Chapter 29

Building a Culture of Restorative Practice and Restorative Responses to Academic Misconduct

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Abstract The *Universal Declaration of Human Rights*' Article 26 on education and more recently UNESCO's "World Declaration on Higher Education for the Twenty-First Century: Mission and Action" have called for civic and ethical education alongside academic education in postsecondary settings. Many post-secondary institutions have made fostering civic responsibility, engaged citizenship, and ethical decision making in students a strategic priority. What often remains ambiguous is how these priorities translate into action. A growing body of scholarly literature and research establishes the role Restorative Practice (RP) can play in pursuing these strategic priorities surrounding moral development, emotional intelligence, and engaged citizenship. Specifically, RP has been shown to prevent conflict and misconduct, while empowering marginalized individuals. Restorative practices demonstrate fairness; and foster empathy, compassion and accountability; through experiential learning opportunities. In light of these developments, MacEwan University, in Alberta, Canada, has been actively building a restorative culture. One aspect of this endeavour was the revision of its Academic Integrity Policy and Academic Misconduct Procedures to include the possibility of alternative resolutions to academic misconduct, based on restorative practices and principles. In our chapter, we will (a) provide a brief introduction to restorative practices that makes explicit its connection to universities' civic education mandate, integrity, and specifically, academic integrity; (b) describe the restorative practices model that is being established at MacEwan University; (c) discuss in detail the application of restorative practices to academic misconduct cases, including training of facilitators, as well as successes and challenges experienced in the first year since it became available; and, finally, (d) share feedback

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regarding its effectiveness received from students, staff, and faculty who participated in restorative resolutions.

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Academic Integrity and Post-Secondary's Civic Education Mandate

Although there will be some variation, when asked what the purpose and objectives of their work are, those with a formalized role related to promoting academic integrity in a post-secondary setting will mention the obvious, minimizing academic misconduct and ensuring the integrity and value of the degrees their institution grants. Perhaps after a pause, they might also mention those objectives that seem more lofty and are more closely related to the moral and civic education of students, such as promoting the values associated with academic integrity (Christensen Hughes & McCabe, 2006, p. 51). And indeed, post-secondary institutions have increasingly made fostering civic responsibility, engaged citizenship, and ethical decision making in students a priority in institutional strategic planning (Boyte, 2015; Jorgenson & Shultz, 2012; Stephens et al., 2000). This development is reflected in most institutions' mission and vision statements. Besides a long tradition of humanistic pedagogy, this priority finds support in the Universal Declaration of Human Rights, Article 26, as well as UNESCO's (1998) "World Declaration on Higher Education for the Twenty-First Century: Vision and Action." How this citizenship education is carried out varies, but integrity education—and ethical decision-making as part of it—is a key factor.

Imagine further that this same academic professional is asked what strategies they use to pursue those goals. In all likelihood, they will with some satisfaction state that traditional approaches to academic integrity that focused on rule compliance, deterrence and punishment, have been shown to be rather ineffective and that their institution has consequently adopted the strategy proposed by Tricia Bertram Gallant (2008) to treat academic integrity as a teaching and learning issue, emphasizing prevention and education over policing and punishment.

However, there seems to be an irreconcilable rift between prevention and education strategies and those governing *responses* to academic misconduct. It is as if there existed a divide and that the values and principles that guide our strategies in preventing misconduct no longer apply once a student crosses over to the dark side of misconduct, for the vast majority of university and college codes, policies, and procedures determining *responses* to academic and non-academic misconduct are quasi-judicial in nature. As such, they are structurally adversarial, with a focus on deterrence effects through engagement in an intimidating, formal and oppositional procedure resulting in punitive sanctions. Academic misconduct is treated first and foremost as a lack and violation of compliance with institutional codes and/or policies. Focusing on deterrence and punitive discipline, the response to academic

misconduct follows a logic of escalating severity of punitive measures, which logically culminates in temporary or permanent exclusion from the university or college community (Bretag & Mahmud, 2016; Bretag et al., 2011a, b; Clark et al., 2012; Stoesz et al., 2019). This is not to say that educational/pedagogical outcomes are necessarily absent from this conventional approach; rather, the quasi-judicial, adversarial, framing of the codes, policies, and procedures is what determines the ground tenor and emphasis (Kara & MacAlister, 2010).

Support for this claim is available in an Australian study by Pitt et al. (2020), which found that students perceived their university's processes for dealing with academic misconduct (specifically contract cheating in this study) as a legal process (p. 9) and being involved in it as "the hardest, most challenging or worst experience of their lives" (p. 5). This perception was shared by students who were ultimately found to have been in violation of the policy and those whose cases were dismissed. Participants in the study further reported the negative impact their involvement in the university procedure had on relationships with family members, peers, and academics (Pitt et al., 2020, pp. 6–9). Faculty members are, of course, not blind to these effects of a quasi-legal approach to academic misconduct, which contributes to the widespread unwillingness to report academic misconduct according to institutional policy and procedure that research has found (e.g., Eaton et al., 2020).

