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**Honors Thesis:**

**Introducing the Principles and Practice of Restorative Justice:**

**Reactions from a Generalist Audience**

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HONR-450H-01: Honors Senior Research

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## **Abstract**

Legislative activity and public opinion polling, among other indicators, suggests there is growing support for change in how our justice system functions. As the country begins to look for other tools and more knowledge of different practices, a key challenge will be bridging the gap between the public's general support for a new path moving forward and a clear picture of what that path could look like. The goal of this project was to help propel this movement toward exploring justice alternatives forward by making this knowledge accessible and persuasive. As such, this project involved the creation of a material presentation that was used to introduce the principles, practice, and potential of restorative justice, an alternative approach to addressing harm that involves the people who harm agreeing to take accountability for their behavior then offering amends to the persons who were harmed by their behavior, to a generalist audience – in this case, to an audience of first-year undergraduates. The presentation consisted of a PowerPoint Presentation, video example, and discussion aspect. To measure the effectiveness of this, pre and post tests were implemented as a quantitative measure and quotes were pulled from the discussion aspect as a qualitative measure. Findings suggest that participants saw the potential of restorative justice and began to engage with this philosophy.

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## INTRODUCTION & STATEMENT OF THE PROBLEM

The United States currently has the highest per capita prison population in the world. According to the Bureau of Justice Statistics, the US has 4.4% of the world's population yet 21.4% of the world's incarcerated population. We incarcerate 2.2 million people in our prisons and jail at a rate of 655 per 100,000 people. In comparison, the country with the second largest number of prisoners is El Salvador with a rate of 618 per 100,000 people (Statista, 2020). These numbers represent an increase of over 500% in the United States jail and prison population over just the last 40 years (Sentencing Project, 2018). In her book, *Until We Reckon* (2019), Danielle Sered talks about the financial costs that have come with these numbers: "As a nation, we spend more than \$80 billion a year on incarceration. One of the only things we spend more on than prison is war" (p. 9). One would think with how much money we spend on incarceration we would be safest country in the world. Yet there is overwhelming evidence that large-scale incarceration is not an effective means of achieving public safety (Sentencing Project, 2018). This can be seen in our recidivism numbers, as can be seen in a U.S. Sentencing Commission report on recidivism among federal prisoners that showed that nearly 64% of prisoners who had been convicted of violent offenses and about 40% of those convicted of nonviolent offenses were arrested again within eight years (2019).

So why does the United States look like this? Law and policy have had a significant impact on this exponential growth. The 1980s was the beginning of the War on Drugs, or an overall unsuccessful campaign led by the federal government to try to reduce illegal drug use, trade, and distribution in the US through harsher sentences for users and dealers. Laws such as mandatory minimums, cutbacks in parole, and much longer sentences are examples of some harsher

sentencing laws (Sentencing Project, 2018). Policy changes such as zero-tolerance policies and militarization of domestic drug law enforcement along with sentencing laws like these resulted in a drastic increase from a state and federal prison population of 294,396 in 1978 to all time high of 1,613,740 in 2009, a span of just 31 years (Sentencing Project, 2018).

While this growth has been dramatic, it has not been equally distributed across our communities. One cannot talk truthfully about mass incarceration without addressing its disproportionate racial impact. Racialized sentencing policies (e.g., harsher sentences for crack versus powder cocaine), implicit racial bias on behalf of criminal justice actors, and existing socioeconomic inequity that drives crime contribute to racial disparities at every level of the criminal justice system. Today, people of color make up 37% of the U.S. population but 67% of the prison population (Sentencing Project, 2018). Overall, Black Americans are more likely to be arrested, once arrested to be convicted, and once convicted to face stiffer sentences than White Americans (Sentencing Project, 2018). Black men are six times as likely to be incarcerated as White men and Hispanic men are more than twice as likely to be incarcerated as non-Hispanic White men (Sentencing Project, 2018). There is 1 in 18 chance for Black Women and a 1 in 45 chance for Latina Women likelihood of being imprisoned as compared to a 1 in 111 likelihood for White Woman (Sentencing Project, 2018).

After nearly 40 years of continual growth, the US prison population has stabilized and taken a slight downturn since 2008 (Sentencing Project, 2018). For more than a decade, with much debate, the political climate of criminal justice reform has been evolving toward evidence-based approaches to public safety. This can be seen in a variety of legislative, judicial, and policy changes that have successfully decreased incarceration without adverse impacts on public safety.

At a federal level the First Step Act was passed in 2018, reforming federal prisons and sentencing laws in order to reduce recidivism, decrease the federal prison population, and to maintain public safety. Sixteen states and the District of Columbia have fully legalized and decriminalized marijuana with it only being fully illegal in 6 states (Disa, 2020). These efforts have not, however, undone the damage – the numbers of people incarcerated in this country remain the highest in the world. As of 2017 there was a state and federal prison population of 1,439,808 people, which is still about 5 times more than the prison population in 1978 when the ‘tough on crime’ rhetoric started to take place (Sentencing Project, 2018).

The justice system as it currently functions does not adequately address crime in the United States (Sered, 2019). We need a justice system that responds to the many facets of crime in a manner which is flexible, equitable, and truly just. We need to shift to solutions that treat and prevent, not increase and exacerbate, the harms of crime, one that focuses on long-term public safety solutions that takes a practical approach to criminal justice reform to decrease crime, enhance public safety, and take more responsible approach to the use of our resources. Part of this picture of transformation includes the philosophical idea and practice of restorative justice. Restorative justice has a long history in multiple Indigenous cultures but has been recently been introduced to the criminal justice system in the United States (Zehr, 2015). The central focus of restorative justice is on the needs of the victim (the person(s) who was/were harmed) and the responsibilities of the offender (the person who caused the harm) for repairing the harm (Zehr, 2015). It is a set of principles and practices that contrasts with the traditional punitive approach that characterizes the United States criminal justice system which is focused more on the offender(s) ‘getting what they deserve’ than it is on the needs of the victim (Zehr, 2015). The



questions driving our punitive criminal justice system include: “What laws have been broken? Who did it? What do they deserve?” Restorative Justice practices, on the other hand, asks very different questions: “Who has been hurt? What do they need? Whose obligations and responsibilities are these? Who has a stake in this situation? What are the causes that have contributed to this?” (Zehr, 2015).

Restorative Justice is not only an alternative to the current functioning of the criminal justice system, but to our modern Western philosophical understanding of justice. Public opinion leans towards a ‘tough on crime’ approach, but that does not leave out room for new ideas about justice or mean that the narrative is unmovable towards a less punitive approach; some of this change is already happening. According to a 2016 poll by Gallup which asked “Which do you think should be the bigger priority for the U.S. criminal justice system today -- strengthening law and order through more police and greater enforcement of the laws or reducing bias against minorities in the criminal justice system by reforming court and police practices?”, 49% of a random sample of 1,017 American adults favored the strengthening of law and order as a priority for the criminal justice system versus 43% who favored reducing bias against minorities. Despite the apparent problems with and ineffectiveness of the ‘tough on crime’ legislative approach, it is still a popular view of the way justice should function. The outlook on the criminal justice system is not completely bleak, as 43% of people surveyed saying favoring reducing bias against minorities as a priority for the criminal justice system is a large minority (Gallup, 2016). It is important to note that this divide in opinions on priorities are largely along political lines, with 60% of the Democrats surveyed saying that reducing bias against minorities should be a priority compares to only 17% of Republicans (Gallup, 2016). Polling also suggests perceptions of the

criminal justice system are becoming more critical. As of 2016, 45% of Americans believed that the justice system is not tough enough on crime, 35% said that it was about right, and 14% said too tough (Gallup, 2016). While it may be concerning that the category with the largest percentage is the one where people want 'tough on crime' policies, this represents a significant drop from the 65%, 26%, and 6% with those same beliefs in 2003 (Gallup, 2016). The percentage of people in favor of tough on crime policies in 2016 was almost half the amount it was in 2003. This change could mean that Americans are becoming more receptive to new ideas and policies on criminal justice than they have been in the past.

In sum, both legislative activity and public opinion polling, among other indicators, suggests there is growing support for change in how our justice system functions. As the country begins to look for other tools and more knowledge of different practices, with restorative justice as such a tool, a key challenge will be bridging the gap between the public's general support for a new path moving forward and a clear picture of what that path could look like. The goal of the project proposed here is to help propel this movement toward exploring justice alternatives by making this knowledge accessible and persuasive. As such, this project involves the creation of a material presentation that will be used to introduce the principles, practice, and potential of restorative justice to a generalist audience.

This paper begins by outlining the literature describing what restorative justice is and the ways it can be used. Following this is the design and methodology section detail the construction and implementation of the deliverable materials. Next, the results of the qualitative and quantitative data analysis are outlined. Then the results are discussed in the context of the broader goals of the project are discussed. Lastly, there is a reflection and evaluation that

expands on the implications of the project, highlighting the pros and cons (limitations) of the project.

