

APPENDIX V – 92

RESTORATIVE JUSTICE IN EDUCATION

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OUTLINE

- Welcome, thoughts from first session, personal goals for today
- Review Rj
- Break
- Elements of a Circle and Conferences
- Circle Process

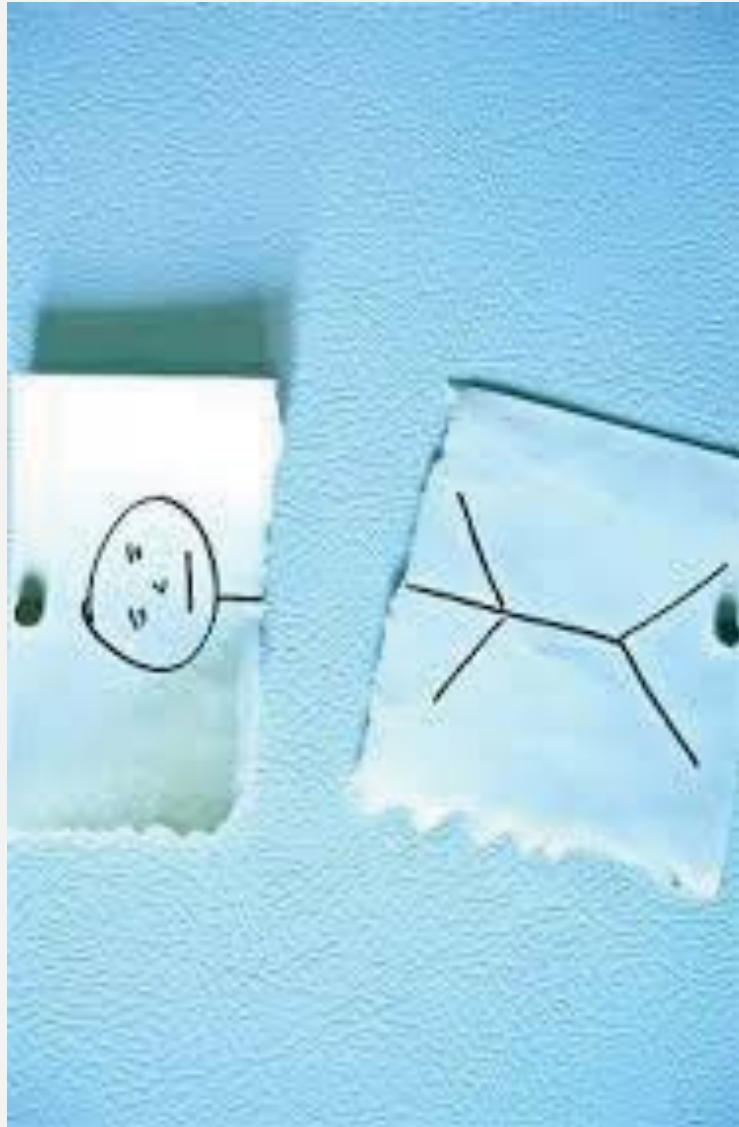
ARE MY HANDS CLEAN?

- What feelings does this song elicit?
- How does this relate to our discussion of restorative justice?



RJ REVIEW

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“Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance.”

~Howard Zehr

“Restorative justice is a victim-centered approach to harm that requires shifting the focus from punishment to the process of making wrongdoings right through peacemaking/keeping circles, Restorative Case Conferences (RCCs), and other methods that require face-to-face interactions between those who experienced harm and those who caused harm.” ~Maisha Winn

RJ AIMS...

- Builds relationships
- Strives to be respectful for all
- Provides opportunity for equitable dialogue and participatory decision-making.
- Involves all relevant stakeholders.
- Addresses harms, needs, obligations, and causes of conflict and harm.
- Encourages all to take responsibility. (Yusem, et al.)

- **Retributive Approach**
 - What law or rule was broken?
 - Who broke it?
 - What punishment is deserved?
- **Restorative Approach**
 - What is the harm?
 - What are the needs and obligations of all affected by the harm?
 - How can all the affected parties create a plan to heal the harm as much as possible?

