Restorative Justice on the College Campus

July 2019

DUKE FISHER & KAAREN WILLIAMSEN
Facilitator Introductions

**Duke Fisher**, Lead Trainer with the Center for Restorative Justice at University of San Diego. Owner of Learning Laboratories and NY State Certified Mediation Trainer.

**Kaaren Williamsen**, Phd, Director of Sexual Assault Prevention & Awareness Center at the University of Michigan and trainer with Center for Restorative Justice at University of San Diego.
USD RJ Center Project Initiatives

- Campus PRISM
- RJ and Bias
- Rx for RJ
- RJNCC
- K-12 RJ
- Capital Region Youth Justice
Take care of yourself...
Introductions & Opening Circle
Definitions

RESTORATIVE JUSTICE

Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.

Howard Zehr, Center for Justice and Peacebuilding, Eastern Mennonite University

RESTORATIVE PRACTICES

Restorative practices are designed to build community and social capital to help reduce crime, violence and bullying; improve human behavior; strengthen civil society; provide effective leadership; restore relationships; repair harm.

International Institute for Restorative Practices
Definition

In restorative justice, we do a radical thing. We let people talk to each other.

Lauren Abramson, Baltimore Community Conferencing Center
Human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them. (T. Wachtel, 2005)
Achieving Accountability and Support
Restorative Practices

- Address and discuss the needs of the school community
- Build healthy relationships between educators and students
- Resolve conflict, hold individuals and groups accountable
- Repair harm and restore positive relationships
- Reduce, prevent, and improve harmful behavior
Whole Campus Restorative Approach

Tier III Support Reentry

Tier II Respond to Conflict and Harm

Tier I Build and Strengthen Relationships

Circles of Support and Accountability

Conferences or Harm Circles

Community-Building Circles
The Why of Circles

To build community and strengthen relationships
To create a safe container for difficult dialogue
To voice harms and concerns in community
To collaborate on next steps for response
The 5 C’s of Circles

Convening
Connection
Concern
Collaboration
Closing
Essential Elements for Constructing a Circle (K. Pranis)

- Seating
- Opening
- Centerpiece
- Guidelines/Values
- Talking Piece
- Guiding Questions
- Closing
- Facilitator/Circle Keeper Role
- Focus on Dialog
Climate Circle
Circles intentionally create a sacred space that lifts barriers between people, opening fresh possibilities for connection, collaboration, and mutual understanding. The process works because it brings people together in a way that allows them to see one another as human beings and to talk about what matters.

Kay Pranis

*The Little Book of Circle Processes: A New Approach to Peacemaking*
1. What feelings come up for you?
2. How do you experience this as harm?
3. What needs are you most aware of?
4. What obligations are you sensing? (aka What needs to happen, and by whom to make things right?)
5. Action step?
Balance in the Process

Excerpted from: 
Peacemaking Circles: From Conflict to Community by Kay Pranis, Barry Stuart, and Mark Wedge. © Living Justice Press.
Seven Core Assumptions
What We Believe to Be True

1. The true self in everyone is good, wise, and powerful.

2. The world is profoundly interconnected.

3. All human beings have a deep desire to be in a good relationship.

4. All human beings have gifts, and everyone is needed for what they bring.

5. Everything we need to make positive change is already here.

6. Human beings are holistic.

7. We need practices to build habits of living from the core self.

Excerpted from Heart of Hope and Circle Forward, by Carolyn Boyes-Watson and Kay Pranis.
Circles & Conferences

CIRCLES
- Facilitator(s) or circle keepers
- Sit in a circle, no table
- Talking piece & centerpiece
- Questions guide process; participants speak in circle
- Can be used for community building or group learning, response to harm, or re-entry
- Can be used when participants are both harmed and responsible parties

CONFERENCES
- Facilitator(s)
- Sit in a circle, occasional use of a table
- Script guides the process
- Questions asked per person (per role)
- Used as a response to harm, with clear harmed party/responsible party roles
RJ Conference – The Basics
Fundamental RJ Process

**Pre-Conference**
- Referral
- Outreach
- Assessment
- Preparation

**Conference**
- What happened?
- What was the harm?
- How can we repair harm and rebuild trust?

**Post-Conference**
- Mentoring
- Agreement monitoring
- Assessment
RJ Conference – The Basics

Key Elements:
- Voluntary
- Diversion or supplement to formal process
- Trained co-facilitators
- Preparation and assessment
- Includes harmed parties, responsible parties, support people
- Post-conference support and supervision
Restorative Justice 101

- Philosophy and set of practices

- Crime is a violation of people and relationships, not just laws, creating needs and obligations. Restorative justice aims to involve, as much as possible, the parties most impacted by the crime (Zehr 2002).

