

Restorative Justice as an Alternative Response to Student Academic Dishonesty in South African Higher Education Institutions

RB Mokomane*

Online ISSN
1727-3781

P·E·R

Pioneer in peer-reviewed,
open access online law publications

Author

Reliance B Mokomane

Affiliation

University of South Africa,
South Africa

Email

Emokomr@unisa.ac.za

Date Submitted

4 September 2023

Date Revised

3 June 2024

Date Accepted

3 June 2024

Date Published

24 October 2024

Editor

Prof G Viljoen

Journal Editor

Prof W Erlank

How to cite this contribution

Mokomane RB "Restorative Justice as an Alternative Response to Student Academic Dishonesty in South African Higher Education Institutions" *PER / PELJ* 2024(27) - DOI

<http://dx.doi.org/10.17159/1727-3781/2024/v27i0a16784>

Copyright



DOI

<http://dx.doi.org/10.17159/1727-3781/2024/v27i0a16784>

Abstract

Academic dishonesty among students is a persistent problem in higher education institutions throughout the world, including in South Africa. The traditional methods of dealing with academic dishonesty have not succeeded in curtailing the rise of this phenomenon. Dissatisfied with the methods, some countries have started searching for other ways of responding to academic dishonesty. One such way is restorative justice, which is not a new phenomenon in the history of dealing with disciplinary problems in the education environment. International research shows its potential to enhance academic honesty among students. This article examines restorative justice as an alternative method of dealing with student academic dishonesty in South African higher education institutions. After reviewing the literature the article concludes firstly that restorative justice can reduce academic dishonesty, and secondly, that restorative justice can inculcate a good behaviour among students. The article recommends that restorative justice be adopted as one of measures to deal with academic dishonesty in South African higher education institutions.

Keywords

Academic dishonesty; punitive approach; punitive measures; expulsion; suspension; restorative justice; institution; community; apology.

.....

1 Introduction

Academic dishonesty among students is a persistent problem in higher education institutions (universities, colleges) across the world, including in South Africa.¹ It can be described as "committing or contributing to dishonest action by individuals taking part in teaching, learning, conducting research, and other academic activities."² There are numerous forms of academic dishonesty. Those commonly perpetrated are cheating, fabrication and plagiarism.³ Academic dishonesty is not limited to the actions of students. It can also be committed by other people (such as lecturers) in the academic environment. Nevertheless, this article focusses on student academic dishonesty.

Whatever form it takes, academic dishonesty negatively impacts on the students, the institution, the lecturers and the education system itself. According to research, students who behave dishonestly during their academic studies tend to act unethically when they enter the workplace.⁴ Furthermore, academic dishonesty can limit students' ability to achieve their desired goals, as some institutions might refuse to admit students with a history of academic dishonesty.⁵ More worrying is the influence that academic dishonesty may have on honest students. It is suggested that seeing other students choosing academic dishonesty may encourage honest students to do the same.⁶ As far as the impact of academic dishonesty on the institution is concerned, an institution which is plagued by incidents of academic cheating might suffer reputational damage and as such become less attractive to potential students and prospective

* Reliance Bongani Mokomane. LLB LLM. Lecturer, Faculty of Law, University of South Africa. Email: Emokomr@unisa.ac.za. ORCID: <https://orcid.org/0000-0003-1301-683X>.

¹ Matsebatlela and Kuhudzai 2018 *Alternation* 182; Radulovic and Uys 2019 *African Journal of Business Ethics* 16.

² Peachessay 2021 <https://peachyessay.com/blogs/academic-dishonesty/>.

³ Cheating is considered as the use of illegal information or methods to complete academic tasks. Examples of cheating include copying during the exam; writing papers or completing other tasks using sources other than those allowed by the educators; and the acquisition of exam papers without authorisation. Fabrication, on the other hand, involves the illegal production or modification of academic activities or papers. Plagiarism occurs when someone takes, and passes off as his own, another person's work (words) without acknowledging the source. Some examples of plagiarism are copying and pasting words word for word without acknowledgment; creating fake references; not properly paraphrasing someone else's work; and omitting quotation marks – see Peachessay 2021 <https://peachyessay.com/blogs/academic-dishonesty/>.

⁴ Ballantine, McCourt Larres and Mulgrew 2014 *Accounting Forum* 56; Starovoytova and Namango 2016 *Journal of Education and Practice* 68; Mulisa and Ebessa 2021 *Cogent Education* 3; Nonis and Swift 2001 *Journal of Education for Business* 71.

⁵ StudyCorgi 2022 <https://studycorgi.com/academic-dishonesty-and-its-detrimental-effects/>.

⁶ Diego 2017 *IAFOR Journal of Education* 124.

employers. With fewer employers willing to hire students coming from such institutions, it follows that even students who do not cheat are likely to be affected by other students' academic dishonesty.⁷ Academic dishonesty can also cause emotional distress to lecturers. This is partly because they may view it as a violation of their trust.⁸ Moreover, since lecturers are often expected to take measures to curb academic dishonesty,⁹ they could be blamed for failing to reduce its prevalence.¹⁰ Above all, academic dishonesty interferes with the basic mission of education, which is to transfer knowledge.¹¹ Academic dishonesty may enable students to progress with their curricula without having to master the requisite knowledge, which would undermine the quality of their education.¹²

In some situations, academic dishonesty may lead to dire consequences for students. Students who have unlawfully accessed an examination paper and leaked it to others may not only be conducting themselves dishonestly,¹³ but may also have committed the crime of theft.¹⁴ Therefore they could face the possibility of having to start their post-academic life with a criminal record.¹⁵ For example, law students who have been found guilty of academic dishonesty may struggle to be admitted to practise as lawyers.¹⁶

Accordingly, the importance of honesty among students cannot be overemphasised. Academic honesty is regarded as "an integral part of both ensuring the quality of higher education and conducting research."¹⁷ Given the impact of academic dishonesty, there is a need for institutions to deal with this phenomenon. Traditionally, institutions use different methods to discipline students who engage in academic dishonesty. These include suspensions and expulsions.¹⁸ These measures are intended to deter other

⁷ StudyCorgi 2022 <https://studycorgi.com/academic-dishonesty-and-its-detrimental-effects/>.

⁸ This is because academic integrity is built on the dedication to values of trust, fairness, honesty, respect and responsibility – see Roe 2022 *Humanities and Social Sciences Communications* 2.

⁹ Peled, Barczyk and Sarid 2012 *Educational Practice and Theory* 63; Thornock 2013 *Open Journal of Nursing* 553.

¹⁰ Thornock 2013 *Open Journal of Nursing* 554.

¹¹ Riad 2023 *Journal of Research Initiatives* 4.

¹² Mulisa and Ebessa 2021 *Cogent Education* 3.

¹³ Macupe 2020 <https://mg.co.za/education/2020-11-21-there-is-no-honour-in-leaking-a-matric-exam-paper/>.

¹⁴ Anon 2002 <https://www.iol.co.za/news/south-africa/serious-consequences-for-exam-cheaters-95927>.

¹⁵ Macupe 2020 <https://mg.co.za/education/2020-11-21-there-is-no-honour-in-leaking-a-matric-exam-paper/>.

¹⁶ Booth, Stuhmcke and Wangmann 2020 *IJLP* 291.

¹⁷ Shapoval *et al* 2021 *Justicia* 38.

¹⁸ See the discussion below.

students from acting dishonestly.¹⁹ As will be shown below, this traditional approach to discipline has thus far not successfully curtailed the rise of academic dishonesty in higher education institutions, thus suggesting the need for a different approach. One approach that has been suggested as having the potential to enforce academic honesty among students is restorative justice.²⁰

This article examines restorative justice as an alternative method of dealing with academic dishonesty in higher education institutions in South Africa. Although the use of restorative justice in the context of academic dishonesty is a novel concept in South Africa, there are international institutions with experience in this field.²¹ Moreover, research has been conducted internationally on restorative justice and academic dishonesty.²²

Various factors can contribute to student academic dishonesty. Thus, the article commences with a brief discussion of some prominent contributing factors. Thereafter, the prevalence and different forms of academic dishonesty in South African are explored. This is followed by a discussion of restorative justice and how it deals with academic dishonesty. It is also important to consider the evidence, if any, of the effectiveness of restorative justice. Therefore, the article provides an overview of international studies on the impact of restorative justice on academic dishonesty. The article further proposes methods for implementing restorative justice following academic dishonesty and closes with some recommendations.

2 Contributing factors to student academic dishonesty

Numerous factors can contribute to academic dishonesty. One of the common factors is the lack of a clear understanding of the meaning of academic dishonesty. Research demonstrates that academic dishonesty can happen due to the lack of clarity of what it is,²³ or a clear understanding of the practices regarded as unacceptable. Due to such misunderstanding of what constitutes academic dishonesty, students may work so closely with one another that they submit almost the same work.²⁴ Another example of unintentional academic dishonesty is when students fail to reference their work in a prescribed manner. It also occurs when they provide incorrect

¹⁹ Reyneke "Restorative Justice Approach to Address Cyber Bullying" 343; Kara and MacAlister 2010 *Contemporary Justice Review* 444.

²⁰ Kara and MacAlister 2010 *Contemporary Justice Review* 443; Pointer 2017 *JANZSSA* 64.

²¹ See the discussion below at 5.

²² See Kara and MacAlister 2010 *Contemporary Justice Review*; Orr and Orr 2021 *Journal of Academic Ethics*; Sopcak and Hood "Building a Culture of Restorative Practice".

²³ Diego 2017 *IAFOR Journal of Education* 125; Erguvan 2022 *Language Testing in Asia* 3; Kwong *et al* 2010 *Campus-Wide Information Systems* 341.

²⁴ Kwong *et al* 2010 *Campus-Wide Information Systems* 342.

references or no references at all or incomplete references.²⁵ Apart from referencing, language challenges could also lead to unintentional academic dishonesty. Students often commit academic dishonesty because they struggle with the language used as a medium of instruction. There is evidence that students whose English (often the language of tuition in academic institutions) is not their first language tend to struggle with paraphrasing literary texts correctly, thus resulting in plagiarism.²⁶

Although some students may not be aware that their actions constitute academic dishonesty, others are aware of the nature of their actions. Studies show that some students behave dishonestly because they feel pressure to succeed from their parents²⁷ and lecturers.²⁸ Therefore they take shortcuts to obtain good marks. Similarly, the merit-based method in some institutions is said to pressurise students to seek high grades. Since students are required to maintain certain level of academic performance to receive or retain merit-based financial aid, for example, this often leads to their resorting to unethical practices to achieve academic excellence.²⁹ The same applies to students who feel the pressure to graduate with good grades in order to be eligible for certain employment opportunities.³⁰ It has also been demonstrated that students tend to behave dishonestly when they are unable to manage their time successfully. They wait until the last minute to complete their assignments or study for examinations. Thus, to avoid performing badly they resort to cheating or any other dishonest practices as an easy way out.³¹ Besides time management, some students commit academic dishonesty because of poor study skills that prevent them from mastering the course content.³² The poor study skills may, for example, be as a result of the student suffering from cognitive disability (such as

²⁵ Erguvan 2022 *Language Testing in Asia* 2.