## LITERATURE REVIEW

### *Background*

Restorative justice is not a new idea of what justice can look like. Indigenous communities have been implementing restorative practices for thousands of years. For many Indigenous communities, restorative justice is more of a habitual behavior that exists outside of the criminal justice system, “The basic concepts of Indian justice are relationships, reciprocity, solidarity and process, as opposed to hierarchy... the Anglo world has a lot to learn from this concept... in the Anglo world, the individual trumps relationships, and that’s destructive” (Mirsky, 2004). An example of the use of restorative by Native people in what is now known as America can be seen in the peacemaking and talking circles of Navajo bands (McCaslin, 2005). Restorative practice has roots in other cultures such as some African tribes, South American native tribes, Tibetan communities, Aboriginal tribes in Australia and New Zealand as well as Viking communities. There are differences between the appearances of Indigenous restorative practices and Western restorative justice. In the Western model, victims and offenders participate voluntarily with the process being confidential and facilitated by a neutral mediator. In Indigenous practices, it is a more spiritual ceremony that values the connections between all aspects of life, there is little to no confidentiality, and mediators are not neutral. This origin is acknowledged in this paper as there has been much Indigenous erasure in the Western adaptation of the practices, so it is important to give credit to where credit is due (Mirsky, 2004).

## ***Philosophy and Key Tenets of Restorative Justice***

Restorative justice is a fundamentally different core philosophy than the current models that inform our criminal justice system. To create a picture of what the current criminal justice system in the United States looks like, data and narrative from the Sentencing Project was used. The Sentencing Project is an organization that produces groundbreaking research to “...promote reforms in sentencing policy, address unjust racial disparities and practices, and to advocate for alternatives to incarceration” (Bishop, 2020). They have been doing research, publication, and advocacy for over 30 years to try to work towards ending mass incarceration. They were a good source to use to provide the background and statistics on the United States criminal justice system as to be able to compare and contrast restorative justice against.

A pivotal work of restorative justice for generalist audiences is *The Little Book of Restorative Justice* by Howard Zehr. Zehr is fundamental to set up the principles and practices of restorative justice and is referred to as the ‘grandfather’ of restorative justice as applied in the contemporary United States. He expands on the foundation set up by the criminologist John Braithwaite who wrote *Shame and Reintegration* (1989) which demonstrated that current criminal justice practice tends to stigmatize offenders, making the crime problem worse. Zehr succinctly defines the difference between the views of the criminal justice system and the views of restorative justice: “Justice will not be served if we maintain our exclusive focus on the questions drive that our current justice systems: What laws have been broken? Who did it? What do they deserve? True justice requires, instead that we ask questions such as these: Who has been hurt? What do they need? Whose obligations and responsibilities are these? Who has a stake in the situation? What are the causes that have contributed to this? What is the process

that can involve the stakeholders on finding a solution? Restorative justice requires us to change not just our lenses but also our questions” (Zehr, 2002, p. 82).

Zehr not only provides a comprehensive look at the principles of restorative justice, but also its practices. These practice can take many forms or models, but they all share the framing questions to be asked and these three goals: the wrong or injustice must be acknowledged, equity needs to be created or restored, and future intentions need to be addressed. Although models may be similar in basic outline, they differ in the number and category of participants and in some cases the style of facilitation (Zehr, 2015). Some of the different types of models are victim offender conferences, family group conferences, and circles. Victim offender conferences involve those directly harmed and those responsible for the harm. There is an initial meeting with each party separately before they are brought together in a trained co-facilitator conference which often results in a restitution agreement. Family members may participate, but usually have supporting roles (Zehr, 2015). Family group conferences focus on supporting those who have offended in taking responsibility and changing their behavior, so they enlarge the circle to include significant individuals to the parties directly involved such as family (Zehr, 2015). Circles are used for many different purposes, from workplace conflicts to peacemaking circles in Aboriginal communities, but are united in the process involving participants being arranged in a circle, using a talking piece, and having circle keepers (Zehr, 2015). Circles increase the number of participants, including those who have been harmed, those who have caused harm, their family members, occasionally justice officials, and especially community members (Zehr, 2015).

Zehr outlines the philosophy and principles of restorative justice well, but Sered (2019) goes deeper into the philosophy’s function in the contemporary US criminal justice system.

Danielle Sered is the director of Common Justice, an organization that seeks to address violence without relying on incarceration. In her book, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair* (2019) Sered takes a critical look at the violence that exists in the United States and offers approaches that will help to end mass incarceration and increase safety, emphasizing a restorative approach. The framework used in her organization as well as her book contains four key principles on how we should respond to violence. Responses to violence should be “survivor-centered, accountability-based, safety-driven and racially equitable” (p. 14). She adds to Zehr’s overview of restorative justice principles by expanding on the argument that the needs of survivors of violent crime and their communities can be met by asking people who commit violence to take responsibility for their actions and make amends that are meaningful.

According to Sered (2019), this ‘reckoning’ is not only due to those who have been hurt, but also the nation as a whole and its overreliance on the failing system of incarceration that does not produce safety:

“At its best, accountability completes mercy in generating justice. It does so by meeting a humane restraint of power (on the part of those in the position to punish) with a humane exercise of power in return (on the part of the person who caused harm). Justice, then, exists when all parties exercise their power in a way that is consistent with the humanity of everyone involved and in the interest of the greater good. In the aftermath of violence, mercy plus accountability equals justice” (p. 95).

On a case-by-case level or even on a national level, accountability is important in moving forward in dealing with any harm. An overreliance on incarceration comes at a great cost to

communities, survivors, racial equity, and our democracy; anyone in any situation deserves those who have caused harm to take responsibility. Until this happens true healing cannot happen. Sered admits that developing solutions aligned with those principles is not easy and will require a fundamental realignment in our values and practice, but the work done can not only support victims but also increase public safety (Sered, 2019).

The current public discourse tends to oversimplify the needs of victims and not acknowledge the full spectrum of victims' experiences. There are two prominent stereotypes about victims, that they are either a revengeful victim or they are people of extreme mercy towards those that did them harm; while there are people who fall into these two categories, and we need to acknowledge these two views, they are not the full picture (Sered, 2019). Most victims are in between these two extremes, and this is not represented in our public discourse on violence, justice, and healing (Sered, 2019). The way the court system addresses trauma is not in the survivor's best interest. Survivors need to feel safe, to express their emotions, and to know 'what comes next' after the harm that happened. But our current criminal justice system is not set up to meet these needs, instead offering more shallow and passive moments of engagement for victims. Most often the place for a survivor's pain takes the form of a victim impact statement, or a statement made during the legal process to allow victims the opportunity to speak on their experiences, which is usually used to increase the defendant's sentence, no matter what the survivor would find healing (Sered, 2019). This approach also does not give space for the multi-faceted aspects of people's experiences, as people are not solely victims or offenders and harm can often not be simplified down to one instance: "...just as it would be wrong to excuse people's

actions simply because they were previously victimized, it is also wrong to ignore someone's victimization because the person previously broke a law or committed harm" (Sered, 2019, p. 5).

In addition to neglecting the expressed needs of victims, how the criminal justice system handles the actions of the defendant, or a person who has caused harm, does not fundamentally address the driving factors of that violence. According to research there are four individual drivers of violence: shame, isolation, exposure to violence, and a diminished ability to meet one's economic needs (Sered, 2019; Gilligan, 1996, Rich & Grey, 2005). How we respond to and punish violence contains the same elements. Prison is a place of shame, isolation, exposure to violence, and of a lack of meeting one's economic needs, making our response to violence what drives it (Sered, 2019). Some processes in court can point out these driving factors to try to reduce a defendant's culpability and thus severity of the sentence imposed. Even with processes to lower time such as mitigation, which allows the defendant to present information about themselves to negotiate during sentencing, defendants still end up in prison. The current functioning of the criminal justice system does not address the harm caused from a person to another. Incarceration appears to be an unhelpful response, as there is no evidence that connects the length of a defendant's sentence to the well-being of a person who a crime happened to (Sered, 2019).

Prison does not hold one truly accountable, as Sered sees it. She makes clear that accountability is difficult and is different than punishment. Accountability requires five key elements: acknowledging responsibility for one's actions, acknowledging the impact of one's actions on others, expressing genuine remorse, taking actions to repair the harm done to the degree that is possible, and no longer committing similar harm (Sered, 2019). As Sered puts it,



“Unlike punishment, accountability is not passive...it is active, rigorous, and demanding of the responsible person’s full humanity” (Sered, 2019, p. 96). By incarcerated does not require people who harm to fully acknowledge the harm they caused, even with the assumption that the sentencing outcome is indeed commensurate to the harm committed. A guilty plea or jury trial does not involve direct conversation between the parties that were involved in a situation where harm took place in a way that would allow the person who did the harm to meet all five elements of accountability – in fact, our adversarial adjudicative process often dissuades or even expressly prohibits that kind of interaction.