Given this negative perception and impact, the standard, quasi-legal, adversarial process, emphasizing deterrence and punishment, must surely support the goals and objectives identified earlier then. Wachtel (2016), following Braithwaite (1989), argues that the opposite is true. He writes, "...reliance on punishment as a social regulator is problematic because it shames and stigmatizes wrongdoers, pushes them into a negative societal subculture and fails to change their behavior" (Wachtel, 2016, p. 3). James Lang (2013) provides historical and cites experimental evidence pertaining to (academic) misconduct which supports this view and shows that rule compliance models do a fair job, at best, at minimizing misconduct and consequently at protecting the integrity and value of university degrees (see also Bertram Gallant, 2008; and Clark, 2014). It is not surprising, then, that the ubiquity of academic misconduct remains a serious problem for post-secondary institutions (for an overview of the research, see Eaton et al., 2020).

Moreover, since these more pragmatic objectives are directly influenced by the loftier goals, such as promoting the fundamental values of academic integrity (ICAI, 2021), as well as the moral and civic education of our students, it is clear that the punitive, deterrence model also fails when it comes to these higher order, moral objectives. But why is that? Reflecting on the effectiveness of deterrence models in the criminal justice system, David A. Dana (2001) writes:

...deterrence models of human decision-making do not fully describe how most people think in most contexts. People sometimes do not obey the law because their calculations indicate that expected penalties exceed expected gain... Instead, to a significant extent, people obey the law because they have internalized the belief that obeying the law is the right thing to do... And they respect the law because they perceive the law as embodying, as being in tune with, their own conception of what is just and unjust, right and wrong. (p. 777)

Clearly then, one of the reasons for their relative ineffectiveness is that compliance models primarily promote and reward rule following, not the moral reflection that is necessary to internalize the values underlying these rules. While rule-following may be a desirable outcome in regard to the two more pragmatic goals of academic integrity professionals, it is insufficient when it comes to the goal of moral and civic education, and at effecting the cultural shift necessary to address academic misconduct at its roots.

How, then, can this disconnect between academic integrity *prevention* work focused on values-based education, on the one hand, and procedures for *responding* to academic misconduct that are grounded in punitive, fear-based, rule-compliance, on the other, be rectified? Recently, Bertram Gallant (2017) revised her 2008 “teaching and learning approach” to academic integrity, which was entirely focused on *prevention*, by adding a strategy targeting the *response* to misconduct, namely, “leveraging the cheating moment as a teachable moment” (p. 88). Specifically, Bertram Gallant (2017) proposes the wider adoption of her institution’s approach to require students who have engaged in academic misconduct to complete academic integrity seminars or courses focused on “activities and assessments that guide them through the experiential learning cycle to reach the learning objectives of developing ethical decision making skills, enhancing meta-cognition, and increasing student understanding of academic and professional integrity standards” (p. 92).

We wholeheartedly agree with Bertram Gallant on the value of such seminars and courses and thereby the extension of pedagogical goals and values to the *response* mechanisms. In fact, recent literature provides preliminary empirical support for their effectiveness (Stoesz & Los, 2019). However, what this approach does not address is the inconsistency in the value structure and guiding principles between prevention efforts on the one hand and response practices on the other, if these seminars are assigned as an “educational component” of an otherwise punitive, quasi-legal, and adversarial process. Unfortunately, in our experience, that is precisely how mandatory academic integrity seminars and tutorials are currently being assigned.

In what follows, we will first briefly define Restorative Practices (RP) and how they relate to Restorative Justice (RJ); we then present a restorative resolution process based on the principles of RP, followed by insights gained from its implementation at our home institution, MacEwan University in Canada; finally, we argue that having an RP approach as the default response to academic misconduct and the currently standard, quasi-legal, punitive approach as a secondary procedure to fall back on when conditions for the former are not met, ensures the *integrity* of an institutional strategy to academic integrity. It ensures that prevention and response remain firmly grounded in the goals, values, and principles pertaining not only to universities’ pedagogical missions, but also those related to civic and moral education, as well as community building.