²⁶ Kara and MacAlister 2010 *Contemporary Justice Review* 450-451; Sibomana, Ndayambaje and Uwambayinema 2018 *Rwandan Journal of Education* 18.

²⁷ Diego 2017 *IAFOR Journal of Education* 124; Starovoytova and Namango 2016 *Journal of Education and Practice* 67.

²⁸ Diego 2017 *IAFOR Journal of Education* 125.

²⁹ Riad 2023 *Journal of Research Initiatives* 5.

³⁰ Erguvan 2022 *Language Testing in Asia* 8.

³¹ Anderman and Koenka 2017 *Theory into Practice* 96; Diego 2017 *IAFOR Journal of Education* 125; Sibomana, Ndayambaje and Uwambayinema 2018 *Rwandan Journal of Education* 18; Starovoytova and Namango 2016 *Journal of Education and Practice* 67.

³² Starovoytova and Namango 2016 *Journal of Education and Practice* 67.

dyslexia),³³ which studies generally agree can affect the student's academic performance.³⁴

3 Prevalence of academic dishonesty in higher education institutions in South Africa

Academic dishonesty is a common phenomenon in higher education institutions in South Africa. It is so prevalent that it is described as a cancer which is spreading rapidly across our institutions.³⁵ In 2014 it was reported that more than 1,400 students from various universities were found guilty of academic misconduct in the preceding year.³⁶ The report further indicates that a total number of 519 students were penalised in the University of South Africa (UNISA) for academic dishonesty. Other figures cited in the report illustrate that 535 students were found guilty of academic misconduct at North-West University (NWU), 153 at the University of Johannesburg (UJ), 66 at the Nelson Mandela Metropolitan University (NMMU), 35 at Stellenbosch University (SU), 31 at the University of the Witwatersrand (WITS), 27 at the University of Western Cape, and 24 at the University of Cape Town. UJ's figures are consistent with the results of research previously done at the institution, which found that 38 per cent of the student participants had acted dishonestly at least once during their studies.³⁷

With most institutions having recently migrated to online examinations due to the Covid-19 pandemic, this move has seen an increase in incidents of academic dishonesty compared to the figures reported in 2014 for the institutions discussed below. For example, this being attributed to online assessments, a total number of 183 students at SU have faced disciplinary proceedings for academic dishonesty in 2020, compared to two students in the previous year.³⁸ Similarly, UNISA has experienced a surge in the number of cases of cheating and plagiarism, with at least 2400 students reported as having faced disciplinary action in 2021.³⁹ In 2022 alone UNISA

³³ Problems and issues associated with cognitive disability (difficulty) include the lack of concentration, inadequate attention, difficulty with reading, remembering, counting, problem solving etc – see Malik 2019 *IAHRW International Journal of Social Sciences* 1896.

³⁴ Malik 2019 *IAHRW International Journal of Social Sciences* 1899; Shi and Qu 2022 *Frontiers in Psychology* 2.

³⁵ Matsebatlela and Kuhudzai 2018 *Alternation* 182.

³⁶ Govender 2014 <https://www.timeslive.co.za/sunday-times/lifestyle/2014-08-17-universities-battle-a-rising-tide-of-cheating/>. Also see Matsebatlela and Kuhudzai 2018 *Alternation* 182.

³⁷ De Bruin and Rudnick 2007 *South African Journal of Psychology* 160; Radulovic and Uys 2019 *African Journal of Business Ethics* 17.

³⁸ Mlamlala 2021 <https://www.iol.co.za/capeargus/nws/universities-see-steep-rise-in-cheating-misconduct-with-move-to-online-assessments-1ad26d3d-ce66-4d4f-87c3-2d38a6443452>.

³⁹ Fengu 2021 <https://www.news24.com/citypress/news/with-online-exams-unisa-sees-an-increase-in-cheating-and-plagiarism-20210210>.

recorded a total of 10,954 cases of academic dishonesty.⁴⁰ WITS is also said to have encountered incidents of cheating in its online assessments in 2020.⁴¹ In its 2022 annual report WITS acknowledged that a fully online mode of assessment exposed it to cases of academic dishonesty.⁴² Apart from also noting a significant increase in academic dishonesty due to migration, a recent survey reveals that disciplinary bodies in many institutions are overwhelmed by the number of reported incidents. For this reason, there is a fear that students may go unpunished.⁴³

Aside from the Covid-19 pandemic, the recent past also saw the proliferation of Artificial Intelligence tools threatening academic integrity in higher education institutions. One such is ChatGPT which "enables nuanced dialogue, question answering, and content creation – augmenting human capabilities regarding analysing and producing written material."⁴⁴ The threat that ChatGPT possesses is based on its capabilities. If it can be used to answer questions, so students can use it to do assignments and assessments.⁴⁵ This means that students will no longer be doing research as they will be relying on ChatGPT.⁴⁶ Apart from the fact that ChatGPT could lead to a reduction in the depth of critical thinking, another concern is that it could generate information that is not entirely correct.⁴⁷ Although it is debatable whether the use of ChatGPT constitutes cheating, there are questions as to how to cite the work generated by ChatGPT and who the author is in this regard, posing ethical issues.⁴⁸ According to the 2023 survey completed by 1471 students from various institutions in South Africa, 37,3 per cent of the respondents admitted to having used ChatGPT to answer essay questions.⁴⁹

While evidence shows academic dishonesty to be a widespread problem in higher education institutions, it is worrying that some institutions are hiding the fact that they are grappling with this phenomenon.⁵⁰ This may be because they are afraid that their reputation might be damaged by releasing

⁴⁰ GN 3461 in GG 48660 of 26 May 2023 (*Mosia NT Report of the Independent Assessor into the Affairs of the University of South Africa (UNISA)*) 115.

⁴¹ De Castro 2020 <https://witsvuvuzela.com/2020/05/19/wits-institutes-security-measures-to-curb-cheating-in-onlineassessments/#:~:text=%E2%80%9CSome%20of%20these%20include%20andomising,%2C%E2%80%9D%20she%20told%20Wits%20Vuvuzela.>

⁴² WITS *Annual Report* 261.

⁴³ Nkosi 2021 [https://www.iol.co.za/capetimes/news/learning-to-cheat-remotely-on-a-massive-scale-9da3968f-eab7-41c3-b3d3-f166cf348e60.](https://www.iol.co.za/capetimes/news/learning-to-cheat-remotely-on-a-massive-scale-9da3968f-eab7-41c3-b3d3-f166cf348e60)

⁴⁴ Tarisayi 2024 *Cogent Education* 2.

⁴⁵ Tarisayi 2024 *Cogent Education* 4.

⁴⁶ Tarisayi 2024 *Cogent Education* 4.

⁴⁷ Tarisayi 2024 *Cogent Education* 4.

⁴⁸ Tarisayi 2024 *Cogent Education* 4.

⁴⁹ Bosch *et al* 2023 *SSRN Electronic Journal* 4.

⁵⁰ Govender 2014 [https://www.timeslive.co.za/sunday-times/lifestyle/2014-08-17-universities-battle-a-rising-tide-of-cheating/.](https://www.timeslive.co.za/sunday-times/lifestyle/2014-08-17-universities-battle-a-rising-tide-of-cheating/)

the relevant statistics.⁵¹ Therefore, we could be faced with a more serious problem than what has already been revealed by the available information.

What are institutions doing to counter academic dishonesty? There are institutional policies in place to deal with academic misconduct by students. Although the policies may differ from one institution to another in some respects, they basically emphasise the need to maintain academic integrity and spell out the steps to be followed by the institution concerned regarding transgressions by students.⁵² The transgressions are divided into categories: minor, less serious, and serious transgressions.⁵³ Depending on the level of transgression, students may be awarded a zero mark for the submitted work, be required to redo the work,⁵⁴ be instructed to attend compulsory awareness courses, and have disciplinary proceedings instituted against them.⁵⁵ In some instances, corrective measures may include a verbal discussion with students about the importance of maintaining academic integrity and the consequences of continued transgressions,⁵⁶ as well as a written warning.⁵⁷

In addition to the existing measures, some institutions have adopted a so called zero-tolerance (punitive) approach to academic dishonesty.⁵⁸ UNISA, for example, reported in 2015 that 495 students had been suspended for a period of two to five years because of academic dishonesty.⁵⁹ The report further revealed the records of suspensions as well as expulsions at other institutions. These included NMMU with 36 students suspended, and Durban University of Technology with two expulsions and five suspensions.⁶⁰

The above statistics demonstrate that the traditional methods of dealing with academic dishonesty are failing to deter it. In fact, a zero-tolerance

⁵¹ Govender 2014 <https://www.timeslive.co.za/sunday-times/lifestyle/2014-08-17-universities-battle-a-rising-tide-of-cheating/>.

⁵² See *SU Policy on Academic Integrity*; *UNISA Policy on Academic Integrity*.

⁵³ *SU Policy on Academic Integrity 2*; *UNISA Policy on Academic Integrity 10-11*.

⁵⁴ *SU Policy on Academic Integrity 4*; *UNISA Policy on Academic Integrity 11*.

⁵⁵ *SU Policy on Academic Integrity 11-12*.

⁵⁶ *SU Policy on Academic Integrity 4*; *UNISA Policy on Academic Integrity 11*.

⁵⁷ *UNISA Policy on Academic Integrity 11*.

⁵⁸ Govender 2014 <https://www.timeslive.co.za/sunday-times/lifestyle/2014-08-17-universities-battle-a-rising-tide-of-cheating/>; UNISA 2022 <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>

⁵⁹ Govender 2015 <https://www.timeslive.co.za/sunday-times/news/2015-03-15-stiff-penalties-dont-deter-university-cheaters/#:~:text=The%20threat%20of%20lengthy%20bans,years%20because%20of%20academic%20dishonesty.>

⁶⁰ Govender 2015 <https://www.timeslive.co.za/sunday-times/news/2015-03-15-stiff-penalties-dont-deter-university-cheaters/#:~:text=The%20threat%20of%20lengthy%20bans,years%20because%20of%20academic%20dishonesty.>

approach only serves a punitive purpose. If not, institutions would not be experiencing growing numbers of incidents of academic dishonesty. Disciplinary measures that fail to help students develop ethical awareness and learn from their mistakes cannot be said to promote a culture of integrity in our academic institutions.⁶¹ This is more concerning given that academic dishonesty diminishes public trust in the quality of the education that our institutions provide.⁶² The next section looks at restorative justice as an alternative method of dealing with academic dishonesty.