Sered argues that while restorative justice is not the only way to meet survivors’ needs, it is one of the most promising strategies to address harm (Sered, 2019). It provides the setting to meet the key elements of accountability. Survivors who have taken part in restorative practices in the United States have reported 80-90 percent rates of satisfaction compared to 30 percent for traditional court systems (Umbreit, Coates, & Vos, 2001). It is not an easy process, often for everyone participating it feels so unlike what commonly happens that “[it] never quite seems like a good idea right before it begins. And then -- every single time -- it turns out to have been the right thing to do” (Sered, 2019, p. 252).

### ***Outcomes and Effectiveness of Restorative Justice Practice***

Beyond these philosophical tenets and brief description of restorative practice, there is a limited but growing body of research that has explored the outcomes and effectiveness of restorative justice. One such item of research is “Putting a Human Face on Crimes: A Qualitative Study on Restorative Justice Processes for Youths” where Choi, Green, and Gilbert (2011)

interviewed 37 participants in victim offender mediations and examined their experiences to deepen understanding of how and why restorative discourse works. There were 8 youth who were a part of the interviews, 7 who were White and one Black, who caused harm and were then participating in a victim-offender-mediation. Findings from extensive interviews suggest that meeting their victims through victim-offender mediation (VOM) helped the youths realize the extent of the consequences of their actions by being able to personalize their victims and their victimized experiences. In Choi et al.'s conclusion they highlighted the importance of youth appreciating the unseen effects of crime. Choi and colleagues' research indicate that restorative approaches are often effective in yielding high rates of participant satisfaction, promoting high restitution completion rates (Umbreit et al. 1998, 2001, 2002, 2005) and reducing recidivism (Bonta et al. 2006; Nugent et al. 2003). In addition, some evidence indicates that restorative conferences effectively address the harm caused by offenses including family violence and holds offenders accountable (Bazemore & Schiff, 2005; Calhoun & Pelech, 2010; Pennell & Burford, 2000; Umbreit & Vos, 2000; UNODC, 2006).

In Choi's et al.'s study, participants overwhelmingly reported that the VOM experiences helped them appreciate the unseen effects of their crimes as well as realize the full extent of the consequences of their actions. First, participants agreed upon that the VOM was not an easy punishment to take. In this regard, they focused on sharing their uneasiness of meeting their victims. Second, they articulated that the VOM was a useful consequence for them in roughly four ways: (1) a learning opportunity; (2) an opportunity to see different aspects of their crimes; (3) an opportunity for a better understanding of their victims; and (4) an opportunity for putting a human face on a crime.

Choi's et al.'s study provides some evidence about how restorative conferences help them identify and empathize with victims by putting a human face on their crimes. A youth who caused harm, when reflecting on his experience, said that the victim-offender mediation "...kind of gave me good punishment...being able to converse with victims and seeing their point of view, because that really changes your perspective... it makes you feel bad, but then makes you want to help repairs and it just makes you feel good" (Choi et al., 2011, p. 347). One of the victims, who had wanted to put the youths in jail before the VOM said "Afterwards, I think that things worked out and that what they realized they did to their own families and to the other families. It was better for them in the long run to realize and to meet with everybody so they could hear the impact and hopefully it's changed their lives" (Choi et al., 2011, p. 348).

Taking a more quantitative look at restorative justice and its potential at repairing harm, Latimer, Dowden, and Muise (2005) did an empirical synthesis of the existing literature on the effectiveness of restorative justice using a meta-analytic technique to look at victim and offender satisfaction, restitution compliance, and recidivism to measure effectiveness. They found that generally, compared to traditional nonrestorative approaches, restorative justice was more successful at achieving each of its four major goals. In other words, based on the findings of the current meta-analysis, restorative justice programs are a more effective method of improving victim and/or offender satisfaction, increasing offender compliance with restitution, and decreasing the recidivism of offenders when compared to more traditional criminal justice responses (incarceration, probation, court-ordered restitution, etc.). Restorative programs were significantly more effective than these approaches across all four outcomes.

Restorative justice is and can be used in a multitude of settings, from office disputes to schools. For example, in Louisville, Kentucky, restorative justice exists in schools (Buttry-Watson, 2014). It was introduced into the Jefferson County Public School system in 2016 and as of the 2019-2020 school year a total of 30 schools were implementing restorative practices (Hargens, 2014). Restorative justice has an impressive record in Jefferson County that demonstrates that young people who participate in the process are about half as likely to commit a future offense and that victims of crimes feel more fully engaged in a process of true restoration. There is research on how implementing restorative justice in schools can help to reduce the school-to-prison pipeline, or the set of protocols, policies and measures that promote the push-out of youth, especially youth of color, into the juvenile justice system through repeated high-confrontations, hostile interactions, student removals and suspensions (Zehr, 2015). Restorative justice is not only a possibility for K-12 schools but for colleges and universities as well to help repair harm and rebuild trust as a response to student conduct issues (Karp, 2015). In sum, restorative practices can be adopted in setting other than the traditional criminal justice diversion programs.

## **DESIGN & METHODOLOGY**

This project aims to help bridge the gap between the public's support for change in how our criminal justice functions and their knowledge of paths and tools of change. The goal is to propel the movement toward justice alternatives forward by making this knowledge accessible and persuasive to generalist audiences. To meet this goal, a material presentation was created to introduce the principles, practice, and potential of restorative justice to such an audience. The impact and effectiveness of the presentation was assessed using qualitative (via participant

commentary) and quantitative data (via self-administered pre- and post-presentation surveys) gathered during delivery of this material.

### ***Sample***

Three sections of participants enrolled in first-year undergraduate college courses were selected as a convenience-style sample. Since first-year students are new to the college experience they were presumed less likely to have been introduced to restorative justice and presumed to be more reflective of the general population in terms of education level. While some have debated whether or not college students are indeed representative of the general population, there is a precedent for using them in a multitude of fields. For example, 67% of subjects in American psychological research were undergraduates studying psychology (Johansen, 2010).

The First-Year seminars from which these participants were drawn are designed to engage students, at the start of their university lives, in serious academic inquiry with an interdisciplinary focus. Within the content framework of investigating a significant topic or issue, the primary focus of First-Year Seminars is to help students begin to achieve a set of skills/abilities required for success at the university level and beyond. The topics of First-Year Seminar are set by the individual instructors and reflect a wide-ranging set of interdisciplinary issues. Students are required to practice both critical and creative approaches to the individual seminar topic and to develop essential university-level abilities in oral and written communication. These courses culminate in a final paper or research project that combines research and critical analysis.

In the Fall 2020 semester, instructors were reached out to whose courses, based on their listed content/course titles, seemed applicable to concepts surrounding (restorative) justice. The

classes were: Gender, Race and Christianity taught by Instructor Two, Exploring Community taught by Instructor Three, and Exploring Community taught by Instructor One. For the purpose of maintaining anonymity when describing the classes, the instructors were given numbers to represent the order presented in. Before the classes were presented to, the researcher met with each instructor again. During these meetings, instructors were explicitly asked not to share information about restorative justice with their students beforehand to avoid priming participants on these ideas. The researcher also inquired about how their class format typically ran and how talkative participants were as to get an idea of what to expect from the general atmosphere.

### ***Presentation Content and Design***

Starting out, two key concepts were focused on for the classes to consider. The first concept was stakeholders of the restorative justice process, those who have been harmed and their families, those who have caused harm, and their families, and the relevant community/communities. The second concept were the questions asked by RJ, which also implies the regular questions asked by the justice system in the United States as well as highlighting the fundamental difference in philosophy. The questions asked by restorative justice are: 'Who has been hurt? What are their needs? Whose obligation is it to address the needs? Vs What rules were broken? Who did it? What do they deserve?' (Zehr, 2015). These questions framed how the deliverable was created as well as the methods used to test the effectiveness of the deliverable.

The deliverable is an oral/visual/video presentation on the concept of restorative justice. The oral presentation consists of a ten-slide PowerPoint presentation (Appendix C). This PowerPoint content begins by outlining some trends of the United States criminal justice system

to provide context of where restorative justice arises out of as well as giving some brief history of the practice. The presentation then goes into the philosophy of restorative justice, looking at the key questions asked and outlining some key tenets, before going into examples of how restorative justice can be implemented and giving a few examples of what settings it is implemented in. A video example of a victim offender mediation was put in the PowerPoint. The discussion prompts that were centered on during the discussion were shown before the start of the video as a prompt for what the audience should look out for, and after the video were put up on the screen as the discussion ensued.

Before presenting to the actual participants, a test run was conducted with the faculty advisor for the project and two additional undergraduate students. Feedback primarily resulted in the finalization of what discussion prompts were to be asked to the participants to generate conversation around the deliverable.

