that others in the department were also negatively impacted by these additional hours although they chose not to sign the letter for various reasons. (The letter is attached for your review.) It should also be noted that some GAs (The title, Graduate Assistant, is used throughout this letter to be inclusive of all graduate student employees regardless of title) were not negatively affected by the training.

Figure 14 cont'd

A restorative circle was facilitated by Nancy Schertzing on Thursday, September 16th, to address the harm that was caused by the additional 10 hours and the harm that was caused by the letter itself. Zoe and I along with the other four GAs, [names deleted] participated in the circle. An agreement was created that includes a plan to continue the conversation about how to concretely address some of the issues addressed in the circle. (The agreement is attached for your review.)

Harm statements

To summarize what was written in the attached letter of complaint, I, Zoe, felt harmed by the ten-hour training required by the department. I understood that restorative justice training was both valuable in my work as an AHD and a departmental priority, but the added strain of ten work hours and the short timeframe in which the requirement was communicated negatively influenced my ability to meet my other work and academic obligations. The trainings were scheduled during a very busy time in the residence halls, as well as during the second week of classes. I could not devote the time I needed to give to my students and also did not have enough time to complete my schoolwork. Even given the flexible work schedule outlined in the GA's contract, this training requirement exceeded reasonable expectations for half-time graduate assistants.

My feeling of harm was compounded by the fact that I felt this situation was merely the most recent example of untimely communication and unreasonable expectations from the

Figure 14 cont'd

department. In such a large bureaucracy, information may be slow to trickle down to those who need it. Giving feedback or seeking support within this bureaucracy can be equally frustrating; in conversations with my supervisor and Assistant Director, I felt that my feedback regarding the restorative justice trainings was not being heard or taken seriously. As a result, I chose to express my frustration and distress in a letter of complaint directly to Susan, the chair of the Restorative Justice Committee. In doing so, I hoped to reflect my own experiences as well as those of other GAs with whom I had discussed the training requirement and departmental ethos.

To capture the harm that was caused by the letter, for me (Susan) it begins with the tone of the letter and how the concerns were expressed. The specific concerns in and of themselves were not a source of the harm. The tone and language in the letter came across as disrespectful, rude, and unprofessional. In many professional settings, this tone would be considered unacceptable and I hope it is not a sign of how we as departmental colleagues will continue to communicate with each other in the future.

The other harmful part for me was the fact that individuals who had the opportunity to talk with me directly about their concerns did not. At least two individuals who signed this letter did not use opportunities they had to address me face to face. Affording me the courtesy of verbal notification of their concerns would have been appreciated. I could have been proactive in my ability to address concerns prior to the training. [Supervisor's name deleted] did leave a voice mail for me about the concerns her staff members had about the make up session offered for

Figure 14 cont'd

those who were unable to attend the Sept. training. After a quick follow up conversation with Sara, I thought all questions and needs were addressed. Again, speaking directly to the person who has caused you harm would be a desirable norm within our department.

It is my understanding that some people came into the training with a negative attitude because of some unanswered questions and general feelings of being taken advantage of. Although it is expected that staff attend all departmental functions with a positive and professional attitude, I would have appreciated the opportunity to address those issues. I wanted to do so because I care and because I wanted to make the training experience more bearable for some participants.

I believe that I have proven myself to be a Leadership Team member who cares about and values GAs and other departmental staff. I listen to concerns and I address them to the best of my ability. To be addressed in this way did not take that into account at all. I also asked the participants in the circle to recognize that I have also been a part of training (Fall Training and substituting on Sunday for restorative justice training), opening a hall, serving as an acting Resident Director, and maintaining my AD responsibilities. Balancing these added responsibilities along with these concerns has been a challenge.