4 Restorative justice and its approach to academic dishonesty

4.1 What is restorative justice?

Restorative justice is a concept in criminal justice that emerged more than four decades ago.⁶³ Its roots can be found in the African traditional methods of resolving disputes,⁶⁴ as both share certain attributes.⁶⁵ The idea of using restorative justice as a response to criminal behaviour was born out of the growing frustration with the traditional retributive system, which is perceived to be ineffective in terms of reducing crime and showing little or no concern for the needs of the victims of crime.⁶⁶ The irony is that despite the wide interest in restorative justice and its being considered an alternative method of dispensing justice, there is no consensus on the meaning of the term. There are a plethora of definitions and interpretations of it.⁶⁷ According to the South African Department of Justice and Constitutional Development, restorative justice should be understood as

an approach to justice that aims to involve the parties to a dispute and others affected by the harm (victims, offenders, families concerned and community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution, and taking measures to prevent a recurrence of the incident and promoting reconciliation.⁶⁸

⁶¹ Sopcak 2020 <https://academicintegrity.org/resources/blog/149-restorative-practices-for-academic-integrity>.

⁶² Söylemez 2023 *Bulletin of Education and Research* 24.

⁶³ Sliva and Lambert 2015 *Journal of Policy Practice* 77; Umbreit and Armour *Restorative Justice Dialogue* 113-115.

⁶⁴ Louw and Van Wyk 2016 *Social Work* 491.

⁶⁵ Department of Justice and Constitutional Development *Restorative Justice* 3; Louw and Van Wyk 2016 *Social Work* 491.

⁶⁶ Makiwane 2015 *Obiter* 80; Mousourakis 2003 *Tilburg Foreign L Rev* 626.

⁶⁷ See Bekker and Van der Merwe 2009 *De Jure* 244-245; Makiwane 2015 *Obiter* 81; Van Ness and Strong *Restoring Justice* 43.

⁶⁸ Department of Justice and Constitutional Development *Restorative Justice* 3-4.

Restorative justice therefore sees crime as causing harm to people and interpersonal relationships.⁶⁹ It is a method aimed at addressing crime and its consequences.⁷⁰ Not only does it focus on dealing with crime and its harms but also on addressing the root causes of crime.⁷¹ Restorative justice proceeds on the premise that those who are affected by crime should be involved in finding its solutions.⁷² It uses different dialogue-driven processes that are aimed at bringing together the affected parties to discuss crime and its solutions. The most prominent are victim-offender mediation, family group conferencing, panels and sentencing circles.⁷³

Although punishment is not the primary focus of restorative justice, it does insist on holding offenders accountable. Accountability in the restorative justice practice has a particular meaning. As against accountability in the punitive justice system,⁷⁴ it entails sensitising offenders about the impact and consequences of their actions and encouraging them to correct their mistakes.⁷⁵ It is assumed that understanding the harm they have caused and making efforts to repair it would lead offenders to a change of behaviour.⁷⁶

As in other countries,⁷⁷ South Africa has incorporated restorative justice processes into legislation.⁷⁸ Furthermore, several courts have from time to

⁶⁹ Allan *et al* 2014 *Psychiatry, Psychology and Law* 176; Batley "Restorative Justice in South Africa" 115; Department of Justice and Constitutional Development *Restorative Justice* 3-4.

⁷⁰ Department of Justice and Constitutional Development *Restorative Justice* 3-4; Reyneke 2011 *PELJ* 137.

⁷¹ Department of Justice and Constitutional Development *Restorative Justice* 3-4; Reyneke "Restorative Justice Approach to Address Cyber Bullying" 351.

⁷² Department of Justice and Constitutional Development *Restorative Justice* 3-4; Reyneke 2011 *PELJ* 138.

⁷³ Victim-offender mediation is a process that is aimed at bringing victims and offenders together face-to-face to discuss the incident of crime, its impact and how to repair the harm caused by the crime. This takes place under the guidance of a trained mediator. Although it has a similar objective, family group conferencing as the name suggests includes family members of both the offenders and the victims in its attempt to address crime and its consequences. Panels and sentencing circles, on the other hand, also involve community members and other relevant stakeholders in their processes. The participants sit in a circle during the discussion as in some African traditional communities where disputes are resolved under a tree.

⁷⁴ Justice is seen to be achieved when the offender gets convicted or punished – see Kgosimore 2002 *Acta Criminologica* 70; Tshehla 2004 *SACJ* 3.

⁷⁵ Reyneke 2011 *PELJ* 140-141; Zehr *Little Book of Restorative Justice* 16.

⁷⁶ Louw and Van Wyk 2016 *Social Work* 503; cf Bidois 2016 *CLB* 604; Johnstone *Restorative Justice* 13.

⁷⁷ E.g. New Zealand – see Ministry of Justice *Restorative Justice* 4.

⁷⁸ See ss 69 and 73 of the *Child Justice Act* 75 of 2008; s 52(1)(g) of the *Correctional Services Act* 111 of 1998; s 2 of the *Probation Services Amendment Act* 35 of 2002.

imposed sentences that are based on the principles of restorative justice.⁷⁹ South Africa⁸⁰ has explicitly stated that while it recognises restorative justice, its processes must not be in conflict with human rights and principles as provided for in the *Constitution*.⁸¹ For example, in *S v Saayman*⁸² the court on review set aside the condition of the sentence that required the accused to apologise to her victims by standing in the foyer of the court for fifteen minutes while holding a poster bearing her name, the fact of her conviction and her apology to certain victims. Although the trial court had held that this condition was aimed at trying to restore the relationship between the parties by assisting the accused to apologise to her victims,⁸³ the review court found that the condition violated the accused's rights to human dignity and not to be subjected to a cruel, inhuman or degrading punishment.⁸⁴ It is important to mention that in its true nature⁸⁵ restorative justice jealously protects these constitutional rights.⁸⁶ Although the condition of the sentence was set aside, the court at least acknowledged that an apology can help to restore the relationship between the victim and the offender if properly tendered.⁸⁷ Arguably, this potential was seen in *S v Maluleke*,⁸⁸ where apology was among the conditions of the sentence of restorative justice imposed by the court. Requiring the offender to be treated in a manner that does not degrade one's human dignity as held in *Saayman* case is also consistent with the notion of *Ubuntu*⁸⁹ which the courts have linked to restorative justice.⁹⁰ This link can be attributed to the fact that *Ubuntu* is an African concept that stresses conciliation rather than confrontation in settling conflicts,⁹¹ similar to restorative justice.⁹²

⁷⁹ See *S v M* 2007 2 SACR 539 (CC); *S v Shilubane* 2008 1 SACR 295 (T); *S v Seedat* 2015 2 SACR 612 (GP); *S v Maluleke* 2008 1 SACR 49 (T); *S v Tabethe* 2009 2 SACR 62 (T); *S v Saayman* 2008 1 SACR 393 (E).

⁸⁰ Department of Justice and Constitutional Development *Restorative Justice* 4.

⁸¹ *Constitution of the Republic of South Africa*, 1996 (hereafter the *Constitution*).

⁸² *S v Saayman* 2008 1 SACR 393 (E) (hereafter the *Saayman* case).

⁸³ *Saayman* case 396F.

⁸⁴ *Saayman* case 401E-F.

⁸⁵ *Saayman* case 404A. The court found that the condition it set aside was not consistent with the principles of restorative justice.

⁸⁶ See the discussion below at 4.

⁸⁷ *Saayman* case 403J.

⁸⁸ *S v Maluleke* 2008 1 SACR 49 (T) paras 22-25.

⁸⁹ *Dikoko v Mokhatla* 2007 1 BCLR 1 (CC) para 68 (hereafter the *Dikoko* case); Metz 2011 *AHRLJ* 547; Skelton 2013 *Restorative Justice* 124. The concept of *Ubuntu* as pronounced by the courts embodies values of compassion, respect, human dignity and humaneness, among others – see *S v Makwanyane* 1995 2 SACR 1 (CC) para 308; *Port Elizabeth Municipality v Various Occupiers* 2005 1 SA 217 (CC) para 36.

⁹⁰ *Dikoko* case para 114; *The Citizen 1978 (Pty) Ltd v McBride* 2011 4 SA 191 (CC) para 217. Also see Skelton 2013 *Restorative Justice* 141.

⁹¹ *S v Makwanyane* 1995 2 SACR 1 (CC) para 308; *Port Elizabeth Municipality v Various Occupiers* 2005 1 SA 217 (CC) para 36.

⁹² UN Office on Drugs and Crime *Handbook on Restorative Justice Programmes* 15.

4.2 The restorative justice approach to academic dishonesty

Restorative justice, as mentioned, is proposed as an alternative way of dealing with academic dishonesty in higher education institutions.⁹³ Although a recent development in post-secondary education,⁹⁴ it has been used in schools as a method to address disciplinary problems, such as bullying.⁹⁵ In the education context, restorative justice sees academic dishonesty as more than just a transgression of the institution's rules, but also as an act that results in harm to individuals and their relationships.⁹⁶ Thus, in its approach to discipline the focus is on repairing the harm suffered by individuals and the institution because of academic dishonesty. With its emphasis on harm, restorative justice, as illustrated below, shifts the attention of discipline from punishment to learning and finding solutions.

Thus, instead of focussing more on achieving compliance with the rules, which is usually the case with punitive measures (such as suspensions and expulsions), restorative justice tries to understand the impact of academic dishonesty on the institutional community.⁹⁷ As stated before, academic dishonesty affects this community, including the perpetrators themselves. Restorative justice thus provides a platform for all concerned members of this community (including family members) to share how they have been impacted by academic dishonesty. Perpetrators also get the opportunity to tell their own stories. Given the impact of academic dishonesty and the number of people who are likely to be affected as a result, family group conferencing and sentencing circles would be ideal processes to deal with this phenomenon.

Like other members of the institution's community, family members (parents) are likely to feel disappointed and hurt by the academic dishonesty of one of their own. Such conduct can diminish trust between the perpetrators and their families.⁹⁸ Research suggests that when those who are close to the perpetrators make it clear that they are hurt and ashamed by the latter's unacceptable conduct, this might put a considerable pressure on them to reflect deeply on their behaviour.⁹⁹ This is particularly so in that

⁹³ Kara and MacAlister 2010 *Contemporary Justice Review* 443; Pointer 2017 *JANZSSA* 64.

⁹⁴ Kara and MacAlister 2010 *Contemporary Justice Review* 443; Miron *et al* 2021 *CJEAP* 69.

⁹⁵ Darling-Hammond *et al* 2020 *Contemporary School Psychology* 301; Suvall 2009 *Harvard Civil Rights-Civil Liberties Law Review* 563; Varnham 2005 *Education and Law* 90-91.

⁹⁶ Reyneke 2011 *PELJ* 138. Cf Allan *et al* 2014 *Psychiatry, Psychology and Law* 176; Batley "Restorative Justice in South Africa" 115.

⁹⁷ Morrison 2002 *Trends and Issues in Crime* 6; Varnham 2005 *Education and Law* 97.

⁹⁸ McCold "What is the Role of Community in Restorative Justice Theory and Practice?" 156-157.

⁹⁹ Schmid 2002 *VUWLR* 122.

their dishonest behaviour threatens relationships that are valued.¹⁰⁰ Restorative justice can in this way function as method to reduce academic dishonesty.