Brief Introduction to Restorative Practices

Definitions of restorative practices (RP) and restorative justice (RJ) vary, as well as descriptions of how one relates to the other. We adopt the International Institute for Restorative Practices and its founder Ted Wachtel's (2016) approach in considering RJ as a sub-category of RP, that is, as the application of restorative practices in matters pertaining specifically to criminal justice. This is helpful, since it highlights commonalities across disciplines in areas of research and practice that employ the same fundamental principles of RP, such as education, social work, etc. It also aligns with the preventative application of restorative principles to build community and social capital under the larger RP umbrella. Thus, since RJ is seen as one form of RP, the references to, and claims about, RJ presented in this chapter are considered to be representative of RP, in general.

So, what is distinctive about RP and RJ and how do its processes differ from other approaches to address wrongdoing, conflict, and harm? The following is a simple description by one of the most prominent RJ figures, Howard Zehr: "Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible" (Zehr, 2003, p. 40).

Tellingly, Zehr begins his influential *The Little Book of Restorative Justice* with a list of what RJ is *not*. It is telling because it is an indicator of the influence and persistence of some of the myths and misconceptions regarding RJ. We will merely provide a list of the points Zehr makes and send the reader to his short book for elaboration. First, *RJ "is not primarily about forgiveness or reconciliation"* (Zehr, 2003, p. 6). Although these might be byproducts of RJ/RP, they are not a primary goal or objective. Contrary to common belief, RJ/RP focuses first on the needs of the community and the harmed parties and then on those of the responsible party (for various reasons, including the separation from criminal justice proceedings, we will avoid the terms "victim" and "offender," and will instead refer to "harmed" and "responsible parties" throughout the chapter).

Second, *RJ is different from mediation*. Whereas in mediation the goal is to establish a mutually acceptable compromise between conflicting interests that are seen "on a level moral playing field, often with responsibilities shared on all sides" (Zehr, 2003, p. 7), in RJ at least one party must accept responsibility for the harm(s) they caused, if a case is to move forward to a facilitated encounter ("RJ/RP conference").

Third, *reducing recidivism is not a primary goal of RJ*. Although reduced recidivism has been documented in a number of projects and studies (e.g., Rodriguez, 2007), Zehr (2003) stresses that it is "an expected byproduct, but restorative justice is done first of all because it is the right thing to do: victims' needs *should* be addressed, offenders *should* be encouraged to take responsibility, those affected by an offense *should* be involved in the process, regardless of whether offenders 'get it' and reduce their offending" (p. 8).

Fourth, *RJ "is not a particular program or blueprint"* (Zehr, 2003, p. 8). Rather, it is a set of foundational principles that should be applied to institutions and situations

in a way that is sensitive to particular contexts and needs. Fifth, although RJ may be applied to minor offenses, it “*is not primarily intended for minor offenses or first-time offenders*” (Zehr, 2003, p. 8). It is a widespread, seemingly intuitive, response to consider RJ/RP appropriate only to address these less severe cases. However, experience has shown that the processes work particularly well when there is a lot at stake for affected parties and they are invested.

Sixth, RJ “is not a new or North American development” (Zehr, 2003, p. 9). Zehr clarifies that despite the fact that RJ’s current expression was first developed in the Mennonite community, many of the principles and practices have a long tradition and remain at play in Indigenous communities around the world. For an insightful analysis of some of the differences between Indigenous law and RJ in a Canadian context, and to assist in a differentiated discussion of the charge of appropriation, see Chartrand and Horn (2018).

Seventh, RJ “is neither a panacea nor necessarily a replacement for the legal system” (Zehr, 2003, p. 10). For reasons that will be addressed in a later section on the conditions for a RP/RJ process, to protect harmed parties, and to safeguard basic human rights, a functioning legal system is key, even if RP/RJ processes were to become the primary and default approaches to address harm. This also applies to the context of academic integrity, where the presence of RP options/processes does not render the quasi-legal, adversarial processes obsolete.

A further misconception we wish to address here is that RP/RJ is “soft on crime” and lets offenders off easy. In our experience this misconception is so persistent and widely accepted that it presents a serious obstacle to the implementation of RP/RJ processes. Exploring the harms one is responsible for and then meeting the obligations to repair them through active accountability is far more difficult than passively accepting a punitive sanction. Also, RJ/RP outcomes do not categorically preclude punitive measures.