<u>Apology/Recognition of harm</u>

I, Zoe, was frustrated and angry when I wrote the letter of complaint to Susan. I had spoken to both my supervisor and Assistant Director, and felt that those conversations did not amount to

Figure 14 cont'd

anything. From my perspective, I directed my complaint at a departmental committee, though I addressed the letter to Susan, the committee chair. After speaking with Susan and others, I now see that my choice of tone and language in the letter caused Susan harm as an individual. I sincerely apologize for the harm I caused her. I do not regret bringing forward the concerns expressed in the letter, but certainly regret that my choice of expression was felt as a personal attack. I truly appreciate Susan's participation in the restorative justice circle and her honesty in sharing her response to the letter. Discussing with her has made me understand more fully the consequences of my actions.

As a Leadership Team member, I, Susan, apologize for not initiating a conversation with other members of Leadership Team and directors about considering the extra 10 hours added to the GA schedule. Asking supervisors to intentionally discuss the balance of this additional responsibility on top of all the other work you are doing should have happened. This apology was offered in the circle.

Next steps/How you can help

The conversation in the restorative justice circle illuminated some recurring issues in the department. We are a large department and, even with the best people and the best of intentions, there are many opportunities for communication to break down. We need your help in addressing this issue.

Figure 14 cont'd

The GAs are a diverse group of people: we are students in many different academic programs, living in different parts of campus, working in wildly different hall environments. It can be difficult for us to communicate with one another as a group, let alone communicate a shared issue or concern to the rest of the department. Too often we talk only with one another, and complain that Leadership Team "doesn't care" what we think or feel. It is natural that we turn to one another for support, but this singular approach ultimately benefits no one.

Participants in the circle want to continue the conversation about feedback channels and grievance processes. How can we ensure that the needs of the GAs are understood and addressed? How can GAs better understand departmental decisions and obligations? How can we, as a department, cultivate a culture of transparency and mutual trust and respect, particularly in a time of change and uncertainty? We do not know yet, but we are committed to improving.

All department members should remember that feedback is always welcome but everyone must consider *how* it is offered. No matter how strongly we feel about an issue, we must always remember that we are addressing people who should be given the benefit of the doubt and addressed in a respectful manner. No level of staff should be rudely addressed. Regardless of the level to whom you are speaking, general respect should be given. It was shared in the circle that letters with a certain number of signatures is not what is takes to be heard. If they would have come to the source, at least some of their issues would have been addressed quickly.

Figure 14 cont'd

Directors can help this cause by reviewing the GA Agreement/AHD Covenant and grievance guidelines with your GA staff and continue or begin to live up to the standards within the agreement. Leadership Team could also benefit from revisiting the document. Members of Leadership Team will be involved in the next steps and the continued conversations about how to address the larger issues affecting some GAs. GAs who have feedback and thoughts about these issues or any other departmental issues should have a conversation with their Director and talk with their AD. As we move forward in the continued conversations, we want to involve interested individuals. Please let us know if you would like to be involved.

Sincerely,

Zoe Rose

and

Susan McWilliams

**Note: Though the above letter is dated October 1, 2010 it was issued with the following e-mail November 10, 2010.**

Figure 14 cont'd

Dear Colleagues,

This e-mail will provide a summary of the Restorative Circle facilitated by Nancy S. to address concerns about the September 10th and 12th Restorative Justice training raised by Zoe [et al]. I also participated in the Circle.

Attached are the following:

1. The original letter authored by Zoe and signed by the others listed above
2. The Circle Agreement
3. A letter written by Zoe and Susan (as specified in the agreement)

Please note that not all circles will have similar agreements. Not all circles will result in a letter to the entire department. Because of the public nature of this situation, the fact that the issue may have impacted more than those who signed the agreement, and because everyone is invited to participate in the follow up, we (circle participants) all agreed to provide this information to the entire department.

As always, if you have questions, comments, concerns, or suggestions please let us know.