### ***Implementation of Deliverable Presentation***

The timeline for presenting to the class broke down to being about an hour for each class, leaving time for the instructors to do introductions, conclude, and give any updates they needed to their class. Three minutes were dedicated to doing an introduction and asking participants to take the initial survey. The oral presentation section that went along with and narrated the PowerPoint was predicted to last 25 minutes. The video of the Victim Offender Mediation was 18 minutes long. Group discussion to be analyzed for qualitative data was scheduled for 15 minutes, leaving about 2 minutes for the follow up survey and closing comments.

After this, the substantive deliverable was presented consisting of a multimedia presentation on the concept of restorative justice, consisting of a ten-slide power point

presentation (Appendix C) and a video example of a victim offender mediation (VOM). The presentation started with me sharing a PowerPoint outlining restorative justice. The printed off PowerPoint slides with their detailed notes section were used to prompt the presenter during the presentation. The PowerPoint started by explaining why restorative justice is needed by going over some of the major problems of our current system such as population numbers, recidivism rates, and racial impacts with highlighting how law and policy centered around ‘tough on crime’ and other such policies contributed to the population growth. Next the history of restorative justice as well as its emergence in the United States justice system as well as other Western nations was outlined. Next the philosophy and tenets of restorative justice were outlined before providing context to how and where restorative justice can be implemented.

Selections from the video shown, “Recovering from crime – restorative justice in action”, was a victim offender mediation posted on YouTube by Restorative Justice Council and coproduced with Why Me? were shown to the participants. ‘Recovering from crime’ is based on the transcript of an actual restorative justice meeting between a burglary victim and her offender, with actors portraying the people who took part.

### ***Data Collection***

There was also an attempt to assess whether the teaching itself was effective as well as if the participants learned the key concepts that were hopefully conveyed via a post-presentation survey. Questions were asked about the deliverable itself, the key concepts, as well as how likely they would be to involve themselves in the process to test my ability to deliver both the concept and sell it. Surveys for the class were created to test the effectiveness of my presentations



content and secondarily of the delivery of the presentation. An initial survey was created as well as a follow up survey for these purposes (Appendixes A and B).

In the end of the presentation, verbal prompts were given to participants to fill it out if they wish, reminding them it is not required and that they may skip any question(s) they prefer. It was instructed that the data will be stored on a password-protected format, but that 100% confidentiality cannot be guaranteed with any online data collection. Participants were then again asked after 2-3 minutes whether everyone who wanted to take the survey was able to finish. During the administration of both surveys, participants were able to see the presenter's face in the virtual classroom, but it was not known, nor comments made, on who or how many people did or did not take the surveys.

### ***Qualitative Data Collection***

A pre-recorded video demonstration of a specific example of how restorative justice would 'look' when implemented using a mock case study was shown. Discussion prompts used to discuss this video and the deliverable as a whole were shown to the participants to prompt them to start thinking. The discussion prompts were: "What did you notice about the experiences of the participants?", "How would you feel if you were a part of this process? From the point of view of the person who was harmed? From the point of view of the person who did the harm?", and "What were the goals of the conversation and how were they met or not met?". After the video of the victim offender mediation was shown, the discussion prompts were put back up on the screen and a follow-up group discussion to ask participants about their reactions to the concepts articulated in the presentation and the video. This conversation, specifically the participant's comments, was used as qualitative data for the analysis.

An inductive analysis was used to analyze the qualitative data. Conducting an inductive analysis involves detailed readings of raw data to derive concepts, themes, or a model through interpretations made from the raw data by an evaluator or researcher (Thomas, 2006). This analysis starts with multiple readings through transcripts of raw data, the inductive component of the analysis (Thomas, 2006). To do this, the recording of the discussion during the presentation was converted to text using an online audio to text converter. Then the text was read over multiple times. The discussion during the presentation was both free flowing and directly in response to the prompts provided in the PowerPoint asking: "What did you notice about the experiences of the participants?", "How would you feel if you were a part of this process? (From the point of view of the person who was harmed? From the point of view of the person who did the harm?)", and "What were the goals of the conversation and how were they met or not met?". While the discussion of the deliverable was prompted, this follows inductive analysis methods, "Although the findings are influenced by the evaluation objectives or questions outlined by the researcher, the findings arise directly from the analysis of the raw data, not from a priori expectations or models" (Thomas, 2006, p. 239).

Once the raw data is read over multiple times, the next part of an inductive analysis is labeling relevant phrases, sentences, or sections (known as coding), conceptualizing the data by compiling themes, and describing the themes and how they are related (Thomas, 2006). Key themes that emerged from this process included 'individual experiences of VOM characters', 'philosophy and macro process of RJ', and 'types of crime that RJ is (in)appropriate for'. Once these themes emerged from the compilation of all the discussion transcripts, each individual discussion section transcript was revisited and themes highlighted through color coding. After

this, quotes of the same color were compiled into the themes that emerged. After compiling like comments into these three sections, the themed data was reviewed again to develop subthemes.

### ***Quantitative Data Collection***

Next, a pre-test survey was administered virtually by sending a link in the virtual platform chat connecting participants to a survey format (which requires school authentication, thus password protected data storage) that asked participants about their existing knowledge of restorative justice practices. The survey did not ask for names or any other identifying or sensitive information. A link was sent in the chat that gave verbal instruction to take the survey if participants were willing, reminding them it is not required and that they may skip any question(s) they prefer. It was instructed to the participants that the data would be stored on this password-protected format, but that 100% confidentiality cannot be guaranteed with any online data collection.

At the end of the class session, the link to the post-test survey was put in the chat. The post-test survey consisted of two sections. The first section was about participants' attitudes towards restorative justice. It asked "How effective do you think restorative justice can be at repairing harm?", "If you were someone who was harmed, how likely would you be to use restorative justice if you had the option?", and "If you were someone who caused harm, how likely would you be to use restorative justice if you had the option?" with response questions being a Likert scale as well as "As you understand it, one of the main differences of restorative justice compared to traditional models of punishment is that it involves the community as a stakeholder" and "As you understand it, one of the main differences of restorative justice

compared to traditional models of punishment is that it requires the offender to make amends for their actions” to test participants knowledge after the presentation.

The second section asked the participants to assess the session by answering statements about the session using a Likert scale with a range 1 to 5 representing strongly disagree to strongly agree. The statements are as follow: “The session was well-organized.”, “The presenter was knowledgeable.”, and “The PowerPoint slides were helpful to my understanding of the topic.” These statements were prompted as it was wished to know about the effectiveness of the presentation as relating to the ability of the presenter.

## **RESULTS**

This section details the results of the qualitative and quantitative data analysis. The qualitative data come from participant comments in response to the discussion prompts presented before and after the video, while quantitative data come from the self-administered initial and follow up surveys provided to participants. The qualitative data were analyzed using an inductive analysis and resulted in the following themes and subthemes: ‘individual experiences of VOM characters’, ‘philosophy and macro process of RJ’, and ‘types of crime that RJ is (in)appropriate for’. These themes will be described below, alongside quotes from participants that articulate them. The quantitative results from the pre-survey and the post survey are also presented. The quantitative data include frequency charts and mean responses to survey items designed to measure participants’ ‘prior knowledge of restorative justice’, ‘perceived effectiveness of restorative justice’, ‘comprehension of tenets of restorative justice’, and ‘quality of delivery by the presenter and presentation’.

## Qualitative Data

In all there were 47 students total who attended across the three discussion sections. Professor One's IDC, the first class presented in had 20 people enrolled in the class. Out of the 20 people in the class, all attended the class. Professor Two's IDC, the second class presented in, had 11 people enrolled and all 11 attended the class on the day presented. The final class, Professor Three's IDC, had 17 people enrolled and of these 17, 16 attended class.

During the discussion part of the presentation, the Apple Voice Memo App was used to record the conversations had. The conversations centered around the three discussion prompts of: "What did you notice about the experiences of the participants?", "How would you feel if you were a part of this process? From the point of view of the person who was harmed? From the point of view of the person who did the harm?", and "What were the goals of the conversation and how were they met or not met?". These recorded conversations were uploaded to a program that transcribed them, relistening to and editing the recordings to make sure what was transcribed was accurate. The discussion prompts likely influenced the themes that arose.

The qualitative data was analyzed centered around three major themes based on how often they were talked about during the discussion portion of the deliverable. The first consistent theme that came up in discussion were comments about the individual experiences of the people participating in the victim-offender mediation in the video presented as part of the deliverable. The second theme that arose arranged around comments about the philosophy and macro process of restorative justice and how it differs from the current criminal justice system in the United States. The third major theme that came up during discussion was commentaries on the types and severity of crime that would be eligible or thought appropriate for restorative justice.

While this theme is similar to the macro process theme, there was a significant amount of comments around this, creating itself a new category.

