



**JENNIFER LLEWELLYN WITH AMANDA DEM-
SEY AND
JILLIAN SMITH**

An Unfamiliar Justice Story: Restorative Justice and Education Reflections on Dalhousie's Facebook Incident 2015

In January 2014 I was invited to be the keynote speaker at the annual meeting of the Women's Division of the Dalhousie Alumni Association (WDDAA) on restorative justice (RJ) and education. I was unable to accept the invitation but suggested maybe the next year. No one could have predicted what the intervening year would bring. The WDDAA would have been forgiven if they chose a different topic or speaker for this year's meeting, coming as it did in the midst of significant national debate about restorative justice at Dalhousie — some of it ill informed and much of it angry or dismissive. Under the circumstances, the sincere invitation to come and speak to this group, which since 1909 has concerned itself with supporting women and ensuring their inclusion and influence within the Dalhousie community, was significant.

Exactly five months before, in December 2014, a few women students met with the Dean of Students at the Faculty of Dentistry at Dalhousie about a Facebook poll authored by men in their class about which classmates they would have "hate sex" with. The post was not an isolated one: there was other offensive material on the Gentlemen's Club private Facebook group, to which the majority of the male members of their small class belonged.

In response to this information, four of the women named in

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offensive posts on the Facebook site decided to complain under Dalhousie's sexual harassment policy. They complained about their classmates' comments on the Facebook site but also more broadly, about the climate and culture the conduct reflected and contributed to at their school. These women were clear about what they wanted — they wanted justice. They had a range of options and from them elected to proceed through a restorative justice process. And so began an unfamiliar justice story.

I was asked to help advise and facilitate the process along with two staff members at the University, Jacob MacIsaac and Melissa MacKay. It was the story of this experience I wanted to share with the WDDAA because it had much to teach about what justice requires of us in an educational community. But this story was, of course, not mine alone. I asked two of the women from the class of DDS2015 — who five months earlier had made the choice that started this justice story — if there was anything they wanted me to share on their behalf. To my surprise, they said that they would come and speak themselves. Although the participants in the restorative justice process had shared their experiences with members of the Dalhousie community and the public that were involved in the restorative justice process, they had not chosen to speak publicly about their experiences outside the process to that point. As they neared graduation, however, and were set to become part of the alumni community at Dalhousie, these two women felt it was an important opportunity to share their story about doing justice in the context of their educational institution.

Many in attendance that day encouraged us to share the speech more broadly. Since then, of course, more details of the restorative justice process have been shared through the *Report from the Restorative Justice Process* (<http://www.dal.ca/content/dam/dalhousie/pdf/cultureofrespect/RJ2015-Report.pdf>), which includes a statement from all of the participants in the process. But, the need to reflect more broadly on the women's experience for what it has to tell about justice and education lingers. Just as the WDDAA felt like the right space for the women to speak publicly for the first time, *Our Schools/Our Selves* feels like the right place to share this story and our reflections on it in the hopes that it might support deeper consideration of what it has to say about justice and education.

What follows is an edited and updated version of that presentation we gave for the first time in May of 2015. It starts where it should — with the voices of the women who chose the restorative process and began this unfamiliar justice story.

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We are Amanda and Jill and while you likely have not met us it is also just as likely that you talked about us over your holiday dinner table. We are two of the women from the Dalhousie Dentistry Class of 2015, and we are proud to be so. With the year we've had, we trust you know that we do not say that lightly. This is our first time speaking publicly about our experience this year. We were honoured to be asked to speak today, and take this privilege seriously. Dalhousie women have had a hard year. There was a slogan all over the news just a few months ago that Dalhousie hates women, but we know that is not true, and we trust that you know it as well. So in this safe space, we want to share with you some of our experience this year in hopes that it can help you understand what happened and why. Because as Dalhousie women, we're sure that in many ways you all were hurt by this year's events as we were and we feel an obligation to help set the record straight.