After the sharing of information, the next step is devising ways to address the impact of academic dishonesty. One such step is that the student may be required to apologise to those who have been affected (victims) by his dishonest behaviour,¹⁰¹ which as noted above is the route that the courts held to be consistent with the notion of restorative justice. Reference to victims extends to the affected institution, whose interests may be represented by the officials responsible for dealing with issues of academic dishonesty in the institution. In a restorative justice context an apology is also seen as a form of symbolic restitution.¹⁰² There is a view that restitution provides a sanction that is more closely related to the harm caused by the offending behaviour than punitive measures and can help to restore the victim to his former position.¹⁰³ Indeed, it is suggested that the offering of an apology, followed by forgiveness, may lead to victims' achieving emotional restoration.¹⁰⁴ In this view, an apology may lead to the emotional restoration of lecturers who, as stated above, could be emotionally affected by academic dishonesty.

Research further suggests that victims see restitution as a gesture of taking responsibility,¹⁰⁵ yet it has been shown that students who commit misconduct often deny wrongdoing and take no responsibility for their actions.¹⁰⁶ Arguably, restorative justice encourages the perpetrators to take responsibility for what they have done, including apologising, which is something almost completely absent with the punitive approach.¹⁰⁷ Thus with punitive measures victims may be denied the opportunity to experience emotional repair, which they often consider as more important.¹⁰⁸

Besides being an act of emotional repair, apology can fulfil other restorative functions. It could help to restore the wounded relationships.¹⁰⁹ Even if no previous relationships existed, academic dishonesty like any other conduct which negatively affects people can produce a hostile relationship.¹¹⁰

¹⁰⁰ Harris and Maruna "Shame, Shaming and Restorative Justice" 453.

¹⁰¹ Karp and Conrad 2005 *Public Organization Review* 318; Orr and Orr 2021 *Journal of Academic Ethics* 4; Reyneke 2011 *PELJ* 143.

¹⁰² Johnstone *Restorative Justice* 77; cf Zehr *Little Book of Restorative Justice* 15.

¹⁰³ Cf Barnett "Restitution" 53.

¹⁰⁴ Hayes 2006 *Contemporary Justice Review* 374; Strang and Sherman 2003 *Utah L Rev* 28.

¹⁰⁵ Strang "Justice for Victims of Young Offenders" 184-185.

¹⁰⁶ Morrison 2006 *Journal of Social Issues* 376.

¹⁰⁷ Schmid 2002 *VUWLR* 116.

¹⁰⁸ Strang *Repair or Revenge* 18; Strang and Sherman 2003 *Utah L Rev* 22.

¹⁰⁹ Hayes 2006 *Contemporary Justice Review* 375.

¹¹⁰ Heath-Thornton 2018 <https://www.britannica.com/topic/restorative-justice>.

Maintaining good relationships can be effective in addressing academic misconduct. There is evidence that students who view their lecturers in a positive light are less likely to commit academic dishonesty, thus highlighting the significance of a relational approach to teaching.¹¹¹ As explained elsewhere, unlike restorative justice, a punitive approach weakens the offending student's bond with members of the institution community, such as lecturers and fellow students. As those bonds are crucial in building relationships, a punitive approach is unlikely to make the student engage in good behaviour.¹¹² Impressively, one of the findings by SU in the case of academic dishonesty it dealt with included that the student apologised to the lecturers responsible for the module in question.¹¹³

More importantly, since restorative justice focusses not only on the incident that has already happened but also on preventing its recurrence, apology can be effective in this regard. There is an argument that when a person genuinely regrets his actions, he will avoid repeating them.¹¹⁴ This view is consistent with studies that found that perpetrators who fail to apologise for their actions are more likely to continue with their offending behaviour than those who apologised.¹¹⁵ Therefore, given its emphasis on apology, restorative justice can counter incidents of academic dishonesty.

As far as prevention is concerned, some perpetrators of academic dishonesty may see themselves as victims too. In essence, since some students commit academic dishonesty inadvertently, they may feel victimised by the system. This is often so with a punitive approach to discipline that rarely gives students the chance to share their experiences.¹¹⁶ Accordingly, if these students are denied the opportunity to tell their story, they might see the disciplinary processes as unfair.¹¹⁷ When this happens they are more likely to go against the institution's code of conduct and engage in academic misconduct.¹¹⁸ In fact, there is evidence that some students behave unethically as a form of defiance of authority.¹¹⁹ Restorative justice therefore tries to counter this by endeavouring to understand why the students acted dishonestly (giving the students the chance to tell their stories, as noted). Given that academic dishonesty is

¹¹¹ Marais 2022 *Critical Studies in Teaching and Learning* 61.

¹¹² Suvall 2009 *Harvard Civil Rights-Civil Liberties Law Review* 553.

¹¹³ SU date unknown <https://www.sun.ac.za/english/Lists/notices/DispForm.aspx?ID=1829>.

¹¹⁴ Allan *et al* 2014 *Psychiatry, Psychology and Law* 177.

¹¹⁵ Allan *et al* 2014 *Psychiatry, Psychology and Law* 177; Hayes 2006 *Contemporary Justice Review* 373; Umbreit and Armour *Restorative Justice Dialogue* 153.

¹¹⁶ Suvall 2009 *Harvard Civil Rights-Civil Liberties Law Review* 562.

¹¹⁷ Suvall 2009 *Harvard Civil Rights-Civil Liberties Law Review* 562.

¹¹⁸ Darling-Hammond *et al* 2020 *Contemporary School Psychology* 297; cf Orr and Orr 2021 *Journal of Academic Ethics* 4.

¹¹⁹ Mwamwenda 2006 *Journal of Independent Teaching and Learning* 36.

sometimes caused by the pressure that students have from their families to succeed, as indicated before, restorative justice would enable such a group of students to share this influence on their behaviour with their families. With the families being made aware of their potential contribution to the students' dishonesty, this might create an environment where the students are free to discuss their academic struggles with their families and get the support that they may need rather than resorting to dishonest means of succeeding in their studies.

Other preventative measures include addressing the underlying causes of academic dishonesty; for example, by making efforts to ensure that students understand what academic dishonesty is and what its consequences are, which can be attributed to this lack of understanding. Although institutions such as UNISA have included the attendance of awareness course in their academic integrity policies as one of their corrective measures,¹²⁰ this remedy is underutilised. This could be because the measure is not available for the category of contraventions that students are commonly found guilty of. Whatever the reason, institutions cannot be said to be dealing with the problem unless they address its root causes. Hence, this awareness course should be made available for all levels of transgression.¹²¹ Similarly, efforts should be made to ensure that students are equipped with the necessary skills for conducting research, and support should be provided to those who have language challenges. There is a strong case for restorative justice when dealing with this type of student. Suspending them for plagiarism will not solve the problem. After serving their suspension they will come back with the same shortcomings they had before and in such situations, reoffending should be expected.¹²² Those who align themselves with this view argue that institutions need to realise that they cannot punish students into doing anything. Instead, they need to teach students the kind of skills that will help them to improve their behaviour.¹²³

Indeed, one of the features of a restorative justice approach is that, unlike exclusionary responses such as suspensions and expulsions, it condemns the student's conduct within a supportive environment.¹²⁴ Thus, according to research, restorative justice can in this way reduce the likelihood of future

¹²⁰ UNISA *Policy on Academic Integrity* 11-12.

¹²¹ The University of KwaZulu-Natal emphasises plagiarism education and awareness in its policy as among its efforts to prevent this phenomenon – see University of KwaZulu-Natal *Plagiarism Policy and Procedures* 7; Tarisayi 2023 *AI and Ethics* 4.

¹²² Kara and MacAlister 2010 *Contemporary Justice Review* 451; Karp and Conrad 2005 *Public Organization Review* 318; Varnham 2005 *Education and Law* 95.

¹²³ Ferlazzo 2020 <https://www.edweek.org/teaching-learning/opinion-ways-to-implement-restorative-practices-in-the-classroom/2020/01>.

¹²⁴ Morrison 2002 *Trends and Issues in Crime* 2. An extra effort is made to "understand the student's experience, needs, and what can be done next to make things better for all involved" – see Pointer 2017 *JANZSSA* 66.

dishonest behaviour among students. This is because it allows the student to remain part of the institutional community, as opposed to punitive measures, which are seen to perpetuate delinquent behaviour.¹²⁵ The traditional methods of discipline are associated with higher rates of repetitive offending behaviour and this is attributed to their coercive nature (they insist on compliance with the rules).¹²⁶ It is argued that "coercion produces alienated bonds, which, if reinforced by continual coercive relations, produce chronic involvement in serious delinquent behaviour."¹²⁷ On the other hand, there is evidence that students often prefer the processes of restorative justice to the traditional disciplinary processes, which place more emphasis on punishment, and humiliate them.¹²⁸ In fact, some students consider it unfair to punish those who commit academic dishonesty, claiming that many students get away with it.¹²⁹

By denouncing students' conduct within systems of support, restorative justice interventions facilitate the reintegration of the student into the institutional community. They see offending students as members of the community who violated its rules only temporarily.¹³⁰ Thus, they have a chance of being accepted back into the community after putting right the wrongs they have done.¹³¹ This restorative justice approach is seen to embrace the right to human dignity as set out in section 10 of the *Constitution*, which is said to recognise a person's need to be part of a community.¹³² The recognition and protection of the right to dignity was considered in *S v Makwanyane*¹³³ to be the cornerstone of South Africa's constitutional democracy, while in *Freedom of Religion South Africa v Minister of Justice and Constitutional Development*¹³⁴ the court stressed that this right seeks among other things to repair indignity and renounce humiliation. Some institutions readmit students on condition that they share what they have learned from their experiences, among other things.¹³⁵ This information is used in the discussions about the risks of engaging in unethical behaviour.¹³⁶ With students sensitised about the risks involved,

¹²⁵ Braithwaite 2000 *Can J Crim* 282-283; Levrant *et al* 1999 *Crime and Delinquency* 17; Varnham 2005 *Education and Law* 95.

¹²⁶ Karp and Breslin 2001 *Youth and Society* 253.

¹²⁷ Karp and Breslin 2001 *Youth and Society* 253-254.

¹²⁸ UN Office on Drugs and Crime *Handbook on Restorative Justice Programmes* 35.

¹²⁹ Matsebatlela and Kuhudzai 2018 *Alternation* 202; Karp and Conrad 2005 *Public Organization Review* 316.

¹³⁰ Dzur and Olson 2004 *Journal of Social Philosophy* 96.

¹³¹ Lotter 2018 <https://www.iol.co.za/news/opinion/why-a-resettlement-grant-for-ex-offenders-in-sa-is-a-really-good-idea-17128366>; Reyneke 2011 *PELJ* 145.

¹³² Reyneke 2011 *PELJ* 145.

¹³³ *S v Makwanyane* 1995 2 SACR 1 (CC) paras 329-330.