### ***A. Individual Experiences of VOM Characters***

'Individual experience of VOM characters' arose as a category as there was many comments that pointed to how the participants in the class interpreted the experiences of the people involved in the victim-offender mediation. There were about 15 comments in all that pointed to individual experiences. From this theme, subthemes were pulled out of 'vulnerability of VOM characters', noticing the 'humanizing nature of interactions' in the process, and pointing out how 'meeting the needs/goals of VOM characters' was brought up.

#### ***1. Vulnerability of VOM Characters***

When discussing the experiences of the participants in the video of the victim-offender mediation (VOM), participants pointed out the vulnerability expressed by the characters during the mediation process. There were comments on the overall vulnerability inherent in the space as well as vulnerability shown by the individual participants of the VOM. When talking about the overall setup and atmosphere of the VOM, a participant commented "...in a smaller atmosphere, it's personal, because it's you and just a few other people. So... you could feel more vulnerable... to open up with your emotions." As the conversations got more specific around this vulnerability, participants would comment on the feelings shown by the person who did the harm, or the offender, and by the people who were harmed, or the victims.

When speaking to the experience overall and how the person who did the harm expressed themselves, one participant mentioned, "This seemed like a very controlled and calm way of

discussing what took place and how it affected each side of it (the conference)... I feel it would make it much more awkward because you have to look at the victim while you are explaining yourself and why you acted that certain way". Another participant from a different section mentioned similar sentiments saying "...I'm sure it was uncomfortable for her (the person who harmed), but it was definitely necessary."

Statements about how the people who were harmed appeared and acted within the VOM conference by participants focused around the emotions expressed by the people who were harmed. A moment where one woman became overcome by emotions when describing how the burglary affected her was highlighted. One participant when speaking on the experience of the participants commented, "I think that the process would be especially difficult for the victim. It would be up to their state of mind."

## ***2. Humanizing Nature of Interactions***

Seeing the restorative process of the victim offender mediation in action brought out a lot of reactions and comments by participants on the humanizing nature present during the practice. One participant commented, "...I would expect the victims to be like... you hurt me or... you disrespected me... so then they get more emotional about that. So, the fact the person who did the burglary... was able to... read the room and... see how much she hurt other people... humanizes the experience... She was able to be able to react like 'dang I really messed with these people's lives and like I didn't realize the impact of my actions'." There were feelings of surprise expressed at how much the process humanized the participants in the video to each other,

commenting on this a participant said, "It was...eye opening for both of them that they (the other) was a person, which was something interesting."

Some participants were surprised at how much they did feel sympathy for the person who did the harm. One participant commenting, "I don't know if this is like messed up or whatever, but I found myself sympathizing a lot more with the offender than I did the victims, to be honest...that never happens." When talking about sympathy for the offender, the influencing factors of why she stated she did the crime was brought up. Going off how one of the victims had reacted to hearing the background of the offender, one participant said, "...she (the victim) didn't know why she (offender) did it and then when she found out she was addicted to heroin it kind of gave her like a little peace of mind of why that would happen."

When asked more about what they noticed about the experiences of the participants, one participant commented, "I was listening, and I was... trying to put myself in the place of the victim and in the place of the offender...I was definitely like wow, that's a really hard place to be in, and I felt a lot of sympathy for that, also for the victim... I was really glad that the victims were... kind of like merciful and kind of like 'Oh yeah, like, no, no, I understand' because like I could see the... the offender really understood what it was that like was the wrongdoing...".

### ***3. Meeting the Needs/Goals of VOM Characters***

Another area that emerged when looking at participants' reactions to the victim-offender mediation was around the needs and goals of the people in the conference and how these were or could be met, "We are talking about what they want from the victim, what do victims want?". One participant's comment encapsulated what many others said wished the goal of this process



to be, “When I was watching it, I was, there was a part of me that was like, I really want them to like heal from this experience and like get all the way to that point where they’d be like amicable and stuff between them.” In talking about the overall experience in the conference, another participant put themselves in the place of both participants, saying, “If I was the victim coming into this experience, I would just have to know why...I want to know their reasoning, why the other person would do that...they wouldn’t even have to be sorry, I would just want to know why. On the other side, on the side of the offender...I would just want to be heard and tell my story...”.

These comments show that the participants of the study really understood the process through seeing an example of people participating in the process. Recognizing the vulnerability shows that participants picked up on the key concepts of RJ. Participants not only saw the people who had harm done to them through their perspective, but also through the perspective of the characters in the video, showing they recognized the humanity of the characters the actors were portraying.

### ***B. Philosophy and Macro Process of RJ***

‘Philosophy and macro process of RJ’ arose as a category as there were many comments that connected the content of the PowerPoint and the video of the victim offender mediation to the bigger picture of restorative justice. Subthemes of the ‘process and overall roles of stakeholders’ as well as ‘systematic implications of RJ vs punitivity’ were pulled. There were about 14 comments that talked about the macro process.

### ***1. Process/Overall Roles of Stakeholders***

When reflecting on the process and the roles that participants pulled from the video and from the PowerPoint presentation, most of the conversations in the classes started off with participants saying their first reactions as the majority of them were new to this process. Many comments were about the difference of the setup of the conference compared to a traditional courtroom. When talking about having two mediators instead of a judge, one participant commented, "I think it would help the people involved be more authentic because judges are intimidating, especially since they're on a bench there literally sitting up higher than you are. And that puts like something in your brain...I feel like it just kind of allows them to be more free [sic] and what they're saying". There were a few participants who had heard of restorative justice before but had not necessarily seen it in action before. One such participant commented, "I had heard of it but not necessarily seen before. And I think it is really a good way to... bring a resolution to something like that with considering the feelings and the viewpoints from every side."

Participants commented about the authenticity in communication they noticed. Many commenting on how this authenticity in communication provided humanization and gave both the offender and victim a real voice in the process. One participant stating, "The process is overall more humanizing... giving voices to the victim and giving voices to the perpetrator so that...there's more of a common understanding and both sides can hear that".

They also commented about how this authenticity and humanizing way of communicating would help the people involved in a conference, one participant stating, "...I guess from the victims' point of view at least...having an understanding of circumstances leading up to like that

action, it's not an excuse, but it is good to at least like have that understanding..." and another with adding to the discussion on the humanization observed in the process, one participant stating, "I think it definitely humanizes the experience. I feel like people just assume that once people do something bad...they're just bad people and they have no conscious..."

When talking about the conference overall and its structure, goals and limitations were brought up. One participant stated, "...I also think like it's really important to acknowledge those limits because I don't think the goal, since it can't be, it shouldn't necessarily be healing and happy feeling. It should, it should be, and it was, like just a place to voice and a place to communicate. Not necessarily anything has to come from it, but like, just to make sure that each side is heard and the things that they say are said are set in a respectful way that...understands each other a bit more, face to face, in like a human connection way."

## ***2. Systematic Implications of RJ vs Punitivity***

When talking about the macro process of restorative processes, participants often brought up the systematic implications what they gleaned from the presentation and video had. Such comments as, "...seeing that like, upfront, I feel like that (restorative justice) speaks a lot more volume instead of just like the system, like locking her away" and "...I feel...seeing that impact... face to face and... having... that experience, I feel like that speaks a lot more volume than... our current system". These conversations around the systematic implications often went deeper, one conversation focusing on feeling sympathy for the offender, "I think like that, that never happens (sympathizing more with the offender), if you...read a headline and you're like...'Oh, this person robbed this other person's house' ...you're never going to be like 'oh I feel really bad for the person who robbed the house'. But...I think it really just gave a lot more nuance

to the situation than can normally be afforded by the criminal justice system we have in the states.”

A few people agreed with and liked the idea of restorative justice because they disliked our current justice system in the united states, giving similar sentiments as, “I like this idea because I think there's like way too much focus on retribution and revenge in our justice system”. Giving a voice and not just focusing on locking people away was also focused on, “...I think the process kind of replaced the consequence...instead of the problem with that specific crime being ‘well now you’re going to get arrested and you broke the law’ or ‘now you’re going to go to jail’ and that being the entire path that...replace that with being ‘you are another person, more than one person’, in a way that is really deep and really, has a real impact, and that’s the real reason that the crime was bad” and “I would say it does (give a voice/listen to victims) but I also think it...gives the person that did the crime a chance to explain themselves too...I think it gives both them a voice of like what exactly happened, like how they felt, and like why”.