Sincerely,

Susan McWIlliams

APPENDIX B

Thematic Analysis Graphs and Maps

Figure 15:

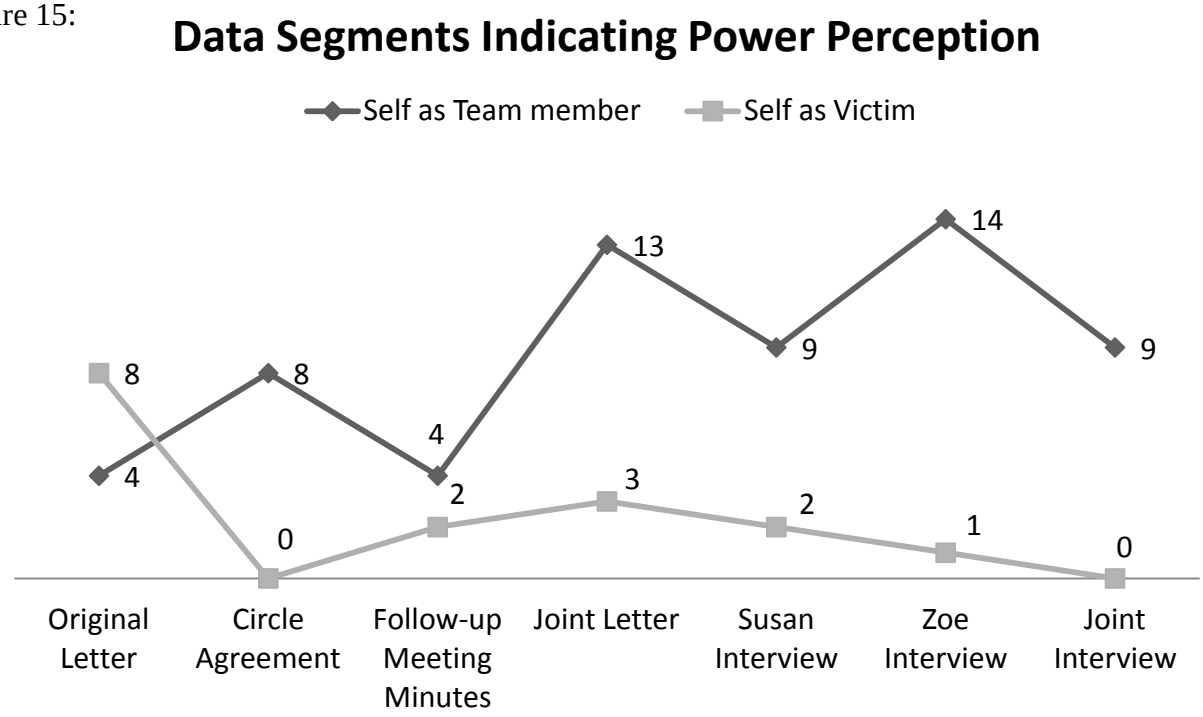