Now that some of the common myths and misconceptions have been addressed, a look at some of the core principles of RJ/RP is in order. Although accounts vary, the most influential figures of RJ/RP agree on at least four underlying principles, namely “inclusive decision making,” “active accountability,” “repairing harm,” and “rebuilding trust” (Karp, 2019, p. 9; see also Karp & Sacks, 2014). Rather than attempt to paraphrase Karp, we will reproduce his precise definition of RJ here in its entirety:

Restorative Justice is a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, reduction of social inequality, and reintegration of people who have been marginalized and outcast. RJ embraces community empowerment and participation, multipartial facilitation, active accountability, and social support. A central practice of restorative justice is a collaborative decision-making process that includes harmed parties, offenders, and others who are seeking to hold offenders accountable by having them: Accept and acknowledge responsibility for their offenses; to the best of their ability, repair the harm they caused to harmed parties and the community; and work to rebuild trust by showing understanding of the harm, addressing personal issues, and building positive social connections. (Karp, 2019, p. 4)

These practices, applied not only in response to misconduct, but also as a proactive community building tool, have been shown to be an effective way of addressing bullying (Acosta et al., 2019), preventing conflict and misconduct by fostering a sense of trust and community, empowering marginalized individuals and communities (Ahlin et al., 2017; Cassel, 2014; Gal, 2016), pursuing and demonstrating fairness, as well as fostering empathy, compassion, and accountability (Kehoe et al., 2018; Winslade, 2018). Needless to say, these are all important aspects of civic and moral education, and minimize academic misconduct.

Restorative Resolutions of Academic Misconduct—MacEwan University’s Model

In light of these insights and the rift we have observed between the desired outcomes regarding the culture of Academic Misconduct at our institution and the seeming ineffectiveness of a quasi-judicial procedure as the sole and/or default response to misconduct, paired with our institution’s commitment to prioritizing prevention and education over policing and punishing, we have introduced a restorative resolution option based on the above RP principles into our procedures for dealing with academic misconduct. Our institution’s Student Academic Misconduct Procedure defines Restorative Resolution as: “Any of a number of restorative processes involving the harmed parties, including representatives of the community, in reaching a resolution that repairs harms caused and rebuilds trust between the responsible party, the harmed parties, and the community” (MacEwan University, 2018, p. 1). Currently, roughly 25% of cases that require a formal hearing (severe and repeat misconduct) are resolved restoratively at MacEwan University, with a strong upward trend.

Context

At MacEwan University, instructing faculty members are the decision makers for suspected incidents of academic misconduct that occur in their courses. Based on policy and procedures that are grounded in procedural fairness (right to be heard, right to fair and impartial decision-making, etc.; Stoesz et al., 2019), faculty members decide on a balance of probabilities whether a given incident is academic misconduct or not and what the appropriate consequence should be. They have a list of consequences to choose from, including educational options. The maximum penalty an instructing faculty member can apply is a mark of zero on the assignment in question. Decisions related to cases of severe academic misconduct (e.g., contract cheating, impersonation, falsification) are made by trained faculty adjudicators after a formal hearing. MacEwan University has a centralized repository of reported incidents, and cases of repeat academic misconduct trigger a formal hearing presided

over by faculty members who take on a role of adjudicator for 2–6 years, as part of their service load.

In the formalized sequence of steps listed in the Student Academic Misconduct Procedure document, as well as within resources available on MacEwan University's academic integrity website, faculty members are asked to consider the viability and appropriateness of a restorative resolution attempt prior to proceeding with a standard, quasi-judicial process. The severity of any given incident of academic misconduct, including whether it is a case of repeat misconduct, does not determine whether a restorative resolution attempt is an option. Rather, the following conditions must be met for an academic misconduct case to be considered for a restorative resolution:

1. There is no risk that the restorative resolution process could lead to additional harm.
2. The student must take full responsibility for their actions and show a willingness to reflect on the harms their action has caused, as well as on how that harm might be repaired. Any deflecting or minimizing of responsibility will normally make the case unsuitable for a restorative resolution attempt.
3. The affected parties voluntarily consent to participating in a restorative conference/resolution attempt.
4. The affected parties need to show a genuine interest in repairing harm and the situation. This includes the harmed parties' willingness to restrain retributive or vindictive urges.

If these conditions are not met or the restorative resolution attempt (restorative conference) is unsuccessful (e.g., the responsible party shifts blame or the affected/present parties cannot come to an agreement regarding the appropriate outcome), then the case goes back into the formal, quasi-judicial procedure stream.

Participants

The student who has engaged in academic misconduct is the responsible party and will be present during the restorative conference. For a first offense, a case will go to a restorative conference only if the faculty member in whose class the incident occurred is willing to participate. Since severe and repeat academic misconduct arguably have a greater impact on the wider university community, restorative conferences that respond to these involve further members as harmed parties. As such, a member of the Student Association of MacEwan University (SAMU) represents the student body as one of the harmed parties/communities, and a trained faculty adjudicator takes part to represent the University's body of faculty members. Although not present in their role as adjudicator, these faculty members have the necessary experience and training in matters pertaining to academic integrity and responses to academic misconduct that will ensure a fair outcome and that standards of academic integrity are maintained.