### ***C. Types of Crime that RJ is (In)Appropriate For***

A huge part of participants’ conversation over restorative justice was over types of crimes they thought this process would be beneficial or work for. There were about 6 comments that focused around this subject. Participants talked about what crimes overall they thought were appropriate for this process as well as what types of harm they themselves would or would not participate in a conference with. When asked if they would ever consider being a part of a conference as either the person who was harmed or the person who did the harm, a participant answered, “Depends what the offense was. Like, what the relationship...if I was a victim...I have with the defendant is, because if it's like a serious, more serious case, not to undermine her

experience in the video. But still, you know, it just depends.” Relationships and their influence on participation in this process were brought up a few more times, one participant saying, “I’d say for this scenario of a burglary I’d probably do it (a restorative justice conference), but in terms of like a family member was murdered, I don’t think I’d be able to look the person in the eye honestly”.

There was a lot of comments that included ‘depends on...’ statements that related to either the severity or type of crime. Participants asked when it was possible to use restorative justice and what types of crimes it was used with. Comments often focused on levels of crime such as, “I do think that in a crime that I was either the victim of or that I had committed um that I would be willing to have a discussion if it was a petty crime or a burglary, but if it was like assault or rape I would not want to have that discussion.” Following up above participants comment, “It would kind of depend on the situation...don't really use it for super big criminal cases...I wouldn't want to participate if it was a serial killer, because they tend to be not remorseful, and I feel like it can be hard to accept that in a small atmosphere.”

The themes that came from the qualitative data were the individual experiences of the people participating in the victim-offender mediation in the video, philosophy and macro process of restorative justice and how it differs from the current criminal justice system in the United States, and the types and severity of crime that would be eligible or thought appropriate for restorative justice. The implications of this data will be discussed further in the discussion section.

### **Quantitative Data**

In all there was 47 participants total who attended across the three classes. Out of these 47 participants, 43 took the initial survey and 34 took the follow up survey. Instructor One’s class,

the first class presented in had 20 people enrolled in the class. Out of the 20 people in the class, all attended the class. 19 people took the initial survey and 16 people took the follow up survey. Instructor Two's class, the second class presented in, had 11 participants enrolled and all 11 attended the class on the day presented. All 11 participants took the initial survey and 10 participants took the follow up survey. The final class, Instructor Three's class, had 17 participants enrolled and of these 17, 16 attended class. Of the 16 that attended, 13 took the initial survey and 8 took the follow up survey.

The data gathered from the surveys was analyzed using four different categories: Prior Knowledge of Restorative Justice, Perceived Effectiveness of Restorative Justice, Likelihood of Utilizing Restorative Justice, Comprehension of Tenets of Restorative Justice, and Quality of Delivery by the Presenter and Presentation. Prior Knowledge of Restorative Justice to give background on the knowledge and experiences of the participants, Perceived Effectiveness of Restorative Justice to determine if the presentation delivery had its intended impact on participants perceptions of RJ practices, Comprehension to see if they understood the relevant content and tenets of RJ, and Quality of Delivery by the Presenter and Presentation to measure if the delivery was effective and understandable.

## Prior Knowledge of Restorative Justice

**Chart 1.**

### Have you heard of restorative justice before?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	16	37.2	37.2	37.2
	no	27	62.8	62.8	100.0
Total		43	100.0	100.0	

As displayed in Chart 1, slightly more than one-third of respondents (n=16, 37.2%) reported having prior knowledge of restorative justice, while slightly less than two-thirds of respondents had not (n=27, 62.8%).

**Chart 2.**

### What was the context?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	within CJS	1	2.3	2.3	2.3
	within CJS + other	1	2.3	2.3	4.7
	not applicable (never heard or been a part before)	41	95.3	95.3	100.0
Total		43	100.0	100.0	

Out of the 16 respondents (n=16, 37.2%) who indicated they had heard of restorative justice before, only 2 respondents (n=2, 4.6%) answered ‘yes’ to the questions “Have you been a part of a restorative justice process?” (question 2 of initial survey) while 41 respondents (n=41, 95.3%) answered no to this question. Question 3 asked “What was the context (in which you had been a part of restorative justice)?” and response options were ‘School’, ‘Workplace’, ‘Neighborhood’, ‘Faith Community’, ‘Within the Criminal Justice System’ and ‘Other’. As seen in

Chart 2, of the respondents (n=2, 4.6%) who said 'yes' to having been a part of a restorative justice process, one indicated the Criminal Justice System as the context they had participated in a restorative justice process the other choose two options, indicating the Criminal Justice system as well as the 'Other' option.

'Prior Knowledge of Restorative Justice' shows how there was not much experience with restorative justice. With the majority (n=27, 62.8%) of the participants who took the initial survey having not heard of restorative justice before, this data shows how this sample of first year participants was a good audience to introduce restorative justice to as the majority of them had never heard of it before. Even out of the minority of participants (n=16, 37.2%) who had heard of restorative justice before, only 2 participants out of the 16 had participated in restorative justice. So, 95.3% of the class had never participated in restorative justice before, making this a good sample to introduce the concept to.

***Perceived Effectiveness of Restorative Justice (Pre and Post)***

**Chart 3.**

Time 1	Time 2
<b>Avg = 3.88</b>	Avg = 4.0
<b>n=16</b>	n=34

'Effectiveness' looks at whether or not the respondents to the surveys responded in a way that indicated the deliverable worked to influence their thoughts and ideas around restorative



justice. A comparison of question 4 from the initial survey to question 1 from the follow up survey as well as questions 2 and 3 from the follow up survey were looked at in this section.

First, to measure this, question 4 from the initial survey which asked, “How effective do you think restorative justice can be at repairing harm?”, was compared to the same question asked on the follow up survey to see if there was an increase from before the deliverable to after it was presented. The responses were a Likert scale from 1-5 ranging from ‘very ineffective’ to ‘very effective’. With the initial survey, only the respondents who answered ‘yes’ to the first question of “Have you heard of restorative justice before?” were able to answer question number 4 as it was thought that answers would not be meaningful if respondents rated the effectiveness of something they had never heard of before. Of the respondents (n=16, 37.2%) who had answered ‘yes’ to having heard of restorative justice before, there was an average rating of 3.875 for what they thought about the effectiveness of restorative justice. Of the respondents (n=34) to the follow up survey there was an average of 4.0, indicating a slight increase in participant perceptions of its effectiveness.

When comparing question 4 on the initial survey to question 1 on the follow up survey, for the initial survey the respondents (n=16, 37.2%) who had answered ‘yes’ to having heard of restorative justice before, there was an average rating of 3.88 for what they thought about the effectiveness of restorative justice. Of the respondents (n=34) in the follow up survey there was an average answer of 4. There is an increase in averages of .12 indicating an increase in attitudes towards effectiveness. However, people who had not heard of restorative justice before were unable to rate its effectiveness in the initial survey, only implies an increase.

### ***Likelihood of Utilizing Restorative Justice***

**Chart 3.**

		If you were harmed, how likely would you be to use restorative justice if you had the option?	If you caused harm, how likely would you be to use restorative justice if you had the option?
N	Valid	34	33
Mean		3.91	4.00
Median		4.00	4.00
Mode		4	4
Std. Deviation		1.026	.829

The next measurements that were used to look at the likelihood of utilizing restorative justice as related to the perceived effectiveness of restorative justice were questions 2 and 3 from the follow up survey which asked “If you were someone who was harmed, how likely would you be to use restorative justice if you had the option?” and “If you were someone who caused harm, how likely would you be to use restorative justice if you had the option?” respectively. Chart 3 presents the responses to these questions. The average for question 2 was 3.91 and the average for question 3 was 4.00.

Participants showed willingness to participate in restorative justice if they had the option. Participants (n=34) gave an average response in response to their likelihood to use restorative justice if they had an option of 3.91 for if they were someone (n=33) who was harmed and of 4.00 if they were someone who caused harm. With a 4 as a response to questions 2 and 3 of the follow survey being ‘somewhat likely’, there was overall a likelihood that participants would participate in restorative justice if they had an option, if they were to stick by their answers.

### ***Comprehension of Tenets of Restorative Justice***

**Chart 4.**

**As you understand it, one of the main differences of restorative justice compared to traditional models of punishment is that it involves the community as a stakeholder.**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	True (correct answer)	26	60.5	78.8	78.8
	False (incorrect answer)	7	16.3	21.2	100.0
	Total	33	76.7	100.0	

This section about the comprehension of restorative justice looks at questions 4 and 5 of the follow up survey which are true or false questions about the material presented. Question 4 asks “As you understand it, one of the main differences of restorative justice compared to traditional models of punishment is that it involves the community as a stakeholder” and the correct answer is ‘true’. As chart 4 shows, out of the 34 people who filled out the follow up survey, 26 answered ‘true’, 7 answered ‘false’ and 1 person left it blank. Thus, 78.8% of the respondents to this question answered correctly while 21.2% answered incorrectly.