We found out about the contents of the Gentlemen's Facebook group during our December exams, a week before it made it onto the news, but we had always known the group existed. Immediately, our impulse was to turn this into a matter of education, not punishment. That is not to say that we were not angry, upset, hurt, and betrayed. We were all of those things, and all the things that fall in between. But we are from a close knit community, a small class from a small faculty, and we had close collegial relationships and friendships with many of the men in our class. Certainly they could sometimes be annoying or hurtful and we were angry with them at times, but we did not think they were lost causes. In fact, we knew them to be very smart and caring men. We also knew that they had a huge lapse in judgement and what they had posted was inexcusable. In the first few days after this material was uncovered to us, we had many discussions about what we wanted to see happen, and every conversation came back to the desire for this to be about education. We felt confident in our ability to confront the men about what they had written, however, we were acutely aware

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that in the traditional dentistry setting, the majority of the auxiliary staff are female who might not feel similarly able to speak up. We felt an obligation to ensure that the men understood that there is a great amount of responsibility that comes with being a professional and with being an employer. We wanted them to understand that the things they had written about us were not wrong just because they were about us, their colleagues, or because they had gotten caught, but because they were wrong to think those things about any woman.

When the story made its sudden, and loud, presence known on the CBC, we were instinctively protective of our classmates, not just the women but the men too. We were given our options, very clearly, with time to think about them, as to how we would like to proceed. Luckily, there was the restorative justice option which was very similar to what we had been thinking about all along. It provided a means to bring all the parties that needed to be present into the conversation, in ways that were safe, so that accountability could be taken and changes could be made. Despite the demand for expulsion that was echoing out across the country, it was never a reasonable option for us. We saw expulsion as the exact opposite of what we wanted. We did not want to see 13 angry men expelled who had learned nothing about why what they wrote was wrong. To us, that was a cop-out. Nor did we want to just forgive and forget. Rather, we were looking for a form of resolution that would allow us to graduate alongside men who held an understanding of the harms they had caused, who had owned these harms, and who could carry with them a sense of responsibility and obligation to do better.

We thought, naively, that everyone would see our point of view. Instead, the opposite happened and the choice that we had put so much thought into quickly became the topic of a national discussion, but one that we were not a part of. And for us, that was the hardest part of all of this. We are strong women, and we care deeply about women's issues. In fact, that was why we wanted to participate in the restorative justice process, even though we knew it would require much more from us than if we had supported a more punitive option. The irony was that while we chose this option to try to do what we felt was best for ourselves as women, some in the women's community spoke out against our choice across the country. We spent our holidays holed up reading article after article about how we had made the wrong

choice for women. Labels were put onto us that we had never applied to ourselves — weak, guilt-driven, and victim. We had never felt like victims until the media told us we were. And only then did we feel that we were victims of the public debate in the media. We, and our families, had to spend our holidays in the unique kind of hell reserved for those going through something private, very publicly. It was not that we felt that we could not speak for ourselves, but that there was no safe space for us to speak until the mobs quieted down. It was horrible to watch women turn on each other about what they felt was the right option for us, and to watch men turn on men for not standing up for us when we had asked specifically that we be allowed to stand up for ourselves. It was awful to listen to a national conversation about how we must not be strong enough to make honest decisions for ourselves, and not have a way to have a real voice in the conversation.

When we returned to school in January, there were many groups trying to stand up for us, but, in doing so, they were actually impeding our progress. Every time a group would try to step in and do what they thought was best for us, without asking us, they actually prevented the process we had chosen from moving forward. We were at a standstill, unable to begin to repair the harms that were done to us. We were forced into a position of having to defend our choice, and our male classmates, at a time when we should have been given the space to be angry and to figure out what we needed to address the harms. But we did what strong women do, we persevered.

Eventually, the time came for us to begin having conversations with the men about how we had felt, and how and why we were harmed. RJ gave us a way to be relevant. Apologies were made, and they were accepted, as we watched the men not just say they were sorry but learn why they were sorry. We also gained a sense of empowerment to hold them to their apologies and their commitments. For many of us, it was not just the words themselves that hurt but the lack of accountability the men felt to their role as future professionals. We felt an obligation, to our institution and to our profession, to do the work along with them to ensure they would behave as future professionals in a way that we could be proud of as fellow members of the profession.

As we moved through the process, there came a time for us to unpack the assumptions we had brought with us as well. We are a

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part of a generation of women who have grown up in a world in which inappropriate sexualization is far more broad and accessible than before. We have become accustomed to this and, because it is everywhere, we rarely take the time to question it. We had always been aware of the men's Facebook group, though had never seen the content directly. We had always been under the assumption that, as a rule, there would never be posts about the women in our class. We assumed, but did not address, that the material on those pages was likely at times sexist, unprofessional, and inappropriate. It was only when we knew it was about us that we took real offense. That made us realize that we, as women, can inadvertently contribute to the broader culture and climate that fosters environments in which Facebook groups like this one can persist and flourish — when we are only up in arms when it is about us, but tolerate the general objectification of women.