Pre-conference Meetings

One of the key elements in any RP response are the individual pre-conference meetings with the harmed and responsible parties. During these meetings, the facilitator assesses to what extent the conditions above are met, explains the procedure in detail, queries whether anyone else should be invited to attend the restorative conference, and can begin anticipating challenges that might occur.

Facilitators

At MacEwan University, we have adopted the facilitation model developed by the International Institute for Restorative Practices (IIRP) and have obtained training and license to, in turn, train and certify restorative conference facilitators. This has allowed us to build a pool of over 50 restorative conference facilitators and has supported consistency and quality facilitation. Faculty members who have completed the training facilitate restorative conferences in partial fulfilment of their service requirements. It is important to note that a facilitator's role in this context is different from that of a mediator or adjudicator. The facilitator guides the parties who have been affected by the incident(s) brought forward through a structured conversation. They ensure that it remains respectful and safe, and that it moves towards a tangible outcome.

Restorative Conferences

The conferences are highly structured, non-adversarial meetings. They are normally held in a circle formation with a carefully considered seating order, although we managed to successfully shift them to a video-conferencing format in 2020 to meet the COVID-19 public health requirements. All participants sign confidentiality forms prior to the conference and are reminded that no record will be kept of any information shared during the conference, except that which is included in the outcome agreement. A series of questions (Wachtel, 2016, p. 7), which all participants were made aware of prior to the conference, provides the structure. As these questions move the conversation from a focus on the past to one on the present and then the future, they explore the harms caused by the academic misconduct (emotional, material, to the community) and how those harms might be repaired through concrete actions (active accountability) on the part of the responsible party:

Restorative Conference Questions

(Questions marked with an asterisk* have been added to or slightly modified from Wachtel's (2016, p. 7)).

To responsible parties:

- What happened?
- What were you thinking of at the time?
- What have you thought about since?
- Who has been affected by what you have done?
- In what way have they been affected?*
- What do you think are the obligations resulting from your action?* What are appropriate consequences?* What do you think could be put in place to ensure it doesn't happen again?*

To harmed parties:

- What did you think when you realized what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right? What are appropriate consequences?* What do you think could be put in place to ensure it doesn't happen again?*

(Wachtel, 2016, p. 7).

Through the structure these questions provide, the restorative conference focuses on the harms resulting from academic misconduct in a collaborative process that holds students accountable and collaboratively explores how harms can be repaired, as well as what needs to be put in place to avoid future misconduct by the student. It provides an opportunity for students who engaged in academic misconduct to listen to the impact of their actions (material, emotional, on the community) in a non-adversarial environment and supports them in taking responsibility for their actions, as well as the resulting obligations.

Outcomes

After an exploration of the impact a given incident of academic misconduct has had in terms of emotional and material harm, as well as harm to the community, the conversation turns to what an appropriate outcome of the restorative conference might be. Specifically, the parties present discuss what actions the student might take to repair each of the harms caused, what appropriate sanctions might look like, and what might be put in place to ensure it doesn't happen again. This part of the restorative conference is an opportunity not only for the student who engaged in academic misconduct to reflect on their obligations and how to avoid future misconduct, but also

for the student body representative and the faculty member(s) to consider whether in the concrete case before them any altered teaching strategies, additional institutional resources, or different forms of peer support might have supported the student in question more fully and minimized the incentive to engage in misconduct. If any of these latter considerations are verbalized, it is done without minimizing or shifting responsibility.

Although these outcomes need not be *identical* to outcomes of adversarial, “model code,” disciplinary hearings, they must be *equitable* and *fair*. To protect fairness, as well as the reputation and integrity of the restorative resolution procedure, it must not be (nor run the danger of being perceived as) an “easy way out.” Choosing appropriate harmed party representatives of the student and faculty bodies, respectively, and the university community, in general, is critical in this regard. In our experience, the presence of a students’ union member with knowledge and experience related to appropriate outcomes, whether through student advocacy activities or prior participation in restorative conferences, as well as a trained faculty adjudicator as representative of the faculty body has proved effective.

In order to set the stage for a fair and equitable outcome, the harmed parties are asked what in their experience the outcome of a “model code” hearing for a comparable case would be. This then forms the point of comparison during the collaborative discussion of an appropriate outcomes. These outcomes often include some punitive measures but mostly focus on constructive actions students take to repair the harm they caused, and if appropriate to the situation, students are also asked to reflect on what they might do to help their peers avoid engaging in academic misconduct.

The facilitator does not provide suggestions regarding the substance of the outcome but does assist in clarifying questions of fact and ensuring that the tasks agreed upon are captured in sufficient detail, including deadlines, as well as consequences should the agreement be breached. Since signing of the outcome agreement is voluntary, it cannot be appealed.