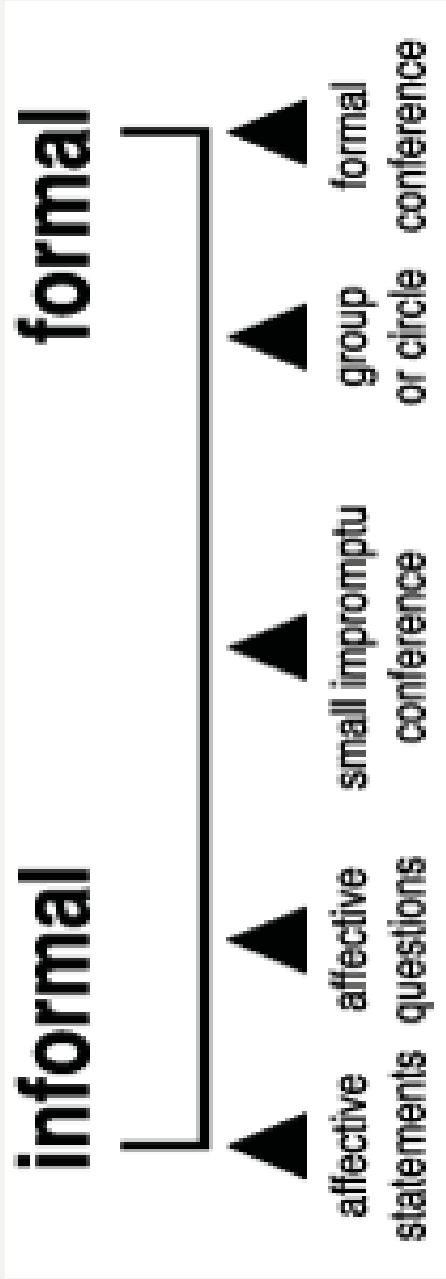
PUNISHMENT

- Involves coercion
- Is intended to hurt
- Obstructs communication
- Encourages denial and defiance
- Top-down tool of social control
- Is ineffective

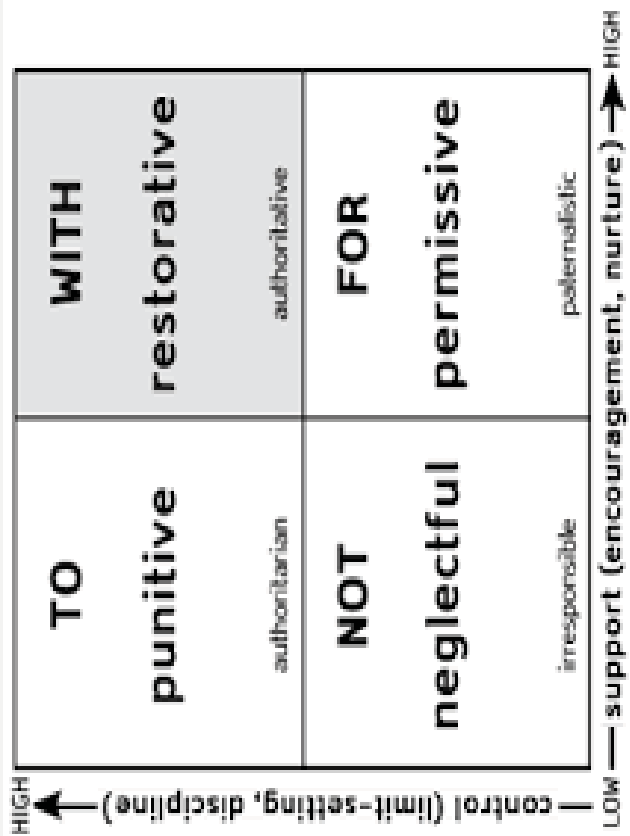
RJ...

- Based on indigenous values and practices
- NOT a program or a curriculum
- RJ is a way of thinking, a paradigm, a movement
- Responding relationally to wrong doing in our schools, justice system, and communities to create equitable solutions
- Building community in school and classroom
(Yusem and Botelho, 2015)

- To understand the harm and develop empathy for both the harmed and the harmer;
- To listen and respond to the needs of the person harmed and the person who harmed;
- To encourage accountability and responsibility through personal reflection within a collaborative planning process;
- To reintegrate the harmer into the community as valuable, contributing members;
- To create caring climates to support healthy communities;
- To change the system when it contributes to the harm (Stutzman Amstutz & Mullet, 2015)



Basic premise: people will make positive changes when those in positions of authority **do things with them rather than to them or for them.**





RJ

- <https://www.youtube.com/watch?v=n4t4eoVAfco>

BREAK

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CIRCLE PROCESS AND CONFERENCES

“Circles aim to create a space in which participants are safe
to be their most authentic self.”