By acknowledging our understanding of the role we played in the culture at the school, we did not excuse the wrongs that were done by the men in the group, nor did we place the blame on ourselves as some have suggested. The men still had to be accountable for their actions, but we took the opportunity the restorative justice process provided to develop a deeper understanding of the issues that shaped climate and culture and to empower ourselves to affect the changes we wanted to see because we felt this was also our right and responsibility. Restorative justice processes are about learning and are future focused, and we would not have been fully participating in the process if, by the end, we were proceeding exactly as we had before the process began.

We are fortunate to be a part of an institution that offers restorative options, because the skills learned in restorative justice translate into all aspects of our professional and personal lives. We have had the experience of having difficult conversations in a safe environment. We have learned that managing conflict involves as much self-reflection as it does articulation. We have learned to listen far more than we speak, and that, in difficult times, leaders may emerge from people you least expect.

In the months since we formally ended the restorative justice process, an External Task Force, appointed jointly by the President and the Senate at Dalhousie while the RJ process was ongoing, released a report that failed to understand the work and the dedication that we and

our classmates put into the restorative justice process. Unfortunately, the members of the Task Force failed to appreciate, as we did, the potential for immense change in climate and culture that can arise from a restorative process. Perhaps our decision to participate in the RJ process was too complicated a story, or we did not seem like good enough victims to earn a place in the narrative the Task Force crafted of what happened. Regardless of whether we warranted a place in the Task Force's story, restorative justice was a path that we chose for ourselves, and the gains we made individually and as a collective of young professionals will carry on.

We are entering a self-governing profession and we have seen firsthand the immense responsibility and accountability that comes with being responsible for the actions of the people around us. Through our experience and work within the restorative justice process, we have become accustomed to questioning the status quo and demanding of ourselves that we come to the table with honesty and integrity. We came to the circles with members of our class and also with our faculty and every level of leadership at Dalhousie. Each time we proposed and contributed to the same question — how can we do better? We have moved away from seeing our university and our profession as a vertical hierarchy where it is important that you maintain your place, but rather as a horizontal field in which everyone holds responsibility and no one is exempt from accountability. We have also become increasingly aware that while women now represent the majority of students entering dental schools, there is an underrepresentation of women in leadership positions within the profession. We feel better prepared because of our experience in restorative justice to begin to fill these roles.

Amanda and Jill tell an “unfamiliar” justice story. What they asked for did not fit the story we are told about what justice requires. It was not what they were supposed to want, nor was it what the University was supposed to do. The public response to the situation clearly sought the arc of established justice narratives. The public demanded — in petitions, tweets, blogs, online posts and on talk radio — that the University play its traditional part in the justice story. They were to find the monsters and punish them, ideally by isolating them from the rest of us by expelling them to make them pay and somehow make us all richer for their loss.

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In the face of this familiar and, in many ways, seductive story of justice, Amanda and Jill and other women in the Dentistry class of 2015 told a different story of what justice required for them. Their story reflected what they experienced in school and the profession. The story, as they have shared, was a more human one. It was one without clear villains and heroes or heroines, with a complicated plot line where the men are not just bad apples, where there are no ringleaders, no innocent bystanders, and not even a righteous whistleblower. It was not a simple story in which individuals carry blame alone. The men's choices and actions, as wrong as they were, reflected deeper social narratives in which the men, the Faculty, the University, the profession, and even the women involved played a part in sustaining the culture and climate that structured this story of sexism, misogyny, rape culture and racism.

But none of us want to be characters in such a story; we do not want to accept the roles we play. Instead we cast others as actors on the main stage — the men, the faculty, the university, Dalhousie's president (and even the women). We leave ourselves off stage as spectators in the wings or, in some instances, assume the role of director trying to tell the actors what to do according to our own version of the script.