To provide some concrete examples, the outcomes of restorative resolutions of academic misconduct at MacEwan University have included grade reductions with and without transcript notations, in addition to the requirement to successfully complete an online academic integrity tutorial and write a reflective paper. These papers have targeted students’ experiences related to engaging in academic misconduct, including the restorative conference; their reflection on the harms of their actions and academic misconduct, in general, as well as on what could have been done differently; and the development of a strategy to avoid misconduct should the student find themselves in a similar situation in the future that includes a list of available supports and resources. Despite the fact that these are common elements of outcome agreements, each will address the specific needs and obligations of the particular case and context.

Responses to Restorative Resolutions of Academic Misconduct at MacEwan University

The following “testimonials” capture how the RP procedure described above is perceived by MacEwan students and faculty members who have participated in restorative resolutions of academic misconduct.

Student’s Comments on Experience of Participating in a Restorative Resolution of their Academic Misconduct (Anonymized):

For starters the restorative resolution was a relief for me because I wanted to right the wrong that I had done not only to [professor] but to myself and the greater school community. The restorative resolution was a great choice for me because I was so stressed at the time to be persecuted and ridiculed for my mistake, instead in the restorative resolution meeting I was given a chance to state my point clearly without blame and to just talk about mistakes and how to go forward with the resolution. I was glad that I could come clean and work towards a solution that would be a positive to everyone involved. A learning to take away is that I will use the checklist that was made by me (...) to reinforce the research that I have done on the topic of academic integrity.

One thing that stands out for you when you reflect on your experiences of participating in restorative conferences?

Sean Waddingham, President, Students’ Association of MacEwan University.

So, one I guess trend that I saw that stood out for me when we worked with students in these restorative resolution conferences was that they learn from their mistakes, that they’re remorseful and that students that really take this in, take it seriously, and have a bit of a progression from the time when we first meet with them to the end of the process ... There’s a lot to be said for how much they start to take responsibility for the mistakes they’ve made, how much they learn along the way. I noticed they often go from a place of being kind of fearful, trying to figure out what happens next (what do I do about this?), to a place of understanding, where they think okay now I’m equipped with the information on what it means to commit academic misconduct and how I can avoid it, and most importantly why that matters. So, they end up understanding why it’s critical to the university that they conduct themselves well in academic matters in the future, and students take that seriously, and I was very happy to see that and have any skepticism remedied by that.

Joanne Loh, Faculty Member (Assistant Professor), Department of Accounting and Finance, MacEwan University.

One really interesting thing that stands out for me is that, I know that the students know that cheating or misconduct is wrong, but a lot of times they do not really know until we go through the process, when we explain the harm that is done, you know, to whether it’s the faculty, the university or students as a whole or even to themselves, that they truly understand the harm that has been done. I think people know it’s wrong to cheat, but they may not know the extent of how that will impact and with the restorative process, you know, the process itself incorporates that as part of the resolution.

Michelle B., Sessional Instructor, Department of Communication, MacEwan University.

I still reflect back and think that we accomplished something more than we would have if we had just doled out a punishment or a change of grade and not addressed anything.

When I look back, I think it was worth it, that maybe I changed, or together we changed the trajectory of what was into something more positive, something my student will remember and reflect back on. I think this process changed her sentiment about her own behaviour, but also about the academic setting, and about why these values are important. There was a lot of reflection on her part that probably wouldn't have happened otherwise, or maybe would have happened, but wouldn't have been reconciled into something that moved us forward.

How do Restorative Resolutions align with your personal or professional values?

Michelle R. Andrews, Associate Professor, Department of Public Safety & Justice Studies, MacEwan University.

I make mistakes all the time. I live in a position of privilege where I get to fix it most of the time. I think so often with students, they don't have that opportunity. Sometimes it because they don't know how, sometimes it's because we don't give them that opportunity, but restorative practices which are rooted in that notion of relationship give the opportunity for the person who made the mistake, in this case a student and the person who experienced that mistake, in this case me as a faculty member to come together and talk that through and sort it, sort it out. I also know that that takes time, and restorative practices provide a process to work it through in a way that's unhurried and unforced. I think that's important too. In criminal justice so often, well we call assembly line justice right, we move people through the system, but restorative processes give that space, gives that time to listen, to carefully, carefully listen...to the story, to the narrative...how did we get here? And just as importantly, what are we going to do about it? Where are we going to go from that? In this case, the student was given the opportunity to explain how we got to this place. I think it surprised her. It surprised me as well. But, what I do know as a person, as a professional, as an academic, is that the restorative process that I was involved in was so authentic, was so genuine...almost revolutionary in ways, for both the student and for myself, that it re-affirmed that which I know to be true about restorative processes...is that they can make things right. I was there. I saw it.