¹³⁴ *Freedom of Religion South Africa v Minister of Justice and Constitutional Development* 2020 1 SACR 113 (CC) para 45.

¹³⁵ Karp and Conrad 2005 *Public Organization Review* 317.

¹³⁶ Karp and Conrad 2005 *Public Organization Review* 317.

there is reason to believe that they will think twice about again acting unethically.

Since academic dishonesty sometimes crosses the line to crime, it is worth noting that restorative justice can also be used to deal with such crimes. Although institutions do not have control over how the courts handle dishonesty-related cases, diverting them to a restorative justice process might help to reduce similar incidents in academic institutions. This is especially so given the potential of restorative justice, as demonstrated above, to counter academic dishonesty. In fact, the court in *Centre for Child Law and v Media 24 Limited*¹³⁷ acknowledged that the use of restorative justice could help to curb the repetition of offending behaviour.

5 An overview of the impact of restorative justice on academic dishonesty

This section briefly looks at how effective restorative justice is in countering student academic dishonesty. As already indicated, there are countries already using restorative justice interventions in their institutions. What follows is a summary of some of the research findings on the effectiveness of restorative justice interventions.

One of the institutions that has adopted restorative justice as among its measures to deal with academic dishonesty is the University of State.¹³⁸ Its restorative justice approach involves the use of student-led mediated meetings.¹³⁹ This approach allows students to have discussions about the alleged academic misconduct and determine ways to deal with it. Unlike the traditional disciplinary processes which reduce the student to a passive participant who waits for his fate to be decided, it has been established that with students-led interventions "students feel a stronger sense of involvement as well as a greater understanding of their institution's expectations."¹⁴⁰ This is consistent with some research, which also noted an increase in student's knowledge and appreciation of academic integrity resulting from their participation in peer-peer mediation.¹⁴¹ Accordingly, it is suggested that students are more likely to accept responsibility for their actions if they have a positive attitude towards academic integrity. Furthermore, having a better understanding of the institution's expectations can reduce students' likelihood of committing acts of academic dishonesty.¹⁴² This is supported by evidence which suggests that peer-peer dialogue (student conduct system) equips students not only with knowledge

¹³⁷ *Centre for Child Law and v Media 24 Limited* 2020 1 SACR 469 (CC) para 76.

¹³⁸ Pseudonym used by the authors. Orr and Orr 2021 *Journal of Academic Ethics* 1.

¹³⁹ Orr and Orr 2021 *Journal of Academic Ethics* 1-2.

¹⁴⁰ Orr and Orr 2021 *Journal of Academic Ethics* 14.

¹⁴¹ Zivcakova *et al* 2014 *Journal of Academic Ethics* 96-97.

¹⁴² Orr and Orr 2021 *Journal of Academic Ethics* 14.

but also with experience that helps them to avoid future mistakes.¹⁴³ The improvement in students' understanding of what is expected of them has been attributed to students' feeling that the process of addressing their misconduct was fair.¹⁴⁴ This reinforces the notion that students who perceive their disciplinary hearings as unfair are likely to continue with their dishonest behaviour.

Worthy of note also are the results from the implementation of restorative justice by MacEwan University, in Alberta, Canada. As far as the procedure is concerned, before the case can be referred to a restorative justice process, certain conditions need to be met. It must be first determined whether the student acknowledges responsibility; the affected parties must voluntarily consent to participate in a restorative justice process, and the affected parties must show genuine interest in resolving the matter in a restorative way.¹⁴⁵ Should these conditions not be met, or should an attempt at a restorative resolution fail, the case is dealt with through the traditional disciplinary process.¹⁴⁶ Approximately 25 per cent of cases that require a formal hearing have thus far been handled in a restorative way.¹⁴⁷ There is a high level of satisfaction among those who have participated in the restorative justice process. Sharing his own experience of the process, one student reported to be pleased with being afforded the opportunity to state his side of the story and contribute to finding the solution.¹⁴⁸ The university is seen as an institution that cares about its students and puts them first, making time to talk with its students to determine what may have led them to commit acts of academic misconduct, and its adoption of restorative justice approach is seen as consistent with the institution's strategic planning and culture.¹⁴⁹ Compared to the traditional disciplinary process, restorative justice is appreciated for having afforded everyone the opportunity to discuss the way forward or the action to be taken to address the misconduct. As one staff member noted, "We accomplished something more than we would have if we had just doled out a punishment or a change of grade and not addressed anything."¹⁵⁰ Moreover, restorative justice was seen as a process that embodied the values of authenticity, honesty and truth, and some staff members claimed to be living according to these values.¹⁵¹ Reflecting on these values, one staff member remarked that "instead of covering up what happened, or addressing it with a punishment,

¹⁴³ Orr and Orr 2021 *Journal of Academic Ethics* 14.

¹⁴⁴ Janosik and Stimpson 2017 *Journal of Student Affairs Research and Practice* 39.

¹⁴⁵ Sopcak and Hood "Building a Culture of Restorative Practice" 560.

¹⁴⁶ Sopcak and Hood "Building a Culture of Restorative Practice" 560.

¹⁴⁷ Sopcak and Hood "Building a Culture of Restorative Practice" 559.

¹⁴⁸ Sopcak and Hood "Building a Culture of Restorative Practice" 564.

¹⁴⁹ Sopcak and Hood "Building a Culture of Restorative Practice" 565.

¹⁵⁰ Sopcak and Hood "Building a Culture of Restorative Practice" 564.

¹⁵¹ Sopcak and Hood "Building a Culture of Restorative Practice" 565.

we were actually able to address the situation."¹⁵² Apart from resulting in the students learning from their mistakes, the restorative justice process made the students feel remorseful.¹⁵³ Being able to learn from these processes, students "end up understanding why it's critical to the university that they conduct themselves well in academic matters in the future."¹⁵⁴

Similarly, there is an experience of satisfaction with restorative justice as a means of dealing with student misconduct in other institutions, such as Victoria University of Wellington in New Zealand. Apart from being identified by some in the institution as a problem-solving method that could also be applied in other areas of their lives, restorative justice was seen as a step in the direction of making the world a better place.¹⁵⁵ This was attributed to its emphasis on the idea that there may be underlying factors contributing to the problem at hand and its attempt to address them,¹⁵⁶ therefore echoing the sentiment from the experience in MacEwan University. More interestingly, through its restorative justice interventions the Victoria University of Wellington managed to avoid suspensions and expulsions.¹⁵⁷

There is a link between honesty and integrity. The latter is described as "the quality of being honest and having strong moral principles".¹⁵⁸ As frequently said, people with integrity will do the right thing even when they are not watched. As explained, true integrity requires the internalisation of principles and values.¹⁵⁹ Judging by the research participants' perception of the restorative justice process in MacEwan University, it can be argued that the process promoted an internalisation of ethical values,¹⁶⁰ which is seen as an effective tool for the moral education of students.¹⁶¹ Based on the promising results of its implementation of restorative justice in dealing with academic misconduct, MacEwan University has also recently started using restorative justice to address non-academic misconduct.¹⁶² This follows in the footsteps of Victoria University of Wellington that not only expanded the implementation of restorative justice, but also included it in the student code of conduct as the first option of response to misconduct.¹⁶³

¹⁵² Sopcak and Hood "Building a Culture of Restorative Practice" 565.

¹⁵³ Sopcak and Hood "Building a Culture of Restorative Practice" 564.

¹⁵⁴ Sopcak and Hood "Building a Culture of Restorative Practice" 564.

¹⁵⁵ Pointer 2017 *JANZSSA* 66.

¹⁵⁶ Pointer 2017 *JANZSSA* 66.

¹⁵⁷ Pointer 2017 *JANZSSA* 65.

¹⁵⁸ Briscoe 2019 <https://www.cfoselections.com/perspective/integrity-in-business-a-priceless-essential-for-success>.

¹⁵⁹ Sopcak and Hood "Building a Culture of Restorative Practice" 567.

¹⁶⁰ Sopcak and Hood "Building a Culture of Restorative Practice" 567.

¹⁶¹ Sopcak and Hood "Building a Culture of Restorative Practice" 567.

¹⁶² Sopcak and Hood "Building a Culture of Restorative Practice" 568.

¹⁶³ Pointer 2017 *JANZSSA* 66.

This section has sought to demonstrate the impact of restorative justice in dealing with academic dishonesty. The findings of the above studies show the potential of restorative justice to enhance academic honesty among students.

6 Ways to introduce restorative justice in higher education institutions

This section looks at ways in which restorative justice can be introduced by higher education institutions as a response to student academic dishonesty. Learning from what works in other jurisdictions, restorative justice can be introduced in South African institutions as a method that complements existing institutional disciplinary measures. For example, where students would normally be suspended for their dishonest behaviour, they may be referred to a restorative justice process instead.¹⁶⁴ This requires institutions to make provision for restorative justice in dealing with cases of academic dishonesty. If these interventions fail, punitive measures such as suspensions and expulsions may be considered.¹⁶⁵ Indeed, restorative justice does not exclude punishment altogether, but insists that it should be used as a last resort.¹⁶⁶ However, reverting to punitive measures after the unsuccessful restorative justice process may be viewed as punishing the student twice.¹⁶⁷

Restorative justice can also be implemented as a mainstream response to student academic dishonesty. There is wide support for this approach, with some international institutions having recently adopted it.¹⁶⁸ One of the reasons why this approach is preferred is that it provides a setting in which the potential outcomes of restorative justice can emerge. The literature suggests that restorative justice is more effective when it operates at the heart of the institution's disciplinary system.¹⁶⁹ Hence, those who share a similar view argue that restorative justice should be part of the institution's culture¹⁷⁰ and not just something to be applied when things go wrong.¹⁷¹ Stated differently, restorative justice should permeate all aspects of the

¹⁶⁴ Darling-Hammond *et al* 2020 *Contemporary School Psychology* 296.

¹⁶⁵ Suvall 2009 *Harvard Civil Rights-Civil Liberties Law Review* 566.

¹⁶⁶ Clark 2014 *Student College Journal* 713; Skelton 2007 *Acta Juridica* 241.

¹⁶⁷ Ikpa 2007 *Wash U J L & Pol'y* 316.

¹⁶⁸ Darling-Hammond *et al* 2020 *Contemporary School Psychology* 296.

¹⁶⁹ Darling-Hammond *et al* 2020 *Contemporary School Psychology* 297; Fronius *et al* *Restorative Justice in US Schools* 12.

¹⁷⁰ Darling-Hammond *et al* 2020 *Contemporary School Psychology* 297.

¹⁷¹ Meyer and Evans *The School Leader's Guide to Restorative School Discipline* 5; Reimer date unknown <https://www.monash.edu/education/teachspace/articles/how-to-use-restorative-justice-in-your-classroom-and-school#:~:text=Listen%20for%20understanding,does%2C%20you%20will%20support%20them>.

academic institution's activities.¹⁷² Otherwise people will have little reason to trust restorative justice to address academic dishonesty and its consequences.¹⁷³ This suggestion might require more action from South African institutions than the first method of implementation discussed above. Efforts to ensure that restorative justice informs the approach to cases of academic dishonesty might require institutions to amend their policies to reflect this.