- Four key principles: inclusive decision making, active accountability, repairing harm, rebuilding trust (Karp, 2015).

- Restorative justice for sexual offenses requires adaptation (Koss, 2010).
Asking Different Questions

Traditional Discipline
What rules were broken?
Who did it?
What do they deserve?
Offender-focused/Punitive

Developmental Discipline
What was the lapse in judgment?
How did they get in this mess?
How can they make better future decisions?
Offender-focused/Supportive

Restorative Justice
What harm has been caused?
What can be done to make things right?
What can be done to rebuild trust?
Balanced focus/Supportive
Types of Harm

- Emotional/Spiritual
- Material/Physical
- Communal/Relational
- Inflamed Structural/Historical
Whole Campus Restorative Approach

Tier I
Build and Strengthen Relationships

Tier II
Respond to Conflict and Harm

Tier III
Support Reentry

Circles of Support and Accountability

Restorative Conferences

Community-Building Circles
Tier 2: Restorative Response to Misconduct

Intake/Preconference

Storytelling

Listing Harms

Brainstorming Solutions

Agreement Mentoring
BB Gun Case: Prompting Micro and Macro Solutions

- Fear
  - Emotional Harm
- Acknowledgement
  - Need
- Apology
  - Obligation
- Disoriented International Students
  - Communal Harm
- Clarity
  - Need
- ISU Educational Workshop
  - Obligation
- U.S. Gun Violence
  - Structural Harm
- Safety
  - Need
- Gun Safety Campaign
  - Obligation
A Tale of Two Schools

Carlos had a heated argument with his parents before leaving for school, so he's running late. Let's see the difference that restorative policies and practices can make.

**Zero-tolerance education system**

- He is greeted by metal detectors and a police search.
- His teacher scolds him in front of the class. Carlos talks back, and is given a detention.
- A school police officer detains and arrests both students.
- Carlos is held in a juvenile detention facility all afternoon, missing school. He now has an arrest record and is facing suspension.

**Restorative practices-based education system**

- Teachers and administrators welcome him and his fellow students as they enter.
- His teacher waits until after class to speak with Carlos to learn more, and sets up a meeting with his school counselor.
- Student peer mediators and support staff intervene, have the students sit down together, and de-escalate the situation.
- Carlos gets into a minor altercation in the cafeteria.
- Later that afternoon...

Carlos and the other student agree to help clean the cafeteria during a free period. Carlos meets with his counselor and parents after school to help resolve the conflict at home.

Learn more about restorative practices: www.otlcampaign.org/restorative-practices
Why Do Harmed Parties Participate?

I want a say in what happens

This is how you have harmed me

I need to know this won’t be repeated

I have questions only you can answer

I want to know if you are sorry

I want something good to come from this

Empowerment (choices, participation, offering to help)

Truth-Telling (explanation of impact)

Getting Needs Met (safety, questions answered)

Vindication (acknowledgement and repair of harm)
Why Do People Who Cause Harm Participate?

I want to explain what happened

I feel bad about what I did

I will take responsibility

I’m not a bad person

Reputation
Explanation
Contrition
Ownership
Are Harmed Parties Satisfied with RJ?

<table>
<thead>
<tr>
<th>Question</th>
<th>Not at all</th>
<th>Just a little</th>
<th>A fair amount</th>
<th>A great amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair to all parties?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discussed values and responsibilities?</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Meaningfully contribute your ideas?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student was held accountable?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comfortable seeing student on campus?</td>
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<tr>
<td>Satisfied with the process?</td>
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<tr>
<td>Would you recommend this process?</td>
<td></td>
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</table>
Student Development

- Just Community/Self-Authorship
  - “I had a voice”

- Active Accountability
  - “I took responsibility”

- Interpersonal Competence
  - “I talked it out”

- Social Ties to Institution
  - “I belong here”

- Procedural Fairness
  - “That was fair”

- Closure
  - “I’m ready to move on”

Bar chart showing levels of development:

- Just a little
- A fair amount
- A great amount

Legend:
- Restorative Justice Practice
- Developmental Discipline Hearing
Asking Different Questions

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What rules were broken?
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Restorative Justice
What harm has been caused?
What can be done to make things right?
What can be done to rebuild trust?
Balanced focus/Supportive
Repairing Harm

What can be done to repair the harm?