**Chart 5.**

**As you understand it, one of the main differences of restorative justice compared to traditional models of punishment is that it requires the offender to make amends for their actions.**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	True (correct answer)	30	69.8	88.2	88.2
	False (incorrect answer)	4	9.3	11.8	100.0
	Total	34	79.1	100.0	

Question 5 of the follow up survey asks, “As you understand it, one of the main differences of restorative justice compared to traditional models of punishment is that it requires the offender to make amends for their actions.”, which the correct answer is also ‘true’ to. As in chart 5, out of the 34 people who filled out the follow up survey, 30 people answered ‘true’, and 4 people answered ‘false’. This means that 88.2% of the respondents to this question answered correctly and 11.8% answered incorrectly.

78.8% of the participants who took the follow up survey got question number 4 correct and 88.2% got question number 5 correct. None of the respondents who got one question wrong also got the other question wrong. 22 out of 34, or 64.7%, of the respondents got both questions right. While 64.7% is a majority, albeit a small one, combined with no one getting both questions wrong, it shows that participants were largely paying attention and took in the information enough to get the general idea of the RJ approach.

***Quality of Delivery by the Presenter and Presentation***

**Chart 6.**

		The session was well-organized.	The presenter was knowledgeable.	The PowerPoint slides were helpful to my understanding of the topic.
N	Valid	34	34	34
Mean		4.79	4.88	4.85
Median		5.00	5.00	5.00
Mode		5	5	5
Std. Deviation		.538	.409	.359

Quality of Delivery by the Presenter and Presentation deals with the assessment of the session itself. Answers in this section of the follow up survey were a Likert scale of 1-5

representing 'strongly disagree' to 'strongly agree'. Numbers 6, 7, and 8 were looked at. Number 6 states "The session was well-organized.", number 7 states "The presenter was knowledgeable." and number 8 is "The PowerPoint slides were helpful to my understanding of the topic." The averages for the responses to these statements were 4.79, 4.88, and 4.85 respectively.

When asked if the session was well organized, the average response was a 4.79. When asked if the presenter was knowledgeable, the mean of the answers was a 4.88. With asking if the PowerPoint Slides were helpful to understanding the topic, the average answer was a 4.85. If a participant rated any of these items a 4, it would represent 'somewhat agree', and a 5 is the highest possibility and represents 'strongly agree'. The average answer for questions 6, 7, and 8 on the follow up survey was above 'somewhat agree' and close to 'strongly agree'.

## **DISCUSSION**

### **Summary of Results**

The purpose of this project was to introduce the principles, practice, and potential of restorative justice to a generalist audience. Participants were asked to consider a few key concepts of these principles, practices, and potentials of restorative justice. The first concept was stakeholders of the restorative justice process, those who have been harmed and their families, those who have caused harm, and their families, and the relevant community/communities. The second concept were the questions asked by RJ, which also implies the regular questions asked by the justice system in the United States as well as highlighting the fundamental difference in philosophy. Both qualitative and quantitative measures were used to assess the extent to which the delivery of this knowledge to a generalist audience was perceived as both accessible and persuasive.

The results of this research suggest that this introduction was successful in prompting participants to consider the stakeholders and questions that are a part of restorative justice. Most participants, about two-thirds, were not familiar with restorative justice beforehand but were compelled by the deliverable to the extent that many said they would participate in an RJ process themselves if given the opportunity. When participants knowledge of key tenets was tested, most were able to answer correctly. The content appears to have been accessible and well-delivered based on participant responses to those post-survey items.

### **Discussion of results**

When reflecting on the experiences of the individuals in the example shown of the victim offender mediation, participants commented about the vulnerability of the experience of restorative justice, pointing to participants being introduced to and recognizing vulnerability as a key part of restorative justice. Many comments by participants focused on the overall process of restorative justice by looking at the roles participants played as well as what the systematic implications and comparing this process to the justice system used by the United States. Participants focused on authenticity of the process and how it gave voices to participants that provide opportunity for closure. Pointing out these aspects and the functioning of the process shows that participants understood the ins and outs of the actual practice of restorative justice.

Participants saying that the video example shown of a victim offender mediation was a personal atmosphere that provided a place for emotions in a controlled space reflects what was presented in Choi et al (2011). Choi and colleagues found that youths described their experience of going through victim offender mediations as not an easy punishment to take in partial regard to meeting their victims and feelings of uneasiness towards this. Participants recognizing and

identifying the vulnerability as a necessary part of restorative justice points to them picking up key concepts as this vulnerability is a key part named by actual youth who went through this process.

The participant's comments on how the participants in the video were humanized through this process is also reflected in the literature around the key parts of restorative justice. As Sered puts it, "Unlike punishment, accountability (through restorative justice) is not passive...it is active, rigorous, and demanding of the responsible person's full humanity" (Sered, 2016, p. 96). Commenting on how seeing this process humanized the person who did the harm to the participants, even to the point of feeling guilt over feeling sympathy for the offender, indicates that participants recognized how this process demands the responsible persons full humanity. The participants seeing the victim not only through their own perspective but from the perspectives of the participants themselves points to the participants recognizing the humanizing aspects of the restorative justice process on multiple levels.

Zehr emphasizes the needs of the participants in a restorative justice facilitation by saying they can be met if the three goals of a truly restorative practice can be met. He outlines these goals as being met if the wrong or injustice is acknowledged, equity is created or restored, and future intentions are addressed. Participants identified one of these goals by talking about looking at the reasoning behind why the person who harmed would harm. By talking about needing to know why, participants were pointing to the goal of the injustice needing to be acknowledged. Recognizing this implies they recognized at least a little bit of the key tenets of what makes a restorative practice restorative.

As Zehr defines it, victim offender conferences involve those directly harmed and those responsible for the harm. There is an initial meeting with each party separately, then they are brought together in a trained co-facilitator conference which often results in a restitution agreement. Family members may participate, but usually have supporting roles (Zehr, 2015). Participants commented on how this was different from what usually happens in the traditional justice system, going in depth about what this difference implies. Their depth of understanding about this showed that they not only got the basic concepts, but some were able to take this a step forward. When compared to the quantitative data on comprehension of tenets of restorative justice that showed a majority of participants getting questions 4 and 5 on the follow up survey right, showing that participants were mostly paying attention and took in the information enough to get the general idea of what I was intending them to.

When commenting on the overall process of restorative justice and its systematic implications, participants commented on how restorative justice contrasted the punitive nature of the United States criminal justice system. There were also overall comments that situated restorative justice as a better practice. As Sered says, the system, as it currently functions, does not adequately address crime in the United States. Participants being able to contrast the systems and make implications on this shows that they critically engaged with the material presented.

Participants comments centered around the presentation and video indicate they were effective in introducing the value of restorative justice. If participants rated the effectiveness of restorative justices' capacity of repairing harm as around somewhat effective and indicated a likelihood to participate in the process if the likelihood arose, it implies buy in to the process.



This points to the class sessions and overall presentations being successful in their ability to be accessible and persuasive to the audience. It also suggests the deliverable was well received and communicated everything in an effective way. Overall, it appears this presentation achieved the goal of being understood by a generalist audience through this measure.

### **Study Limitations**

The circumstances of this past year have had an unsurmountable effect on us all, so I am pleased that I completed this thesis in a way that I feel proud of. This thesis came out of a place of wanting to do something with a practical implication. Instead of just doing an argumentative work on why I think restorative justice is a good alternative path, I wanted to be able to take this idea and share it with others that would not be as familiar, following the path of pedagogy. I wished to not only research restorative justice but make a small difference with sharing what I was doing in not just an Honors presentation type of way.

While I hoped that I could have interacted with a non-college crowd, the circumstances that the pandemic forced required otherwise. To still try to get a more generalist audience, first years were thought to be the best choice from the options. This limits the study as this is still an academic environment and not the more generalist, even though undergraduates are often considered a generalizable sample in some disciplines. Another limitation with using the classes was the number of participants in them. The number of participants ( $n=47$ ) did not amount to a large sample size, either, which also hampers generalizability.

A goal of this project was to see how implementing a deliverable about restorative justice would influence participants' ideas and thoughts on it. One of the areas I set out to assess was participants' perceptions of the general effectiveness of restorative justice's ability to repair

harm. To gauge how the presentation affected these perceptions, a pre and post survey was used. I wished to get participants opinions on the effectiveness both before and after the presentation to assess any impact or shift, but if participants had never heard of restorative justice, how would they speak to its effectiveness? I only got the rating of effectiveness from the participants who had heard of restorative justice before, which would not get everyone's answer when trying to compare answers on effectiveness before and after the deliverable. Moving forward, I would suggest making individual responses to the survey trackable in order to assess the impact or change across each individuals rather than simply the groups as a whole.

Another hang-up caused by the pandemic was being virtual. Part of the value of interacting with a generalist audience was rooted in a desire to improve my skills at explaining complex ideas in a way that was digestible to people who were not familiar with them, something that was already a challenge for me. Classes being online made this even more challenging. Virtual complexities happen often. I had troubles screen sharing, joining instructors' meetings, videos loading, and being able to present my PowerPoint while still being able to see peoples face, if they even had their cameras on. I still think I was successful in my goals given the circumstances presented, but I, like many, wish it would have been possible in person. The use of the virtual aspect of the video of the characters portraying a victim offender mediation was well received, so I would suggest continuing to use this type of stimulation, maybe even using a video of actual VOM participants to boost credibility.