Michelle B., Sessional Instructor, Department of Communication, MacEwan University.

For me, this entire process can be summed up in one word or sentiment, which is authenticity. And that is one of my highest values, this pursuit of truth, of what actually is or what actually happened, and being honest about that. Authenticity and honesty and truth were all enabled by this process. Instead of just covering up what happened, or addressing it with a punishment, we were actually able to address the situation. To find out what really happened. To talk through why it happened. To look beyond what had actually happened in the classroom to other factors that were driving those behaviours. To honestly work through that. And then we were able to move forward, with this authenticity in how we actually felt about what had happened and what we could actually do to address it.

How do Restorative Resolutions align with MacEwan's Mission and Vision?

Sean Waddingham, President, Students' Association of MacEwan University.

[Faculty members] are willing to take the time and sit down with students and work out what may have caused the students' lapse of judgement when it came to academic conduct, or the ways in which they might mitigate this in the future, and really helping them understand what impact is had when misconduct is committed. So, for a university that cares about students and always talks about students first, I think it fits into MacEwan's strategic planning, MacEwan's culture and everything quite nicely.

What differences between a restorative process and a disciplinary process did you perceive?

Tom van Seters, Associate Professor, Department of Music, MacEwan University.

I thought it was great that there was a procedure in place in which both parties are asked a series of questions that prompts them to verbalize the nuances of their experiences, and I think this led to deeper reflections on their respective experiences. I guess another thing that was different was that there was an opportunity to discuss what actions could be taken to repair any harm that was done ... There was a more complete sense of resolution, when compared with the more traditional disciplinary process.

What made you want to engage in RP?

Michelle R. Andrews, Associate Professor, Department of Public Safety & Justice Studies, MacEwan University.

I was reluctant, and I'll tell you why. It was a timing issue more than anything else. It was the end of term. I was very tired. I was annoyed, as well, because it was not the first time that this had happened with this student, not in a course that I taught, but I coordinate a program and so I am sometimes aware of other issues that students have, and I just wanted it to be over and done with and make the decision, pass it over to the Office of Academic Integrity and be done with it. And then it was one of those moments where you go...ohh, so this is what hypocrisy looks like, and so what I decided was, it's time for you to step up Michelle and to...I actually reframed it is what I did, and so instead of thinking of it as an obligation, I saw it as an opportunity and again, to be fully participatory in a process that I supported, from an intellectual level, and now in a very personal level, that's what got me to that point.

Additional Comments:

Sean Waddingham, President, Students' Association of MacEwan University.

I am really impressed by MacEwan's faculty buy-in. There was great reception at the annual adjudicator meeting for academic misconduct adjudication around this kind of idea, and the support from faculty is critical because it's a volunteer-only kind of program, so everyone engaging in a restorative practice has to do so willingly...that includes the student, and includes the faculty as well. So, these faculty members – and in some cases...these incidences of academic misconduct are happening in their own classrooms... – they're willing to come to the restorative conferences and let the student know what impact that has, and that's critical. My experience at MacEwan has made me realize that our professors are available and are willing to talk to students and this is a further example of that. This really stood out to me at one of the sessions I participated in where quite a few professors were affected and nearly all of them came. I think we had six or seven faculty volunteering to be in that room at one time and it's really uplifting and hopeful to see the faculty buy-in because, with a process like this, where students are showing up and faculty are showing up, it's a more long term solution to academic misconduct. It's a real cultural shift, rather than you know, simple punishments on a sporadic basis, so that was great to see...faculty really buy in and care about the process.

Discussion and Conclusion

The responses from both responsible and harmed parties above are representative of the overwhelmingly positive reception of restorative resolutions of academic misconduct, and they aptly demonstrate the effectiveness of restorative practices to provide

a *response* to academic misconduct that is consistent and coherent with a *prevention* approach focusing on teaching and learning as well as ethical decision making skills and meta-cognition (Bertram Gallant, 2008, 2017). What is more, it provides an experiential learning opportunity to all involved that highlights the rootedness of ethical decision-making in relationships and community.

For instance, the contrast could hardly be starker between responses reported in Pitt et al.'s (2020) study of how students experience going through a quasi-legal, disciplinary procedure in response to contract cheating allegations and the MacEwan University student's response to participating in a restorative resolution provided above. Whereas the students in Pitt et al.'s study perceived the process as legalistic, extremely challenging, and as having a strong negative impact on their relationships with their university, professors, peers, and family members, respectively, (Pitt et al., 2020, p. 5–9), the student quoted above who participated in a restorative resolution expressed his thankfulness to having been given the opportunity to “right the wrong that [they] had done not only to [professor] but to [them]self and the greater school community” (MacEwan student, anonymous). Particularly worth noting here is the insight that in violating academic integrity they had also wronged themselves and the school *community*. For this student, the restorative resolution in effect removed the barriers to self-reflection, learning, and growth that stress and stigmatizing shame present, and allowed them to become actively accountable in addressing the harm done, as well as to participate in a future- and solution-oriented collaborative effort, in which the student felt supported by the university community.