- **Emotional/Spiritual Harm**
  - Acknowledgement
  - Apology

- **Material/Physical Harm**
  - Repair
  - Restitution
  - Recovery

- **Communal/Relational Harm**
  - Community Service
  - Reintegration

- **Inflamed Structural/Historical Harm**
  - Social Justice
  - Systems Change
Facilitator Role

- Multi-partiality
  - “All in for everyone.” D. Fisher

- Hold space & trust the process

- Put the incident and the harm in the center
  - It is not about you – you are providing a process for the people most connected to an issue to address it

- Be mindful of facilitator selection

- Goal to clarify harms needs and turn it over for methods/strategies to meet needs
What is justice?
RJ Defined: Fania Davis & Morris Jenkins

WORLD TRUST PRESENTS
HEALING JUSTICE
a film by Shakti Butler
Restorative Community Conferencing in Oakland
Justice is what LOVE looks like in public.
- Dr. Cornel West
Identifying Harms and Needs
Expanding RJ Movement

- Schools
- Workplaces
- Families

- Juvenile Justice
- Criminal Justice

- Genocide
- Human Rights Violations
- Historical Harms
Core RJ Practices and Origins

- Youth Justice
- New Zealand Maori Justice and 1989 Act
- Australia Community Policing

- Criminal Justice
- Alternative Dispute Resolution
- VORP 1978, Indiana

- Indigenous Rights
- First Nations/ Native American Justice
- Native Law Center 1975

- Human Rights
- Peacebuilding
- South Africa TRC 1995
- Uganda 1974
Origins:
Circles and Conferencing
Harms ➔ Needs ➔ Actions

<table>
<thead>
<tr>
<th>Name Harm</th>
<th>Clarify Need</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• What happened?</td>
<td>• Because of this harm, do you have a need for...?</td>
<td>• What can be done to meet this need?</td>
</tr>
<tr>
<td>• What impact did this have</td>
<td>• (NVC Needs List)</td>
<td>• What else?</td>
</tr>
<tr>
<td>on you?</td>
<td></td>
<td>• Reality Check with SMART Goals</td>
</tr>
<tr>
<td>• What was the hardest thing?</td>
<td></td>
<td></td>
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Rebuilding Trust

What can be done to rebuild trust?

- Prosocial Community Involvement and Mentoring
- Responding to Individual Risk Factors
- Exploring Harm and Demonstrating Understanding
What makes a good apology?
## Apology Guidelines

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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<tr>
<td>What Happened</td>
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Cinnamon Roll Apology
December 2017

What Happened

My Role

How I Feel

What I Won’t Do

What I Will Do

MARIO BATALI

As many of you know, this week there has been some news coverage about some of my past behavior.

I have made many mistakes and I am so very sorry that I have disappointed my friends, my family, my fans and my team. My behavior was wrong and there are no excuses. I take full responsibility.

Sharing the joys of Italian food, tradition and hospitality with all of you, each week, is an honor and privilege. Without the support of all of you — my fans — I would never have a forum in which to expound on this.

I will work every day to regain your respect and trust.

-mb

ps. in case you’re searching for a holiday-inspired breakfast, these Pizza Dough Cinnamon Rolls are a fan favorite.
Taking Responsibility:
4th Year Neurology Resident
Lawn Donuts Role Play

Sam and Tobi are sophomores. On Saturday at 2AM, Sam and Tobi were seen driving Sam’s car on the campus playing fields. Two student witnesses identified the type and color of the car, and Campus Safety later found the car covered with mud from the wet field and several empty beer bottles. Field repair was estimated at $700. Because the two students were not visited by Campus Safety until mid-day on Saturday, it is unknown if the empty beer bottles were related to the incident. Sam and Tobi are both under 21. Both students admitted that they did drive on the field.
## Circles & Conferences

### CIRCLES
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- Sit in a circle, no table
- Talking piece & centerpiece
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- Can be used when participants are both harmed and responsible parties

### CONFERENCES
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- Sit in a circle, occasional use of a table
- Script guides the process
- Questions asked per person (per role)
- Used as a response to harm, with clear harmed party/responsible party roles
Homework – Bring your Talking Piece tomorrow
Talking Piece Circle

Talking pieces are meaningful objects that support the creation of a safe space for dialogue.