The successful implementation of restorative justice methods in academic institutions would require a different attitude and approach to disciplinary problems. Institutions need to change from operating as rule-based entities¹⁷⁴ to functioning as entities that focus on the harms caused by academic dishonesty in a collaborative process that explores how the harms can be repaired, as well as what needs to be done to prevent future misconduct.¹⁷⁵ Achieving this would require the support of all the relevant stakeholders in the institutional community. Indeed, stakeholders such as lecturers and disciplinary bodies would need to have a positive attitude towards restorative justice. In essence, they would need to embrace restorative justice as a method of enforcing ethical behaviour among students. For example, the support of lecturers is essential in the sense that they would be required to attend training in restorative justice and to participate in its processes, something which may be viewed as beyond the scope of their duties.¹⁷⁶

Accordingly, some reports indicate that lecturers and other stakeholders tend to prefer harsh punishment (exclusionary discipline) over restorative justice, which is perceived as a soft method of dealing with academic dishonesty.¹⁷⁷ However, the evidence indicates that restorative justice is not a soft punishment.¹⁷⁸ Although their perception is not to be dismissed, it does somehow demonstrate not only the need to be educated about the philosophy of restorative justice, but also for a change of attitude.

¹⁷² Kara and MacAlister 2010 *Contemporary Justice Review* 448; Reimer date unknown <https://www.monash.edu/education/teachspace/articles/how-to-use-restorative-justice-in-your-classroom-and-school#:~:text=Listen%20for%20understanding.,does%2C%20you%20will%20support%20them>.

¹⁷³ Reimer date unknown <https://www.monash.edu/education/teachspace/articles/how-to-use-restorative-justice-in-your-classroom-and-school#:~:text=Listen%20for%20understanding.,does%2C%20you%20will%20support%20them>.

¹⁷⁴ Vaandering 2014 *Journal of Peace Education* 77.

¹⁷⁵ Sopcak 2020 <https://academicintegrity.org/resources/blog/149-restorative-practices-for-academic-integrity>. See also discussion above.

¹⁷⁶ Fronius *et al Restorative Justice in US Schools* 11.

¹⁷⁷ Darling-Hammond *et al 2020 Contemporary School Psychology* 297; Fronius *et al Restorative Justice in US Schools* 11.

¹⁷⁸ Gade 2021 *Conflict Resolution Quarterly* 144.

Opposition towards restorative justice based on incorrect information has emerged as a barrier to its implementation in many international institutions.¹⁷⁹ To surmount this hurdle South African institutions need to ensure that the staff receive training in restorative justice. There is evidence that training tends to improve people's knowledge about restorative justice and this often not only changes their minds about it but also increases their interest in it.¹⁸⁰ On the other hand, the literature suggests that a change in attitude towards restorative justice in academic institutions can take a period of one to three years, which corresponds with the time that it generally takes for restorative justice to be entrenched in institutions.¹⁸¹

The foregoing suggests that implementing restorative justice in institutions is a time-consuming exercise that would require huge resources.¹⁸² While this may have cost implications, such costs may be justified compared to those that could come with the conventional method of dealing with academic dishonesty. For example, since the institution may suffer reputational damage due to incidents of academic dishonesty, people may decide not to enrol there, leading to the institution's suffering financial loss. Similarly, the costs associated with investigating cases and conducting disciplinary hearings should be considered. At worst, the institution may be forced to defend its decision to punish students who are found guilty of academic dishonesty in court should the aggrieved students decide to litigate against it.¹⁸³ Again this could have financial implications for the institution. In view of these potential financial implications, restorative justice could save costs for institutions in the long run.

Although the implementation of restorative justice in higher education institutions is fraught with challenges, there are compelling reasons for South African institutions to overcome these barriers, given the shortcomings in the current methods of dealing with academic dishonesty.

7 Conclusion

This article shows that restorative justice can be applied as a method of responding to academic dishonesty in higher education institutions. This method is already being used by some institutions in other countries and the results are promising. Apart from addressing the root causes of academic dishonesty, restorative justice has been found to help students to

¹⁷⁹ Clark 2014 *Student College Journal* 711.

¹⁸⁰ Varfi, Parmentier and Aertsen *Developing Judicial Training* 30-32.

¹⁸¹ Darling-Hammond *et al* 2020 *Contemporary School Psychology* 297.

¹⁸² Clark 2014 *Student College Journal* 711; Darling-Hammond *et al* 2020 *Contemporary School Psychology* 297.

¹⁸³ An example of this can be seen in *Van der Ross v University of Cape Town* (8473/2018) [2018] ZAWCHC 152 (15 November 2018).

learn from their mistakes. This, as the research demonstrates, can go a long way in countering student academic dishonesty.

Given the potential of restorative justice, South African higher education institutions should consider it as a means of dealing with academic dishonesty. This would require institutions to change the way they handle issues of academic dishonesty. In essence, institutions need to start embracing the idea of restorative justice, which should be reflected in their overall approach to academic dishonesty. One way to achieve this is to include restorative justice as one of the measures to deal with academic misconduct, following the approach adopted by institutions in some other jurisdictions. This is not only to counter academic dishonesty but also to ensure that students are treated in a more dignified manner than being subjected to exclusionary (punitive) measures that humiliate them.

Bibliography

Literature

Allan *et al* 2014 *Psychiatry, Psychology and Law*

Allan A *et al* "Apology in Restorative and Juvenile Justice" 2014 *Psychiatry, Psychology and Law* 176-190

Anderman and Koenka 2017 *Theory into Practice*

Anderman EM and Koenka AC "The Relation between Academic Motivation and Cheating" 2017 *Theory into Practice* 95-102

Ballantine, McCourt Larres and Mulgrew 2014 *Accounting Forum*

Ballantine JA, McCourt Larres P and Mulgrew M "Determinants of Academic Cheating Behavior: The Future for Accountancy in Ireland" 2014 *Accounting Forum* 55-66

Barnett "Restitution"

Barnett RE "Restitution: A New Paradigm of Criminal Justice" in Johnstone G (ed) *A Restorative Justice Reader* 2nd ed (Routledge New York 2013) 47-56

Batley "Restorative Justice in South Africa"

Batley M "Restorative Justice in South Africa" in Peacock R (ed) *Victimology in South Africa* 2nd ed (Van Schaik Pretoria 2013) 115-128

Bekker and Van der Merwe 2009 *De Jure*

Bekker JC and Van der Merwe A "Indigenous Legal Systems and Sentencing: *S v Maluleke* 2008 1 SACR 49 (T)" 2009 *De Jure* 239-250

Bidois 2016 *CLB*

Bidois LM "The Value of Restorative Justice" 2016 *CLB* 596-613

Booth, Stuhmcke and Wangmann 2020 *IJLP*

Booth T, Stuhmcke A and Wangmann J "There is Plagiarism ... and then there is Plagiarism: Academic Misconduct and Admission to Legal Practice" 2020 *IJLP* 291-316

Bosch *et al* 2023 *SSRN Electronic Journal*

Bosch T *et al* "South African University Students' Use of AI-Powered Tools for Engaged Learning" 2023 *SSRN Electronic Journal* 1-16

Braithwaite 2000 *Can J Crim*

Braithwaite J "Shame and Criminal Justice" 2000 *Can J Crim* 281-298

Clark 2014 *Student College Journal*

Clark KL "A Call for Restorative Justice in Higher Education Judicial Affairs" 2014 *Student College Journal* 707-715

Darling-Hammond *et al* 2020 *Contemporary School Psychology*

Darling-Hammond S *et al* "Effectiveness of Restorative Justice in US K-12 Schools: A Review of Quantitative Research" 2020 *Contemporary School Psychology* 295-308

De Bruin and Rudnick 2007 *South African Journal of Psychology*

De Bruin GP and Rudnick H "Examining the Cheats: The Role of Conscientiousness and Excitement Seeking in Academic Dishonesty" 2007 *South African Journal of Psychology* 153-164

Department of Justice and Constitutional Development *Restorative Justice*
Department of Justice and Constitutional Development *Restorative Justice: The Road to Healing* (The Department Pretoria 2011)

Diego 2017 *IAFOR Journal of Education*

Diego LAB "Friends with Benefits: Causes and Effects of Learners' Cheating Practices during Examination" 2017 *IAFOR Journal of Education* 121-138

Dzur and Olson 2004 *Journal of Social Philosophy*

Dzur AW and Olson SM "The Value of Community Participation in Restorative Justice" 2004 *Journal of Social Philosophy* 91-107

Erguvan 2022 *Language Testing in Asia*

Erguvan ID "University Students' Understanding of Contract Cheating: A Qualitative Case Study in Kuwait" 2022 *Language Testing in Asia* 1-19

Fronius *et al* *Restorative Justice in US Schools*

Fronius T *et al* *Restorative Justice in US Schools: An Updated Research Review* (The WestEd Justice and Prevention Research Center San Francisco 2019)

Gade 2021 *Conflict Resolution Quarterly*

Gade CBN "Is Restorative Justice Punishment?" 2021 *Conflict Resolution Quarterly* 127-155

Harris and Maruna "Shame, Shaming and Restorative Justice"

Harris N and Maruna S "Shame, Shaming and Restorative Justice: A Critical Appraisal" in Sullivan D and Tiffit L (eds) *Handbook of Restorative Justice: A Global Perspective* (Routledge London 2006) 452-462

Hayes 2006 *Contemporary Justice Review*

Hayes H "Apologies and Accounts in Youth Justice Conferencing: Reinterpreting Research Outcomes" 2006 *Contemporary Justice Review* 369-385

Ikpa 2007 *Wash U J L & Pol'y*

Ikpa TS "Balancing Restorative Justice Principles and Due Process Rights in Order to Reform the Criminal Justice System" 2007 *Wash U J L & Pol'y* 301-326

Janosik and Stimpson 2017 *Journal of Student Affairs Research and Practice*

Janosik SM and Stimpson MT "The Influence of the Conduct System and Campus Environments on Student Learning" 2017 *Journal of Student Affairs Research and Practice* 28-41

Johnstone *Restorative Justice*

Johnstone G *Restorative Justice: Ideas, Values, Debates* (Willan Publishing Devon 2002)

Kara and MacAlister 2010 *Contemporary Justice Review*

Kara F and MacAlister D "Responding to Academic Dishonesty in Universities: A Restorative Justice Approach" 2010 *Contemporary Justice Review* 443-453

Karp and Breslin 2001 *Youth and Society*

Karp DR and Breslin B "Restorative Justice in School Communities" 2001 *Youth and Society* 249-272

Karp and Conrad 2005 *Public Organization Review*

Karp D and Conrad S "Restorative Justice and College Student Misconduct" 2005 *Public Organization Review* 315-333

Kgosimore 2002 *Acta Criminologica*

Kgosimore DL "Restorative Justice as an Alternative Way of Dealing with Crime" 2002 *Acta Criminologica* 69-76