Kay Pranis

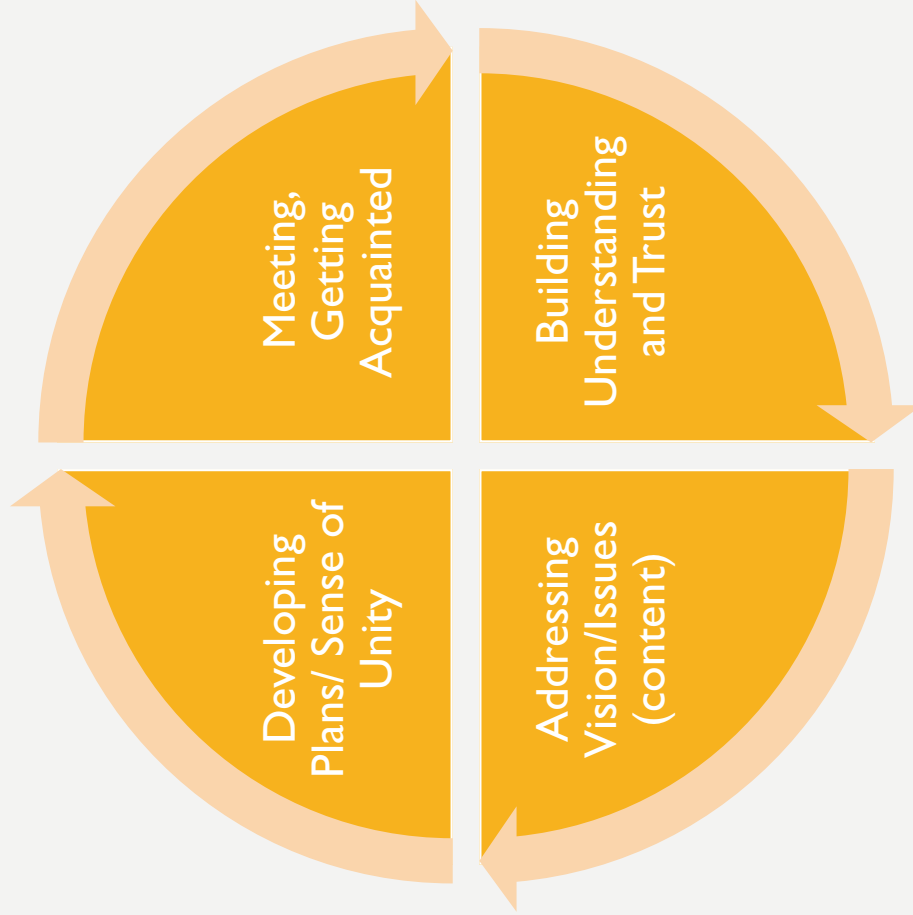
CIRCLES CONVEY...

- Equality
- Safety and trust
- Responsibility
- Facilitation
- Ownership
- Connections

ELEMENTS OF A CIRCLE

- Ceremony
- A Talking Piece
- Facilitator or Keeper
- Guidelines
- Consensus Decision-Making

RELATIONSHIPS!!!



FOUR STAGES OF A CIRCLE

[PRANIS, 2015]

- **Stage One: Determining Suitability**
 - Are key parties willing to participate?
 - Are trained facilitators available?
 - Will the situation allow the time required to use the Circle Process?
 - Can physical and emotional safety be maintained?
- **Stage Two: Preparation**
 - Identify who needs to participate: Who has been impacted? Who has resources, skills, or knowledge that might be needed? Who has similar life experiences that might add insight?
 - Familiarize key parties with the process.
 - Begin exploring the context of the issue.

- **Stage 3: Convening all parties**
 - Identify shared values and develop guidelines.
 - Engage storytelling to build relationships and connections
 - Share concerns and hopes
 - Express feelings.
 - Probe underlying causes of conflict or harm.
 - Generate ideas for addressing harm or resolving conflict.
 - Determine areas of consensus for action
 - Develop agreement and clarify responses.

- **Stage 4: Follow-up**

- Assess progress on agreements. Are all parties fulfilling their obligations?
- Probe for causes of any failure to fulfill an obligation, clarify responsibilities, and identify next steps if the failure continues.
- Adjust agreements as needed based on new information or developments.
- Celebrate successes.

CIRCLE FORMATS

- Most common
- Clockwise or counterclockwise
- Respond to a question or discussion point
- Encourage all to participate

Sequential go-arounds

- More freely structured
- No fixed order of conversation
- Speak only when having something to say (how speakers are determined are central here)

Non-Sequential Circles

- Good for larger groups
- Inner and outer circle
- Empty chair method

Fishbowls

RESTORATIVE CONFERENCING

- What happened?
- How participants felt about it?
- What needs to be done to make things right?
- How the situation might be prevented in the future? (Stutzman Amstutz & Mullet, 2015)

Offenders are asked these restorative questions:

- “What happened?”
- “What were you thinking about at the time?”
- “What have you thought about since?”
- “Who has been affected by what you have done?”
- “What do you think you need to do to make things right?”

Victims are asked these restorative questions:

- “What did you think when you realized what happened?”
- “What impact has the incident had on you and others?”
- “What has been the hardest thing for you?”
- “What do you think needs to happen to make things right?”
- What would you like the outcome of this conference to be?

Circle	Conferencing
Talking piece regulates the dialog	Facilitator directs the dialog—particularly in the early stages
Explicit discussion of values before discussing issues	No discussion of values
Group creation of guidelines	Facilitator provides ground rules and asks group for additions
Do not jump directly to the issues	Process goes directly to the participants to identify the issues
Deliberate marking of the space as a space apart through opening and closing ceremony	No use of ceremony but rather opening and closing consistent with pre-meetings
Facilitator is also a participant	Facilitator does not participate as a stakeholder

- <https://www.youtube.com/watch?v=RdKhcQrLDIw>