This was not, however, the story of justice for these two women and their female classmates who chose restorative justice. They cast themselves in a role that they could not have fully scripted or appreciated what it would require of their characters from the outset. The story they tell is perhaps less familiar as a justice story but it is a deeply familiar human story. Indeed, it is a very feminist story of who we are, what we need from one another, and what justice requires in response to wrongdoing and harm. It is a feminist story not merely because it is the story of these strong, smart, fearless and passionate women from the DDS class of 2015 — it is that, to be sure — but it is also a story about people and justice long told by women. This restorative story starts with a relational understanding of human beings — of who we are and what we need from one another.¹

This relational story says more than that we do, in fact, live in relationships with one another. It says something more fundamental — that not only do we live this way, but we could not live otherwise. Relationships on this account are fundamental and formative. Who we are and what can become is formed and developed in and through

relationships. This does not mean that what we do is determined by others. We are more than the sum of our relationships, not just mere products of society. We can and do make choices for ourselves and we are responsible and must be accountable for those choices. What this story reveals, however, is that while we make choices *for* ourselves we never make them *by* ourselves. Our choices are made possible through our connections with others and our choices have implications for others around us. Understanding the choices we make and ensuring we make good ones requires understanding the relational context within which choices are made.

This restorative story does not glorify relationships as “good” but rather highlights that we all live in relation to, and with, others. Once we see that we are relational — that we live in webs of relationship — intimate and broader social relationships — then we can also come to see that relationships can be positive or negative. For good or for bad we are in this together. Human experience has revealed the types of relationship that are harmful: violent, neglectful, discriminatory or oppressive. From these experiences we have come to know what we need to be well, to flourish and succeed and to make good choices for ourselves: we need relationships of equality. That is, relationships in which we are respected, treated with dignity and have care and concern for one another. This is what justice requires.

But this focus on relationships does not mean that justice is about protecting or repairing intimate relationships — about being friends, forgiving and forgetting, or hugging and making up when something goes wrong to preserve particular relationships at any cost. Indeed, healthy relationship in circumstances of violence may entail the end of an intimate relationship. We live in relationships with one another at many different levels — some intimate but others social and political, some voluntary and others not so. Justice requires attention to all the ways in which we are connected.

Perhaps this story is starting to sound more familiar, to resonate with who you are or how you have experienced the world. Even so, one might wonder, what has this got to do with doing justice? Because as much as this is a story of ourselves that fits with lived experience, it is not the narrative reflected in many of our political and social institutions. We live, learn and work in institutions that are powerfully influenced by another story about who we are and what we need. It is

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a story of individualism. It says we are, or aim to become, independent individuals, able to pull ourselves up by our bootstraps, who should make our own decisions, define freedom as lack of interference by

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others, as being left alone to do as we wish. According to this story we choose our relationships based on our self-interest and use rights to protect us against the interference of others. When something goes wrong we seek the individual who is responsible and ascribe blame and punishment (often by isolating or removing them from others in order to protect and deter). This story was powerfully reflected in the calls to expel the male dental students.

This is not, though, what Amanda and Jill thought was needed when something went wrong for them. They saw the situation clearly as a relational one. They felt connected to these men as their classmates and friends but also as future colleagues in the profession. They understood the implications of their choices not only for themselves but for others, including those who may have fewer choices available to them because of the structures of social power and privilege. They understood clearly that these events were indicative of their whole experience at the Faculty of Dentistry and that they reflected and contributed to the culture and climate at the school. Based on their knowledge, they asked for and chose a restorative justice process because it was a relational approach to justice capable of dealing with the issues at stake in this situation at all levels: interpersonal, institutional, and social. They chose restorative justice because it says when something goes wrong we should not just ask: what law or rule was broken and what punishment is owed or deserved? Instead it asks: what happened here? What matters about this? Who was harmed or affected? Who is involved or connected to this situation? What are

their needs and responsibilities to one another in order to address the harms and change the story of what happens next to ensure the future is more just?

For restorative justice that “just” future requires relationships of respect, equal concern and care, and that our human dignity is recognized and assured. A simple resort to punishment cannot get us there. It will not secure a just ending to a story about wrongdoing and harm. Instead, we must involve all of the actors in figuring out what is required in the particular situation and circumstances to support and ensure a just outcome for all. Doing this work requires justice processes capable of bringing together all the right players with knowledge and insight to play active roles with one another in the work of justice. Together they must figure out what happened, what matters about this for us and others, what are their needs and responsibilities, and what is required going forward? They must come together to make a plan for doing justice — for what is required of all of the actors to live justly with one another in the future. A restorative story then does not end with justice “done” — with punishment meted out. Rather, it is a story of transformed relationships in which the parties commit to doing the work of justice long after the curtain falls — it is a continuing, perhaps never ending, story of doing justice over the long haul.