A huge part of participants' conversation over restorative justice was over types of crimes they thought this process would be beneficial or work for. In response to the critique that RJ may be inappropriate for more serious crimes, I would prepare for this by using qualitative data to

prepare for responses to make argument better. This was the area that there was the greatest resistance to the idea of restorative justice with. Keeping this in mind, according to Umbreit et al. (2001), survivors who have taken part in restorative practices in the United States have reported 80-90 percent rates of satisfaction compared to 30 percent for traditional court systems. This would be an area to better explain in the future.

I would also suggest, if the session length could be extended, expanding not only on what is best for survivors and what they want but looking at the variances the practice of restorative justice can cover. Not only can it be used for all types of crime successfully, there are many different versions of the practice. Maybe going into what a circle looks like versus a victim offender mediation could help expand participants views on the ways and places in which restorative justice can be meaningful. The goal was to create a deliverable that would effectively introduce RJ to generalist audiences in the hopes this deliverable could be utilized by those advocating for RJ, and this is a good start. Ideally it could continue to be tweaked and applied in a variety of settings and to a wide variety of forms of harms, perhaps including contexts like schools, community centers/neighborhood groups, and faith-based institutions.

### **Conclusion**

The goal of this project was to help propel the movement towards justice alternatives forward by making knowledge accessible and persuasive. This design was in part born out of the ideas of Public Sociology, an area of the discipline that emphasizes expanding disciplinary boundaries in order to engage with non-academic audiences. The creation of a material presentation introduced the principles, practice, and potential of restorative justice and delivering it to a generalist audience did just that. Whatever I said made participants think this

would be a good idea and with slight tweaks to different contexts, this is a good tool to use to address the vast problems in the criminal justice system in the United States. I do think that this concept could be expanded upon to make it even more impactful by widening the availability and knowledge of restorative practices. Using this presentation on different audiences could help achieve this if combined with widening outreach and reaction. Data supports that restorative justice practices reduce recidivism, increases safety, costs less than traditional justice processes, and creates stronger communities. Victims are providing a voice, empowered and can get a degree of satisfaction from interacting with their offender. Now convincing others, that is where this can move forward.

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## Appendices

### *Appendix A: Initial Survey*

# Initial Survey

This is a survey about your awareness about restorative justice, your responses will be anonymous (that is, your name will not be collected).

1. Have you heard of restorative justice before?

Yes

No

2. Have you been a part of a restorative justice process?

Yes

No

3. What was the context?

School

Workplace

Neighborhood

Faith Community

Within the Criminal Justice System

Other

3/22/2021

4. How effective do you think restorative justice can be at repairing harm?

- Very ineffective
- Somewhat ineffective
- Neither effective nor ineffective
- Somewhat effective
- Very effective

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This content is neither created nor endorsed by Microsoft. The data you submit will be sent to the form owner.

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## *Appendix B: Follow Up Survey*

# Follow Up Survey

This is a survey about your attitudes towards restorative justice and your assessment of the presentation, your responses will be anonymous (that is, your name will not be collected).

## Attitudes towards Restorative Justice

Please indicate your response to each question by checking the most appropriate answer.

1. How effective do you think restorative justice can be at repairing harm?

- Very ineffective
- Somewhat ineffective
- Neither effective nor ineffective
- Somewhat effective
- Very effective

2. If you were someone who was harmed, how likely would you be to use restorative justice if you had the option?

- Very unlikely
- Somewhat unlikely
- Neither likely nor unlikely
- Somewhat likely
- Very likely

3. If you were someone who caused harm, how likely would you be to use restorative justice if you had the option?

- Very unlikely
- Somewhat unlikely
- Neither likely nor unlikely
- Somewhat likely
- Very likely

4. As you understand it, one of the main differences of restorative justice compared to traditional models of punishment is that it involves the community as a stakeholder.

- True
- False

5. As you understand it, one of the main differences of restorative justice compared to traditional models of punishment is that it requires the offender to make amends for their actions.

- True
- False

## Assessment of Session

Please answer the following questions about the session using a scale with a range of 1 to 5 representing strongly disagree to strongly agree.

6. The session was well-organized.

Strongly Disagree    1    2    3    4    5    Strongly Agree

          

7. The presenter was knowledgeable.

Strongly Disagree    1    2    3    4    5    Strongly Agree

          

8. The PowerPoint slides were helpful to my understanding of the topic.

Strongly Disagree    1    2    3    4    5    Strongly Agree

          

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## Appendix D: Exempt IRB Form

### Exempt Review Research Categories (45 CFR 46.101b)

A. Principal Investigator: Dr. Heather Pruss, Assistant Professor of Criminal Justice Phone 8241

Campus Address Pasteur 108-A Email hpruss@bellarmine.edu

B. Project Collaborators:

Name Grace Michels Dept or Off Campus Affiliation CJS/SOC

Name \_\_\_\_\_ Dept or Off Campus Affiliation \_\_\_\_\_

Name \_\_\_\_\_ Dept or Off Campus Affiliation \_\_\_\_\_

C. Title of Project: Honors Thesis Project-Survey

D. Type of Exemption Requested (one or more may apply). Research activities in which the ONLY involvement of human subjects will be in one or more of the categories specified below are eligible for exemption certification. If the research study involves a vulnerable population, such as children, prisoners, or pregnant women, refer to 46 CFR subparts B, C, and D for protections afforded these groups. In most cases, an expedited or full review is required with one exception (see #2 below). If the protocol involves a physical or biomedical intervention, you must complete the full IRB application for your research.

Check the appropriate category or categories that you believe applies to your research project and attach a copy of any survey and/or interview questions:

- 1. Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (i) research on regular and special education instructional strategies, or (ii) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.
- 2. Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (i) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (ii) any disclosure of human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. Note: According to 45 CFR 46.401, if the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) does not participate in the activities being observed.
- 3. Research involving the use of standardized educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior that is not exempt under #2 (above) of this section if: (i) the human subjects are elected or appointed public officials or candidates for public office; or (ii) federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.
- 4. Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.
- 5. Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (i) public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs.
- 6. Taste and food quality evaluation and consumer acceptance studies, (i) if wholesome foods without additives are consumed or (ii) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.



- E. A brief explanation (3-4 sentences) of why you believe your research is exempt from IRB review. As part of the explanation, you will need to clearly articulate the rationale for the exemption and should attach any relevant supporting documentation.

My Honors Thesis intends to convey restorative justice as a conceptual idea to a generalist audience. This will involve giving a deliverable oral presentation to three IDC-101 classes, equallying about 90 first-year students. I want to receive feedback from the class on how effective the presentation is through 2 virtually administered surveys, a pre and post. I plan to collect and analyze the qualitative data as well. The survey would not ask any identifying questions, students would have a choice whether to fill it out or not. It would be a self-administered survey asking non-sensitive info and I have attached copies of the surveys I hope to administer as well as the project description. No names will be collected as part of the qualitative data.

- F. Signatures. By signing this application for exempt status, the principal investigator and collaborators (if any) commit to ensuring that they will protect the interests and general welfare of all participants. Further, the researcher(s) will provide all participants with notification of their rights as it relates to informed consent and clearly indicate participation is voluntary using the standard informed consent template. Finally, the researcher(s) agree to submit a modification of the research protocol should it be subsequently determined that the research may not necessarily be exempt and/or a change in the protocol requires resubmission.

Principle Investigator \_\_\_\_\_ Date \_\_\_\_\_

Administrator (Dean or Dept Chair) \_\_\_\_\_ Date \_\_\_\_\_

G. Exemption Status:  Approved  Not Approved

If NOT approved, note rationale: \_\_\_\_\_

IRB CHAIR SIGNATURE OR DESIGNEE \_\_\_\_\_ Date \_\_\_\_\_

Approved, 5-19-14.  
Revised, 6-10-14.

**Appendix E: CITI Program Certification**



Completion Date 17-Sep-2019  
Expiration Date 16-Sep-2022  
Record ID 33315134

This is to certify that:

**Grace Michels**

Has completed the following CITI Program course:

Not valid for renewal of certification through CME.

**Social and Behavioral Responsible Conduct of Research**  
(Curriculum Group)

**Social and Behavioral Responsible Conduct of Research**  
(Course Learner Group)

**1 - RCR**  
(Stage)

Under requirements set by:

**Bellarmino University**



Verify at [www.citiprogram.org/verify/?wd51cccf4-cff9-44be-9093-918aad8247e4-33315134](http://www.citiprogram.org/verify/?wd51cccf4-cff9-44be-9093-918aad8247e4-33315134)