

RESTORATIVE JUSTICE BEHAVIOUR POLICY & PROCEDURE (STUDENTS)

CODE P072

Section: Academia/ Student

Policy Owner: BOG

Procedure Owner: CEO/Registrar

Policy

ITS is a public educational institution and as such it has a primary duty to educate its students for the benefit of society, the country, the European Union and humanity. In this light ITS needs to implement a disciplinary system which tackles discipline in a holistic manner, a manner which tackles difficulties with decisiveness but at the same time using a methodology where the student is addressed as a whole person and not just a number.

Procedure

The procedure in cases of incidents involving issues of behaviour will be as follows:

- a. Discipline will be tackled on two different but parallel levels
- b. ITS will appoint a Institutional Regulation Coordinator and a Restorative Justice Coordinator who need to work in tandem.
- c. As is practice today incidents that occur (related to ITS) may be reported by lecturers and/or students and/or ITS officers. The report will be submitted on a mailbox created appositely for this purpose which will be accessible by both coordinators (on the complaints model).
- d. The Regulation Coordinator will be given the executive power to take temporary decisions which will be regulated by apposite guidelines.
 - a. In grave situations the RC may suspend a student temporarily for up to a week or refer to the CEO for outright dismissal in cases of criminal activities
 - b. Report to the Police in cases of criminal activity
 - c. Ask for temporary change in classes
 - d. Refer to the Board of Discipline if the Restorative Justice Procedure fails
 - e. Issue Written Warnings as per rules and regulations
 - f. Keep a register of written warnings and refer to the BOD when a student accumulates three warnings
 - g. Implement any decisions taken by the BOD and CEO in terms of behaviour
- e. The Restorative Justice Coordinator (RJC) will immediately start the procedure, general guidelines as follows
 - a. The RJC will first call the person who has caused the harm and explain that whilst the offence may merit a hearing by the BOD, s/he is being offered an opportunity to learn from their mistakes and repair the harm caused, as long as the person who they have harmed also agrees to this process. If the person who caused harm declines this opportunity, the case will be automatically referred back to the RC to initiate the BOD procedure.
 - b. If the person who has caused harm agrees to this process, the RJC will then call the person harmed to let them know that the person who caused the harm would like to find a way to repair it. If the person harmed is weary of meeting the person who caused them harm, the RJC will let them know that there is the option of having another person representing them and their voice if they wish. If the person harmed still declines the process, the person who caused harm will be informed about this and the case will

- be referred back to the RC to initiate the BOD procedure.
- c. If the person who was harmed agrees to the restorative justice process, the RJC proceeds by setting up a preparatory meeting with the person who caused harm first, in order to 1. Clarify what happened during the incident from the point of view of the person who caused the harm and what s/he was thinking in that moment, 2. Reflect on who was affected by their behaviour and how they were affected (physically, emotionally, mentally, academically, financially, etc.) 3. Reflect on what could have been/ could be done differently in the same situation in order to result in a more positive outcome, 4. Reflect on the desired outcome of the restorative justice process, 5. Explain the rest of the Restorative Justice process, 6. Ensure that they are taking responsibility for their actions, 7. Gauge their willingness to participate in the process.
 - d. Should the person who caused the harm not seem ready or willing to proceed with the restorative justice process, the case may be referred back to the RC to initiate the BOD procedure.
 - e. If the person who caused the harm seems ready and willing to participate, the RJC may then set a preparatory meeting with the person harmed in order to 1. Clarify what happened during the incident from the point of view of the person who was harmed and what s/he was thinking in that moment, 2. Reflect on how s/he, as well as others, were affected by this incident (physically, emotionally, mentally, academically, financially, etc.) 3. Reflect on the desired outcome of the restorative justice process and how s/he would like to harm to be repaired, 4. Explain the rest of the Restorative Justice process, 5. Reassure them that the person who has caused the harm has taken responsibility for his/her actions and outline the benefits they can obtain from accepting to participate in this process, 6. Gauge their willingness to participate in the process and should they not feel comfortable attending, offer the option of having someone else represent them and their voice.
 - f. After both these preparatory meetings have taken place, the RJC may proceed with organising a restorative justice meeting. During this meeting everyone present will be given an opportunity to speak, and together they will clarify 1. What happened and why things turned out that way, 2. What could have been done differently, 3. Who was harmed in the process and in what ways, 4. What can be done to repair the harm caused.
 - g. At the end of the restorative justice meeting, a written agreement will be drafted and signed by the person who has caused the harm, the person harmed and the RJC. The agreement will outline how the person who caused the harm has agreed to repair it, in a specific, achievable, measurable and relevant manner, and within a specific time frame. Copies of the agreement will be given to the person who caused the harm and also the person harmed.
 - h. The RJC will follow up the case to make sure that the harm has been

INSTITUTE OF TOURISM STUDIES

repaired according to the agreement, within the set time frame and up to a satisfactory level. Should this be achieved, the case can be considered closed and the disciplinary process may stop here.

- i. If the person who caused the harm does not uphold the agreement, the case will be referred back to the RC to initiate the BOD procedure.
 - j. A report will be drafted about whether the agreement was fulfilled, whether the restorative justice meeting was successful or not, what could have been done better and what the expectations are for the future.
- f. If the process cannot occur due to lack of cooperation from either the recipient of the action or the actor the RJC will immediately inform the RC to initiate the BOD proceedings.
 - g. The CEO may decide to prolong or reverse suspensions or other actions taken by the RC after a week of initiation if deemed necessary or if the RJC asks for prolongment due to the situation at hand.
 - h. All disciplinary actions taken need to be notified to the Registrar's Department for upkeeping of personal files.