Many other stories have been told about what happened at Dalhousie within the restorative justice process — some of mythic proportion, many fictional, and most scary. Stories that said restorative justice was a tragedy for women that required women harmed to sit in a circle alone in a room with their offender and carry the burden of doling out their punishment. That restorative justice was a “cover story” to distract from real accountability for the men. Stories that insisted restorative justice was focused only on the individual narrative of harm and healing, and aimed at hugging, making up and letting bygones be bygones. Or that restorative justice was secretive, and that we would never know the full story of what happened. Or, that it paints everyone with the same brush and fails to assess who is better or worse. These do not, however, capture the real story of restorative justice and are not the real story of the restorative response to the Dalhousie Dentistry Facebook situation.

The restorative justice process at Dalhousie was deeply concerned with learning truth — with figuring out what happened. It involved

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a robust and comprehensive investigation free from interference from institutional or other forces. It examined what happened on the Facebook site but also the circumstances, context and causes connected to it. But the restorative process did not simply skip from the facts to conclusions. Based on the investigation and the facts it uncovered, the process brought those involved and affected, and those who could affect the outcome, together in small and large groups over several months to come to terms with, and make sense of, the facts.

The process included men and women in the class, faculty and staff, the university, the profession and members of the broader community. It was a process that made time and space, “set the stage” if you will, for the difficult conversations and reflection about ourselves, each other and the world required for learning and for change. Restorative justice is a process that sees education as fundamental to the work of justice. As a university community we knew the truth that change and transformation, personal and societal, comes from knowing more and better so we can do better. This insight, that relationships are central to success in both education and justice led Nova Scotia to develop a provincial restorative justice program for youth in 1997, to establish a restorative approach in schools project with over 100 schools across the province, to transform processes at its Human Rights Commission restoratively, and to approach safety for our seniors this way. It is also what led Dalhousie University to develop restorative justice processes for students on and off campus in collaboration with partners at municipal and provincial levels. It was this work that enabled the University to offer the restorative justice process chosen by these women from the Faculty of Dentistry.

Restorative justice requires that we come to know what happened and what matters about it so we can determine a plan for the future and determine who will play which role. Amanda and Jill took the stage not only to tell the story of their past experience in restorative justice but to shape what they want to see as the story unfolds in the future. In doing so, they challenge all of us — members of the Dalhousie community, educators, and the public to ask: what will our role be in this story? What does justice require of us?

It requires more than the familiar arc, the all too easy narrative of bad guys and good guys. It requires a more complex way forward. We must equip ourselves, as these women have done through reflection

and learning, to make change in the culture and climate through our roles and relationships. What is clear from their story and the story of restorative justice is that the work of doing justice implicates all of us in learning and then acting together to build and maintain just relationships that structure culture and climate.

This is work that is central to education. Restorative justice should be a familiar story for a university and for educational communities generally. It tells the same story about what is vital to our wellbeing as a society: learning, teaching, discovery, growth and transformation. The university is a place where we examine the most difficult issues and problems we face and seek responses as a community of learning. Restorative justice requires nothing less in the face of injustices done to one another. Perhaps, then, it is fitting that Dalhousie, a place dedicated to education, played such a big part in this justice story. Maybe it was cast in the perfect role — educating for justice. In the end, this is not just Amanda and Jill’s story, but all of ours to live and tell long into the future. I wonder if we will play our parts as well as they have.