- Kwong *et al* 2010 *Campus-Wide Information Systems*
Kwong T *et al* "Students' and Faculty's Perception of Academic Integrity in Hong Kong" 2010 *Campus-Wide Information Systems* 341-355
- Levrant *et al* 1999 *Crime and Delinquency*
Levrant S *et al* "Reconsidering Restorative Justice: The Corruption of Benevolence Revisited?" 1999 *Crime and Delinquency* 3-27
- Louw and Van Wyk 2016 *Social Work*
Louw D and Van Wyk L "The Perspectives of South African Legal Professionals on Restorative Justice: An Explorative Qualitative Study" 2016 *Social Work* 489-510
- Makiwane 2015 *Obiter*
Makiwane PN "Restorative Justice: Bringing Justice for Crime Victims?" 2015 *Obiter* 79-94
- Malik 2019 *IAHRW International Journal of Social Sciences*
Malik MA "Studying the Effect of Cognitive Difficulty of Students on their Academic Achievement" 2019 *IAHRW International Journal of Social Sciences* 1896-1899
- Marais 2022 *Critical Studies in Teaching and Learning*
Marais IE "Institutionalisation of Academic Integrity: Experiences at a Distance Education University in South Africa During COVID-19" 2022 *Critical Studies in Teaching and Learning* 57-79
- Matsebatlela and Kuhudzai 2018 *Alternation*
Matsebatlela E and Kuhudzai AG "Attitudes toward Plagiarism: The Case of Undergraduate Health Sciences Students at the University of Pretoria" 2018 *Alternation* 181-209
- McCold "What is the Role of Community in Restorative Justice Theory and Practice?"
McCold P "What is the Role of Community in Restorative Justice Theory and Practice?" in Zehr H and Toews B (eds) *Critical Issues in Restorative Justice* (Willan Publishing Devon 2004) 155-171
- Metz 2011 *AHRLJ*
Metz T "Ubuntu as a Moral Theory and Human Rights in South Africa" 2011 *AHRLJ* 532-559
- Meyer and Evans *School Leader's Guide to Restorative School Discipline*
Meyer LH and Evans IM *The School Leader's Guide to Restorative School Discipline* (Corwin Thousand Oaks 2012)

Ministry of Justice *Restorative Justice*

Ministry of Justice *Restorative Justice: Best Practice Framework* (Ministry of Justice Wellington 2017)

Miron *et al* 2021 *CJEAP*

Miron J *et al* "Academic Integrity Policy Analysis of Publicly-Funded Universities in Ontario, Canada: A Focus on Contract Cheating" 2021 *CJEAP* 62-75

Morrison 2002 *Trends and Issues in Crime*

Morrison B "Bullying and Victimization in Schools: A Restorative Justice Approach" 2002 *Trends and Issues in Crime and Criminal Justice* 1-6

Morrison 2006 *Journal of Social Issues*

Morrison B "School Bullying and Restorative Justice: Toward a Theoretical Understanding of the Role of Respect, Pride, and Shame" 2006 *Journal of Social Issues* 371-392

Mousourakis 2003 *Tilburg Foreign L Rev*

Mousourakis G "Understanding and Implementing Restorative Justice" 2003 *Tilburg Foreign L Rev* 626-652

Mulisa and Ebessa 2021 *Cogent Education*

Mulisa F and Ebessa SD "The Carryover Effects of College Dishonesty on the Professional Workplace Dishonest Behaviors: A Systematic Review" 2021 *Cogent Education* 1-28

Mwamwenda 2006 *Journal of Independent Teaching and Learning*

Mwamwenda TS "Academic Integrity: South African and American University Students" 2006 *Journal of Independent Teaching and Learning* 34-44

Nonis and Swift 2001 *Journal of Education for Business*

Nonis S and Swift CO "An Examination of the Relationship between Academic Dishonesty and Workplace Multicampus Investigation" 2001 *Journal of Education for Business* 69-77

Orr and Orr 2021 *Journal of Academic Ethics*

Orr JE and Orr K "Restoring Honor and Integrity through Integrating Restorative Practices in Academic Integrity with Student Leaders" 2021 *Journal of Academic Ethics* 1-17

Peled, Barczyk and Sarid 2012 *Educational Practice and Theory*

Peled Y, Barczyk CC and Sarid M "Institutional Policies and Faculty Perceptions of Student Academic Dishonesty" 2012 *Educational Practice and Theory* 61-79

Pointer 2017 *JANZSSA*

Pointer L "Building a Restorative University" 2017 *JANZSSA* 63-70

Radulovic and Uys 2019 *African Journal of Business Ethics*

Radulovic U and Uys T "Academic Dishonesty and Whistle-Blowing in a Higher Education Institution: A Sociological Analysis" 2019 *African Journal of Business Ethics* 16-41

Reyneke "Restorative Justice Approach to Address Cyber Bullying"

Reyneke RP "A Restorative Justice Approach to Address Cyber Bullying" in Kowalczyk-Walêdziak M *et al* (eds) *Rethinking Teacher Education for the 21st Century: Trends, Challenges and New Directions* (Verlag Barbara Budrich Berlin 2019) 340-354

Reyneke 2011 *PELJ*

Reyneke M "The Right to Dignity and Restorative Justice in Schools" 2011 *PELJ* 129-171

Riad 2023 *Journal of Research Initiatives*

Riad J "Academic Dishonesty in Higher Education: What We Know and What We Can Do" 2023 *Journal of Research Initiatives* 1-11

Roe 2022 *Humanities and Social Sciences Communications*

Roe J "Reconceptualizing Academic Dishonesty as a Struggle for Intersubjective Recognition: A New Theoretical Model" 2022 *Humanities and Social Sciences Communications* 1-7

Schmid 2002 *VUWLR*

Schmid DJ "Restorative Justice: A New Paradigm for Criminal Justice Policy" 2002 *VUWLR* 91-134

Shapoval *et al* 2021 *Justicia*

Shapoval RV *et al* "Academic Honesty: Current Status and Forms of Improvement" 2021 *Justicia* 37-46

Shi and Qu 2022 *Frontiers in Psychology*

Shi Y and Qu S "The Effect of Cognitive Ability on Academic Achievement: The Mediating Role of Self-Discipline and the Moderating Role of Planning" 2022 *Frontiers in Psychology* 1-18

Sibomana, Ndayambaje and Uwambayinema 2018 *Rwandan Journal of Education*

Sibomana E, Ndayambaje I and Uwambayinema E "Plagiarism in Higher Education Environment: Causes and Solutions" 2018 *Rwandan Journal of Education* 15-23

Sliva and Lambert 2015 *Journal of Policy Practice*

Sliva SM and Lambert CG "Restorative Justice Legislation in the American States: A Statutory Analysis of Emerging Legal Doctrine" 2015 *Journal of Policy Practice* 77-95

Skelton 2007 *Acta Juridica*

Skelton A "Tapping Indigenous Knowledge: Traditional Conflict Resolution, Restorative Justice and the Denunciation of Crime in South Africa" 2007 *Acta Juridica* 228-246

Skelton 2013 *Restorative Justice*

Skelton A "The South African Constitutional Court's Restorative Justice Jurisprudence" 2013 *Restorative Justice: An International Journal* 122-145

Sopcak and Hood "Building a Culture of Restorative Practice"

Sopcak P and Hood K "Building a Culture of Restorative Practice and Restorative Responses to Academic Misconduct" in Eaton SE and Hughes JC (eds) *Academic Integrity in Canada: An Enduring and Essential Challenge* (Springer Cham 2022) 553-571

Söylemez 2023 *Bulletin of Education and Research*

Söylemez NH "A Problem in Higher Education: Academic Dishonesty Tendency" 2023 *Bulletin of Education and Research* 23-46

Starovoytova and Namango 2016 *Journal of Education and Practice*

Starovoytova D and Namango S "Factors Affecting Cheating-Behavior at Undergraduate-Engineering" 2016 *Journal of Education and Practice* 66-82

Strang "Justice for Victims of Young Offenders"

Strang H "Justice for Victims of Young Offenders: The Centrality of Emotional Harm and Restoration" in Morris A and Maxwell G (eds) *Restorative Justice for Juveniles: Conferencing, Mediation and Circles* (Hart Oxford 2001) 183-193

Strang *Repair or Revenge*

Strang H *Repair or Revenge: Victims and Restorative Justice* (Oxford University Press New York 2002)

Strang and Sherman 2003 *Utah L Rev*

Strang H and Sherman LW "Repairing the Harm: Victims and Restorative Justice" 2003 *Utah L Rev* 15-42

SU *Policy on Academic Integrity*

Stellenbosch University *Policy on Academic Integrity: The Prevention and Handling of Plagiarism* (SU Stellenbosch 2010)

Suvall 2009 *Harvard Civil Rights-Civil Liberties Law Review*
Suvall C "Restorative Justice in Schools: Learning from Jena High School"
2009 *Harvard Civil Rights-Civil Liberties Law Review* 547-569

Tarisayi 2023 *AI and Ethics*

Tarisayi KS "Lustre and Shadows: Unveiling the Gaps in South African University Plagiarism Policies Amidst the Emergence of AI-Generated Content" 2023 *AI and Ethics* 1-7

Tarisayi 2024 *Cogent Education*

Tarisayi KS "ChatGPT Use in Universities in South Africa through a Socio-Technical Lens" 2024 *Cogent Education* 1-10

Thornock 2013 *Open Journal of Nursing*

Thornock SB "Proactive Solutions to Academic Dishonesty" 2013 *Open Journal of Nursing* 552-556

Tshehla 2004 *SACJ*

Tshehla B "The Restorative Justice Bug Bites the South African Criminal Justice System" 2004 *SACJ* 1-16

Umbreit and Armour *Restorative Justice Dialogue*

Umbreit Ms and Armour MP *Restorative Justice Dialogue: An Essential Guide for Research and Practice* (Springer New York 2011)

UN Office on Drugs and Crime *Handbook on Restorative Justice Programmes*

United Nations Office on Drugs and Crime *Handbook on Restorative Justice Programmes* 2nd ed (UN Vienna 2020)

UNISA *Policy on Academic Integrity*

University of South Africa *Policy on Academic Integrity* (UNISA Pretoria 2017)

University of KwaZulu-Natal *Plagiarism Policy and Procedures*

University of KwaZulu-Natal *Plagiarism Policy and Procedures* (UKZN Durban 2014)

Vaandering 2014 *Journal of Peace Education*

Vaandering D "Implementing Restorative Justice Practice in Schools: What Pedagogy Reveals" 2014 *Journal of Peace Education* 60-84

Van Ness and Strong *Restoring Justice*

Van Ness DW and Strong KH *Restoring Justice: An Introduction to Restorative Justice* 3rd ed (Anderson Publishing Cincinnati 2006)