Figure 16: Mapped Sample Comments of Power Dynamics Findings

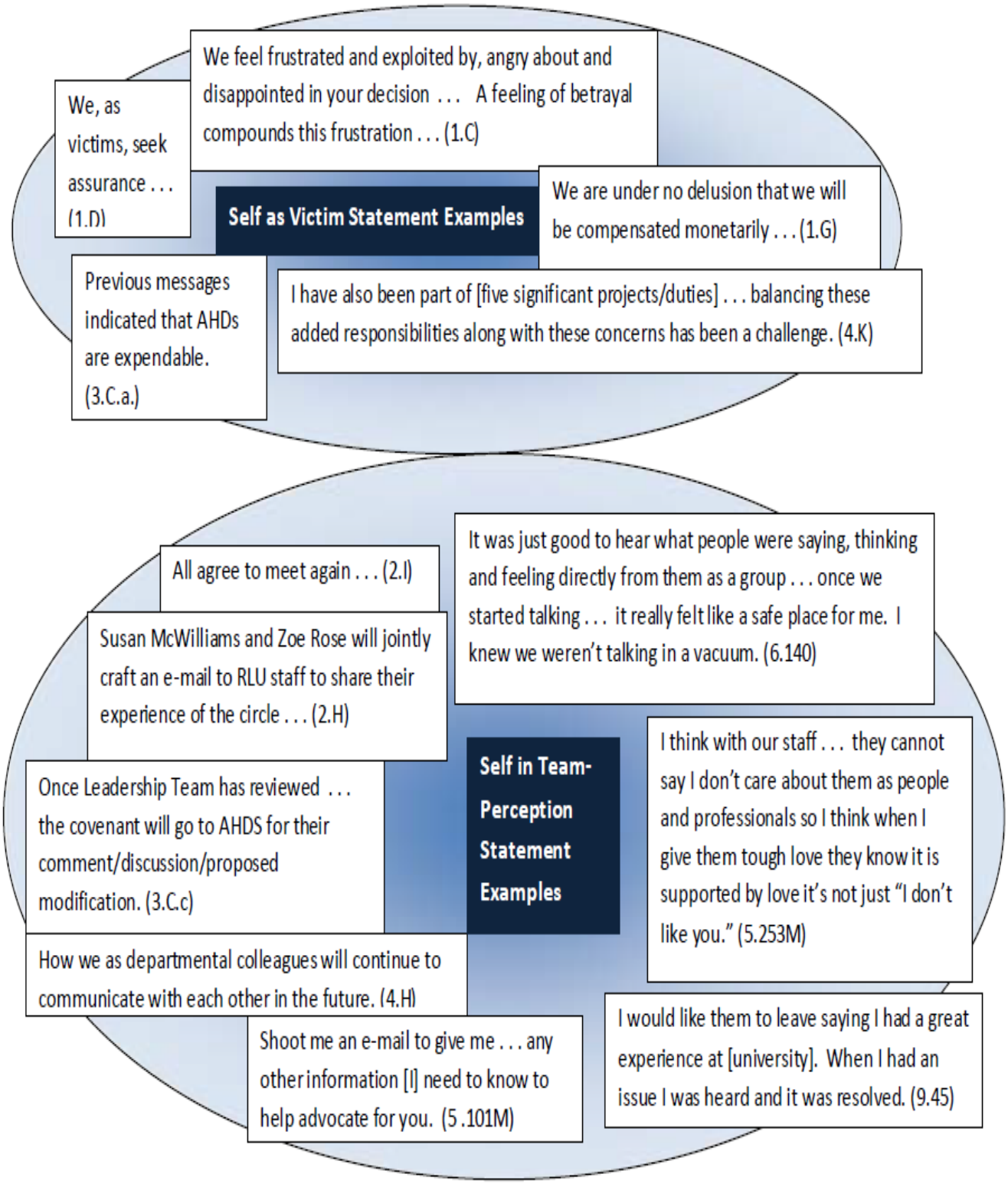