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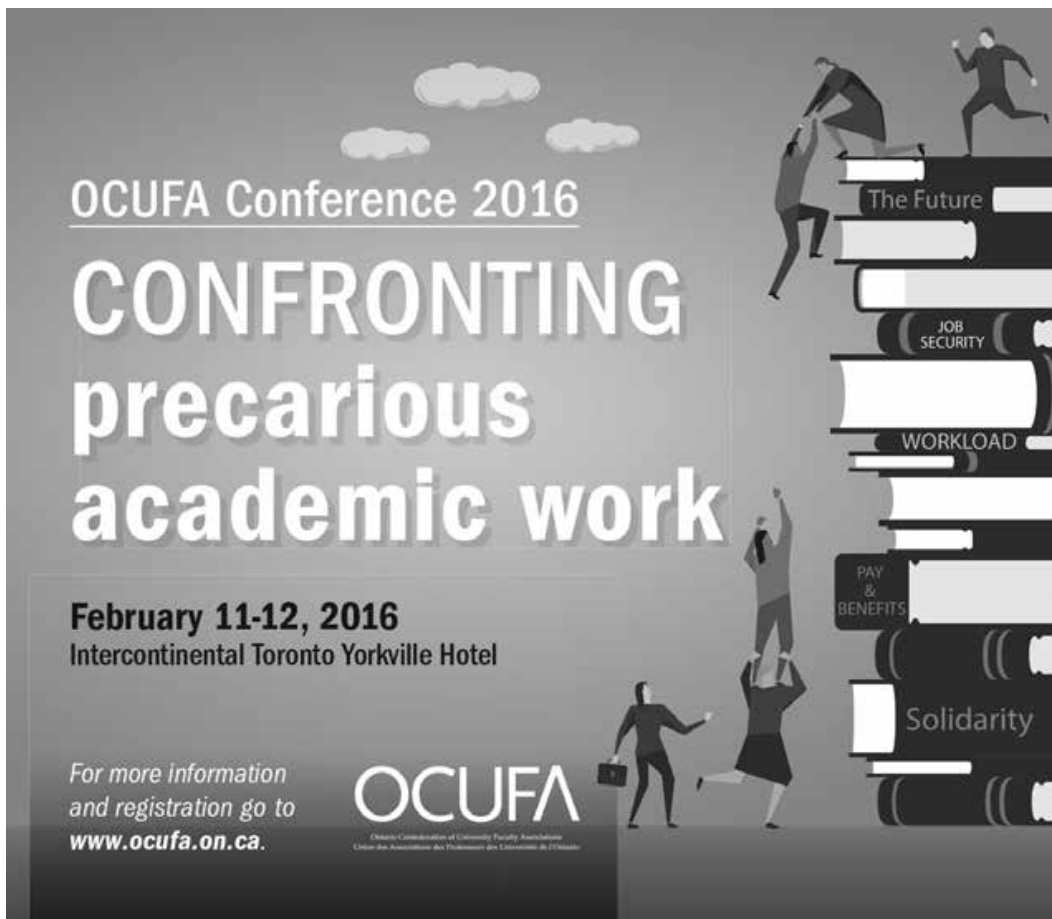
AMANDA DEMSEY and **JILLIAN SMITH** both graduated from the Faculty of Dentistry at Dalhousie University in 2015. Amanda is practicing dentistry in Newfoundland and Jill in British Columbia. They hope to end up practicing in the same province again someday soon. **JENNIFER LLEWELLYN** is the Viscount Bennett Professor in Law at the Schulich School of Law, Dalhousie University.

ENDNOTES

1. This following account of restorative justice and relational theory is drawn from my previous work. For examples see: Jennifer J. Llewellyn, “Restorative Justice: Thinking

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Relationally about Justice” in J. Downie & J. Llewellyn (eds.) *Being Relational: Reflections on Relational Theory & Health Law and Policy* (Vancouver: UBC Press, 2011); Jennifer J. Llewellyn, Bruce P. Archibald, Don Clairmont & Diane Crocker “Imagining Success for a Restorative Approach to Justice: Implications for Measurement and Evaluation” 36:2 *Dalhousie Law Journal*; Kristina R. Llewellyn and Jennifer J. Llewellyn, “A Restorative Approach to Learning: Relational Theory as Feminist Pedagogy in Universities” in T. Penny Light, J. Nicholas & R. Bondy (eds.) *Feminist Pedagogy in Higher Education: Critical Theory and Practice* (Wilfrid Laurier University Press, 2014).



The poster features a dark grey background with white text and illustrations. At the top, there are three stylized clouds. The main title is in large, bold, white letters. To the right, a stack of books is shown with silhouettes of people climbing on them. The books are labeled with various academic and professional concerns. At the bottom left, there is contact information and the OCUFA logo. At the bottom right, there is a small illustration of people carrying each other up.

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