Also, the responses of those who participated in restorative resolutions presented above demonstrate the perception that the process was governed by and in turn promoted values that, unbeknownst to them, form part of the *fundamental values of academic integrity* (ICAI, 2021). In particular, participants explicitly associated honesty (authenticity, truth) and responsibility with the process, and the values of trust, fairness, respect, and courage were implicit in many of their responses. Moreover, participants mentioned that the restorative process facilitated a deepened and “memorable” reflection on the underlying causes of the misconduct as well as the resulting harms, and, importantly, on why academic integrity matters. Worth highlighting, also, is the mention that restorative practices led to a “more complete sense of resolution” (see van Seters' comments above) and a “real cultural shift” (see Waddingham's comments above).

Integrity is sometimes described as doing the right thing when no one is looking. What this implies, of course is that true integrity requires the internalization of values and principles. The drastic surge in academic misconduct cases, particularly contract cheating cases, during the COVID-related scramble to move courses and assessments online with limited ability to invigilate has been a sobering experience in that regard. It has made abundantly clear that much work remains to be done when it comes to promoting integrity, rather than mere rule-compliance.

If only anecdotally, participants in MacEwan University's restorative resolutions support the RP research literature in their perception that the process promoted an internalization of ethical values and not only constitute a more effective tool for the moral and civic education of our students than compliance and discipline models,

but also for effecting the more general cultural shift necessary to address academic misconduct at its roots and as a community issue. They do so by “fostering remorse, not fear” (Sherman & Strang, 2007, p. 12) and by encouraging the “[k]eeping [of] promises versus following orders” (Sherman & Strang, 2007, p. 58).

The increased attention academic integrity has been receiving in Canada (Eaton, 2018) presents an opportunity to explore the implementation of restorative resolutions more broadly. For instance, due to the clear alignment with its institutional values, vision, and mission, and because of the promising early outcomes of the incorporation of a restorative resolution option for academic misconduct cases, MacEwan University has recently modified its non-academic misconduct procedure to include a restorative resolution option and is carefully considering the option of using a restorative justice approach to sexual violence on campus. Although the academic and non-academic misconduct procedures present the restorative resolution as the default approach, there remains work to be done to turn this into reality.

At the close of this chapter, a remark is in place to avoid feeding into the myth that restorative practices are “soft on crime” or wrongdoing. Some might argue that the negative experiences related to compliance and discipline-based procedures described by Pitt et al. are unfortunate, but unavoidable, consequences of students’ actions, if universities are to promote and protect academic integrity and the value of their degrees. Because it is such an important point, we reiterate it here: responses to academic misconduct based on the principles of RP do not make the conventional, quasi-legal policies and procedures obsolete. The latter will be appropriate and necessary in some cases. The question that we asked in this chapter, however, is how well these in fact a) promote and protect academic integrity; b) align with the objectives, vision, and mission of postsecondary educational institutions; and c) whether, in light of these considerations, they must necessarily be the sole or default response to academic misconduct.

What we hope to have successfully argued is that having a RP approach as the default response to academic misconduct and the currently standard, quasi-legal, punitive approach as a secondary procedure to fall back on when conditions for the former are not met, ensures the *integrity* of an institutional strategy to academic integrity. It ensures that prevention *and* response remain firmly grounded in the goals, values, and principles pertaining not only to universities’ pedagogical missions related to academics, but also those related to civic and moral education, as well as community building. Doing the right thing when no one is looking requires honesty, trust, respect, fairness, responsibility, and courage (ICAI, 2021). These values are to a large degree relational and presuppose a sense of community. Restorative Practices help make these values tangible and concrete within relationships.

Quick Tips:

- Examine and invite discussion on how well your institution’s responses to academic misconduct align with:

- the stated strategy to promote academic integrity (and the objectives related to this strategy); and
 - its strategic goals, and mission and vision, including its commitment to civic education;
- Explore the possibility of adding a restorative resolution approach to the standard, quasi-judicial procedure;
 - Attend restorative justice/restorative practices training (e.g., International Center for Restorative Practices; San Diego University's Center for Restorative Justice)
 - Collaborate with your Indigenous centres; offices of human rights, diversity and inclusion; and colleagues with expertise in RJ/RP (e.g., in correctional services, law, social work, sociology, etc.);
 - Contact the chapter authors for further information and resources.

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