Varfi, Parmentier and Aertsen *Developing Judicial Training*
Varfi T, Parmentier S and Aertsen I (eds) *Developing Judicial Training for Restorative Justice: Towards A European Approach* (European Forum for Restorative Justice Leuven 2014)

Varnham 2005 *Education and Law*

Varnham S "Seeing Things Differently: Restorative Justice and School Discipline" 2005 *Education and Law* 87-104

WITS *Annual Report*

University of the Witwatersrand *Annual Report* (WITS Johannesburg 2022)

Zehr *Little Book of Restorative Justice*

Zehr H *The Little Book of Restorative Justice* (Good Books Intercourse PA 2002)

Zivcakova *et al* 2014 *Journal of Academic Ethics*

Zivcakova L *et al* "Investigating Perceptions of Students to a Peer-Based Academic Integrity Presentation Provided by Residence Dons" 2014 *Journal of Academic Ethics* 89-99

Case law

Centre for Child Law and v Media 24 Limited 2020 1 SACR 469 (CC)

Dikoko v Mokhatla 2007 1 BCLR 1 (CC)

Freedom of Religion South Africa v Minister of Justice and Constitutional Development 2020 1 SACR 113 (CC)

Port Elizabeth Municipality v Various Occupiers 2005 1 SA 217 (CC)

S v Makwanyane 1995 2 SACR 1 (CC)

S v M 2007 2 SACR 539 (CC)

S v Maluleke 2008 1 SACR 49 (T)

S v Saayman 2008 1 SACR 393 (E)

S v Seedat 2015 2 SACR 612 (GP)

S v Shilubane 2008 1 SACR 295 (T)

S v Tabethe 2009 2 SACR 62 (T)

The Citizen 1978 (Pty) Ltd v McBride 2011 4 SA 191 (CC)

Van der Ross v University of Cape Town (8473/2018) [2018] ZAWCHC 152 (15 November 2018)

Legislation

Child Justice Act 75 of 2008

Constitution of the Republic of South Africa, 1996

Correctional Services Act 111 of 1998

Probation Services Amendment Act 35 of 2002

Government publications

GN 3461 in GG 48660 of 26 May 2023 (*Mosia NT Report of the Independent Assessor into the Affairs of the University of South Africa (UNISA)*)

Internet sources

Anon 2002 <https://www.iol.co.za/news/south-africa/serious-consequences-for-exam-cheaters-95927>

Anonymous 2002 *Serious Consequences for Exam Cheaters* <https://www.iol.co.za/news/south-africa/serious-consequences-for-exam-cheaters-95927> accessed 12 January 2023

Briscoe 2019 <https://www.cfoselections.com/perspective/integrity-in-business-a-priceless-essential-for-success>

Briscoe K 2019 *Integrity in Business - A Priceless Essential for Success* <https://www.cfoselections.com/perspective/integrity-in-business-a-priceless-essential-for-success> accessed 14 January 2023

De Castro 2020 <https://witsvuvuzela.com/2020/05/19/wits-institutes-security-measures-to-curb-cheating-in-onlineassessments/#:~:text=%E2%80%9CSome%20of%20these%20include%20randomising,%2C%E2%80%9D%20she%20told%20Wits%20Vuvuzela>

De Castro C 2020 *Wits Institutes Security Measures to Curb Cheating in Online Assessments* <https://witsvuvuzela.com/2020/05/19/wits-institutes-security-measures-to-curb-cheating-in-onlineassessments/#:~:text=%E2%80%9CSome%20of%20these%20include%20randomising,%2C%E2%80%9D%20she%20told%20Wits%20Vuvuzela> accessed 2 September 2023

Fengu 2021 <https://www.news24.com/citypress/news/with-online-exams-unisa-sees-an-increase-in-cheating-and-plagiarism-20210210>

Fengu M 2021 *With Online Exams, Unisa Sees an Increase in Cheating and Plagiarism* <https://www.news24.com/citypress/news/with-online-exams-unisa-sees-an-increase-in-cheating-and-plagiarism-20210210> accessed 12 January 2023

Ferlazzo 2020 <https://www.edweek.org/teaching-learning/opinion-ways-to-implement-restorative-practices-in-the-classroom/2020/01>

Ferlazzo L 2020 *Ways to Implement Restorative Practices in the Classroom* <https://www.edweek.org/teaching-learning/opinion-ways-to-implement-restorative-practices-in-the-classroom/2020/01> accessed 16 May 2024

Govender 2014 <https://www.timeslive.co.za/sunday-times/lifestyle/2014-08-17-universities-battle-a-rising-tide-of-cheating/>

Govender P 2014 *Universities Battle a Rising Tide of Cheating* <https://www.timeslive.co.za/sunday-times/lifestyle/2014-08-17-universities-battle-a-rising-tide-of-cheating/> accessed 12 January 2023

Govender 2015 [https://www.timeslive.co.za/sunday-times/news/2015-03-15-stiff-penalties-dont-deter-university](https://www.timeslive.co.za/sunday-times/news/2015-03-15-stiff-penalties-dont-deter-university-cheaters/#:~:text=The%20threat%20of%20lengthy%20bans,years%20because%20of%20academic%20dishonesty)

[cheaters/#:~:text=The%20threat%20of%20lengthy%20bans,years%20because%20of%20academic%20dishonesty](https://www.timeslive.co.za/sunday-times/news/2015-03-15-stiff-penalties-dont-deter-university-cheaters/#:~:text=The%20threat%20of%20lengthy%20bans,years%20because%20of%20academic%20dishonesty)

Govender P 2015 *Stiff Penalties Don't Deter University Cheaters* [https://www.timeslive.co.za/sunday-times/news/2015-03-15-stiff-penalties-dont-deter-university](https://www.timeslive.co.za/sunday-times/news/2015-03-15-stiff-penalties-dont-deter-university-cheaters/#:~:text=The%20threat%20of%20lengthy%20bans,years%20because%20of%20academic%20dishonesty)

[cheaters/#:~:text=The%20threat%20of%20lengthy%20bans,years%20because%20of%20academic%20dishonesty](https://www.timeslive.co.za/sunday-times/news/2015-03-15-stiff-penalties-dont-deter-university-cheaters/#:~:text=The%20threat%20of%20lengthy%20bans,years%20because%20of%20academic%20dishonesty) accessed 13 January 2023

Heath-Thornton 2018 <https://www.britannica.com/topic/restorative-justice>

Heath-Thornton D 2018 *Restorative Justice* <https://www.britannica.com/topic/restorative-justice> accessed 14 January 2023

Lotter 2018 <https://www.iol.co.za/news/opinion/why-a-resettlement-grant-for-ex-offenders-in-sa-is-a-really-good-idea-17128366>

Lotter C 2018 *Why a Resettlement Grant for Ex-Offenders in SA is a Really Good Idea* <https://www.iol.co.za/news/opinion/why-a-resettlement-grant-for-ex-offenders-in-sa-is-a-really-good-idea-17128366> accessed 14 January 2023

Macupe 2020 <https://mg.co.za/education/2020-11-21-there-is-no-honour-in-leaking-a-matric-exam-paper/>

Macupe B 2020 *There is no Honour in Leaking a Matric Exam Paper* <https://mg.co.za/education/2020-11-21-there-is-no-honour-in-leaking-a-matric-exam-paper/> accessed 12 January 2023

Mlamla 2021 <https://www.iol.co.za/capeargus/news/universities-see-steep-rise-in-cheating-misconduct-with-move-to-online-assessments-1ad26d3d-ce66-4d4f-87c3-2d38a6443452>

Mlamla 2021 *Universities See Steep Rise in Cheating, Misconduct with Move to Online Assessments* <https://www.iol.co.za/capeargus/news/universities-see-steep-rise-in-cheating-misconduct-with-move-to-online-assessments-1ad26d3d-ce66-4d4f-87c3-2d38a6443452> accessed 12 January 2023

Nkosi 2021 <https://www.iol.co.za/capetimes/news/learning-to-cheat-remotely-on-a-massive-scale-9da3968f-eab7-41c3-b3d3-f166cf348e60>

Nkosi B 2021 *Learning to Cheat (Remotely) on a Massive Scale* <https://www.iol.co.za/capetimes/news/learning-to-cheat-remotely-on-a-massive-scale-9da3968f-eab7-41c3-b3d3-f166cf348e60> accessed 12 January 2023

Peachessay 2021 <https://peachyessay.com/blogs/academic-dishonesty/>
Peachessay 2021 *What is Academic Dishonesty – Useful Guide* <https://peachyessay.com/blogs/academic-dishonesty/> accessed 12 January 2023

Reimer date unknown <https://www.monash.edu/education/teachspace/articles/how-to-use-restorative-justice-in-your-classroom-and-school#:~:text=Listen%20for%20understanding.,does%2C%20you%20will%20support%20them>

Reimer K date unknown *How to Use Restorative Justice in your Classroom and School* <https://www.monash.edu/education/teachspace/articles/how-to-use-restorative-justice-in-your-classroom-and-school#:~:text=Listen%20for%20understanding.,does%2C%20you%20will%20support%20them> accessed 14 January 2023

Sopcak 2020 <https://academicintegrity.org/resources/blog/149-restorative-practices-for-academic-integrity>

Sopcak P 2020 *Restorative Practices for Academic Integrity* <https://academicintegrity.org/resources/blog/149-restorative-practices-for-academic-integrity> accessed 13 January 2023

StudyCorgi 2022 <https://studycorgi.com/academic-dishonesty-and-its-detrimental-effects/>

StudyCorgi 2022 *Academic Dishonesty and Its Detrimental Effects* <https://studycorgi.com/academic-dishonesty-and-its-detrimental-effects/> accessed 12 January 2023

SU date unknown <https://www.sun.ac.za/english/Lists/notices/DispForm.aspx?ID=1829>

Stellenbosch University date unknown *Disciplinary Committee Notice* <https://www.sun.ac.za/english/Lists/notices/DispForm.aspx?ID=1829> accessed 6 April 2024

UNISA 2022 <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>

University of South Africa 2022 *Student Values and Plagiarism* <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules> accessed 14 January 2023

List of Abbreviations

AHRLJ	African Human Rights Law Journal
Can J Crim	Canadian Journal of Criminology
CLB	Commonwealth Law Bulletin
CJEAP	Canadian Journal of Educational Administration Policy
IAFOR	International Academic Forum
IAHRW	Indian Association of Health, Research, and Welfare
IJLP	International Journal of the Legal Profession
JANZSSA	Journal of the Australian and New Zealand Student Services Association
NMMU	Nelson Mandela Metropolitan University
NWU	North-West University
PELJ	Potchefstroom Electronic Law Journal
SACJ	South African Journal of Criminal Justice
SU	Stellenbosch University
Tilburg Foreign L Rev	Tilburg Foreign Law Review
UJ	University of Johannesburg
UN	United Nations
UNISA	University of South Africa
Utah L Rev	Utah Law Review
VUWLR	Victoria University of Wellington Law Review
Wash U J L & Pol'y	Washington University Journal of Law and Policy
WITS	University of the Witwatersrand