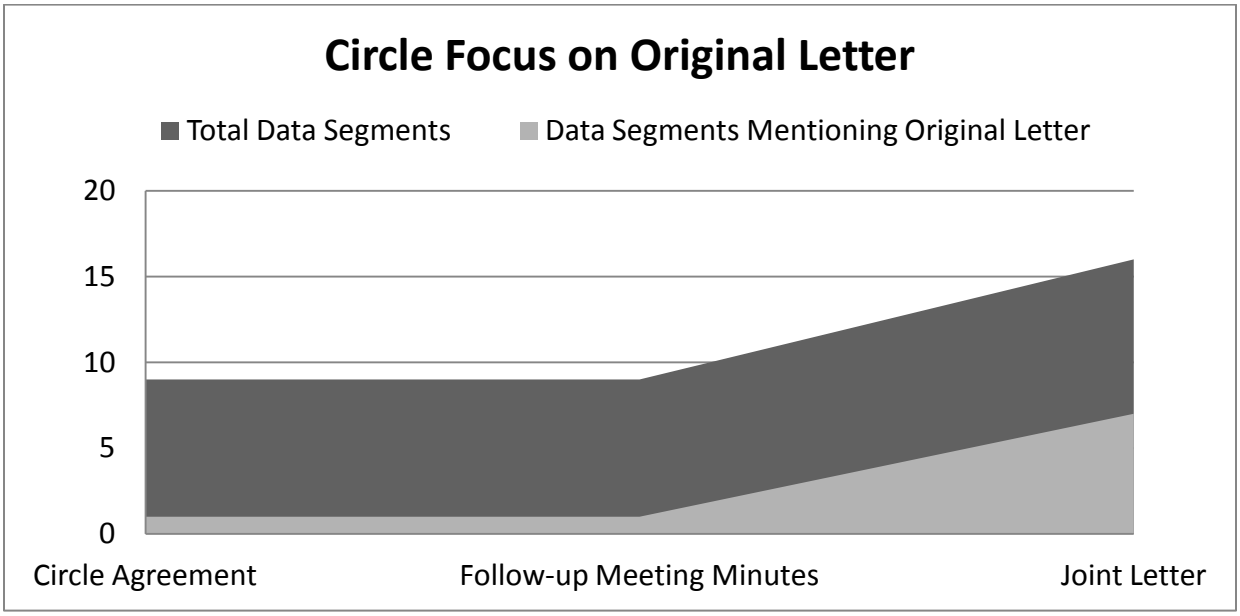
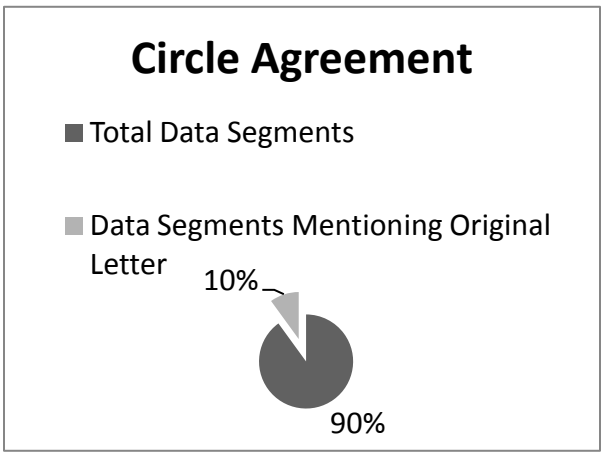
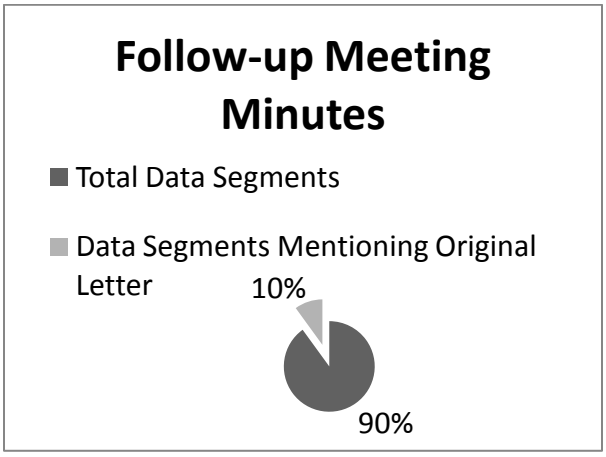


