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?
“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)
informal

affective statements affective questions small impromptu conference

group or circle formal conference

formal
Basic premise: people will make positive changes when those in positions of authority do things with them rather than to them or for them.
Tier 3 (Individualized Support):
Re-entry & skill building

Tier 2 (Response to harm/conflict):
Restorative Discipline
(Conflict/Harm Resolution)

Tier 1 (Relationships):
Relationship/Community/Skill
Building: Creating a safe and caring whole-school environment
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
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**

- **Sequential go-arounds**
  - Most common
  - Clockwise or counterclockwise
  - Respond to a question or discussion point
  - Encourage all to participate

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

- **Fishbowls**
  - Good for larger groups
  - Inner and outer circle
  - Empty chair method
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?
<table>
<thead>
<tr>
<th>Circle</th>
<th>Talking piece regulates the dialog</th>
<th>Explicit discussion of values before discussing issues</th>
<th>Group creation of guidelines</th>
<th>Do not jump directly to the issues</th>
<th>Deliberate marking of the space as a space apart through opening and closing ceremony</th>
<th>Facilitator is also a participant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conferencing</td>
<td>Facilitator directs the dialog—particularly in the early stages</td>
<td>No discussion of values</td>
<td>Facilitator provides ground rules and asks group for additions</td>
<td>Process goes directly to the participants to identify the issues</td>
<td>No use of ceremony but rather opening and closing consistent with pre-meetings</td>
<td>Facilitator does not participate as a stakeholder</td>
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