Figure 17: Power Dynamics in Circle (Focus on Original Letter)



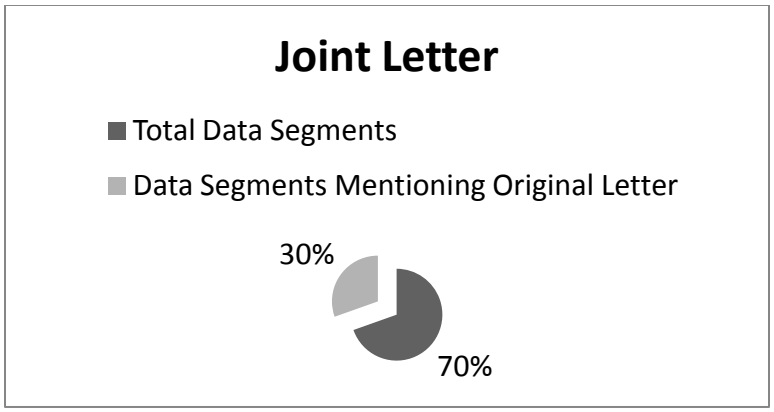



Figure 18: Evolution of Language from Disrespectful to Respectful

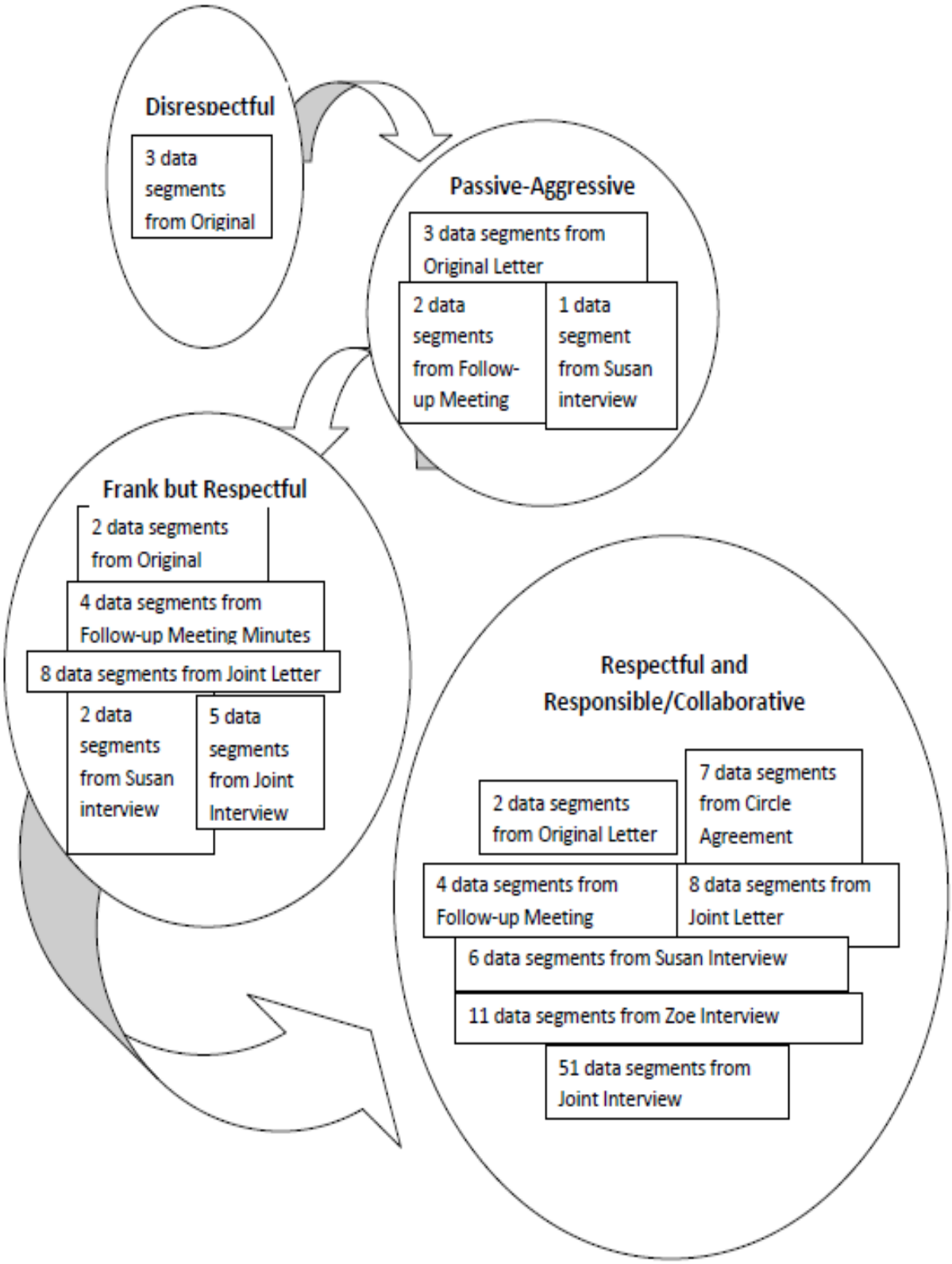


Figure 19: Progression of Subjects' Language and Interaction

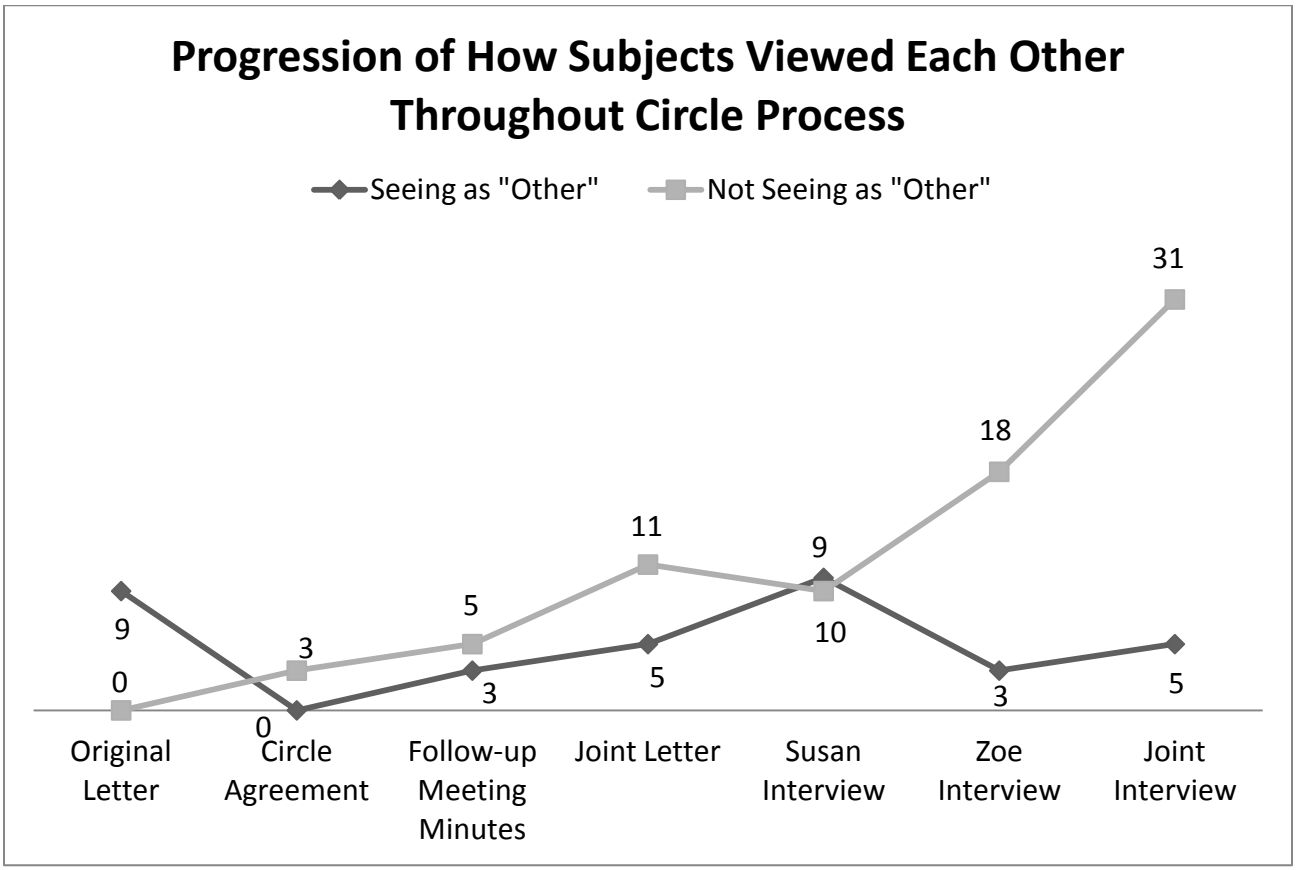
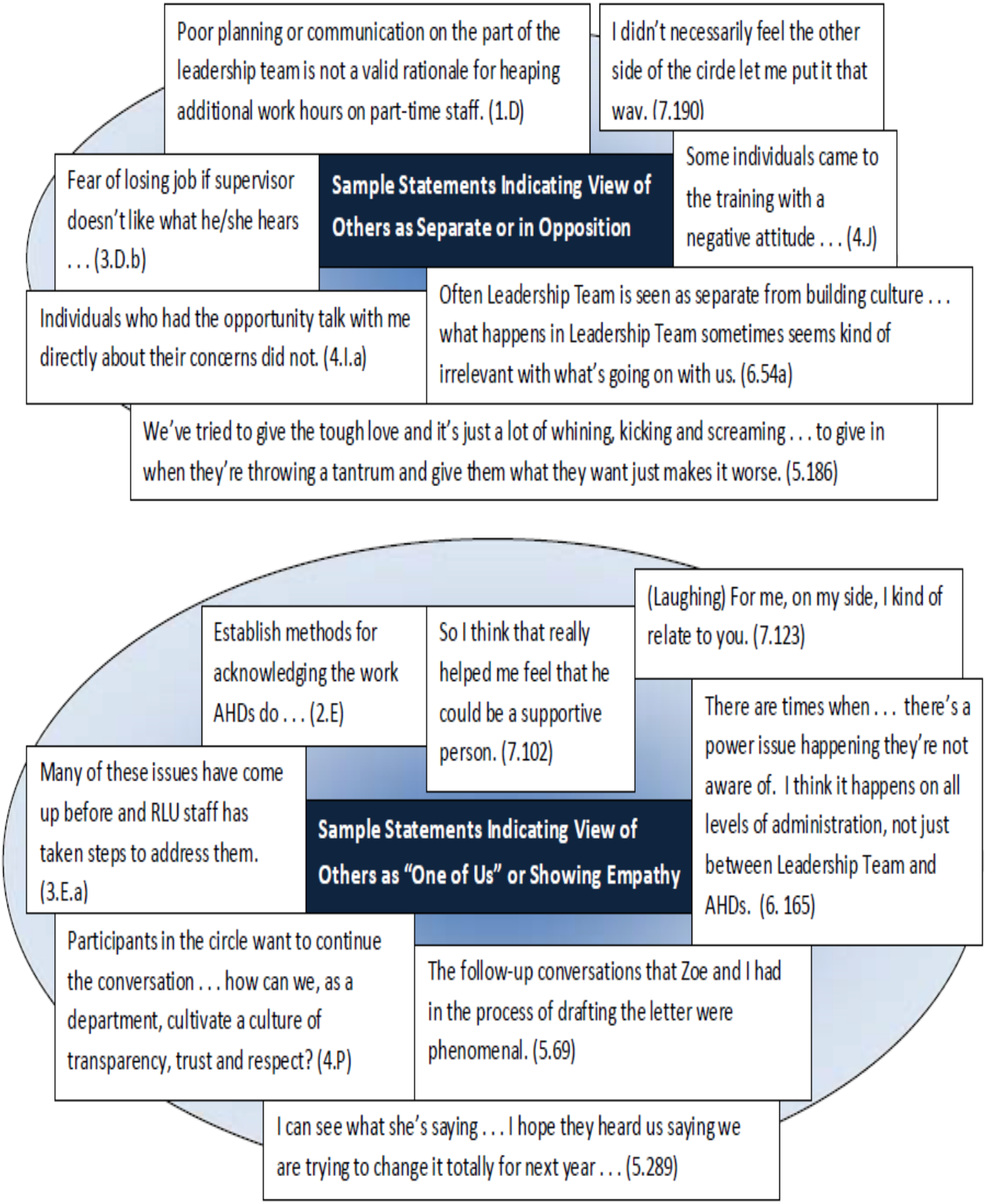


Figure 20: Map of Sample of Comments Cited in Figure 19



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Katy Hunsche of IRB staff provided this link in response to questions of whether I can have my sister transcribe interviews. She said that, according to Section B of the guidelines, I had not violated the terms laid out in the consent form. Katy e-mailed me the link and I printed it and am keeping it with my other IRB documents. She did suggest that I include language in the revised consent form making clear that I will be using a professional transcriber for phase two of this case study.

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