Round 1: Share your piece, starting with facilitator

Round 2: Return piece to person on your left, starting with facilitator
  ◦ Honor the story by reflecting
Facilitator Role

- Multi-partiality
  - “All in for everyone.” D. Fisher

- Hold space & trust the process

- Put the incident and the harm in the center
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**Restorative Justice**
- What harm has been caused?
- What can be done to make things right?
- What can be done to rebuild trust?

**Balanced focus/Supportive**

**Offender-focused/Punitive**
Why RJ Works: 3 Theories

https://vimeo.com/102276559
Why RJ Works: 3 Theories

1. Neuroscience
   ◦ Mutual understanding and empathy through firing of mirror neurons

2. Psychology
   ◦ Armour and Umbreit (2018)
   ◦ RJ dialogue/storytelling transfers pain from victim (healing) to offender (moral understanding)

3. Sociology
   ◦ Durkheim: “Collective Effervescence”—strongly shared emotion moves people from isolation to unity
   ◦ Randall Collins’ Theory of Interaction Ritual
Why RJ Works: 3 Theories

Theory of Interaction Ritual
- shared focus (permission to listen)
- Power balancing (all have a voice)

Conversational Rhythm

Turning point
- strong expression of emotion

Reconciliation
- Public displays of solidarity
  - (e.g., touching, sustained eye contact)
  - Collective effervescence

Implication: Healing and transformation occurs through a group process beyond what can happen individually.
# STARR Project

**STudent Accountability and Restorative Research Project**

- Offender Survey
- Harmed Party Survey
- Conduct Administrator Surveys

<table>
<thead>
<tr>
<th>Type of Process</th>
<th>Cases</th>
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<tbody>
<tr>
<td>Developmental Discipline Administrative/Board Hearing</td>
<td>403</td>
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<tr>
<td>Restorative Justice Circle/Conference/Board</td>
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Are Harmed Parties Satisfied with RJ?

- Fair to all parties?
- Discussed values and responsibilities?
- Meaningfully contribute your ideas?
- Student was held accountable?
- Comfortable seeing student on campus?
- Satisfied with the process?
- Would you recommend this process?

Options:
- Not at all
- Just a little
- A fair amount
- A great amount
Student Development

Just Community/Self-Authorship
“"I had a voice”

Active Accountability
“"I took responsibility”

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Closure
“"I’m ready to move on”

Just a little
A fair amount
A great amount

Restorative Justice Practice
Developmental Discipline Hearing
Survey Method

Online survey of higher education professionals
Participated in our trainings or email interest lists
840 invited
315 individuals responded
159 institutions represented
Response rate = 38%
Convenience sample: results do NOT generalize to all higher ed professionals or institutions
Extent of Implementation by Campus (Percent)

- Community-Building Circles
  - Frequently (Monthly or more): 40%
  - Rarely (yearly or never): 60%

- Community-Concern Circles
  - Frequently (Monthly or more): 40%
  - Rarely (yearly or never): 60%

- Restorative Hearing/Conversation
  - Frequently (Monthly or more): 60%
  - Rarely (yearly or never): 40%

- Conferencing for Student Misconduct
  - Frequently (Monthly or more): 80%
  - Rarely (yearly or never): 20%

- Conferencing for Faculty/Staff Misconduct
  - Frequently (Monthly or more): 75%
  - Rarely (yearly or never): 25%
RJ Use for Various Violations by Campus (Percent)

- Bias incidents: 45%
- Alcohol/drugs: 40%
- Physical assaults/fights: 23%
- Title IX: 12%
- Academic dishonesty: 10%
Expanding RJ Movement

- Schools
- Workplaces
- Families

- Juvenile Justice
- Criminal Justice

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Harms ➔ Needs ➔ Actions

**Name Harm**
- What happened?
- What impact did this have on you?
- What was the hardest thing?

**Clarify Need**
- Because of this harm, do you have a need for...?  
  - (NVC Needs List)

**Actions**
- What can be done to meet this need?
- What else?
- Reality Check with SMART Goals
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What can be done to rebuild trust?

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Defy Media / Break.com

abc NEWS EXCLUSIVE

UBER ATTACK CAUGHT ON CAMERA
DOCTOR SEEN ASSAULTING DRIVER IN VIOLENT VIDEO

ZIKA TRAVEL WARNING EXTENDS, 24 AREAS INCLUDED, INCLUDING U.S.
Whole Campus
Restorative Approach

Tier I
Build and Strengthen Relationships

Tier II
Respond to Conflict and Harm

Tier III
Support Reentry

Circles of Support and Accountability

Conferences or Harm Circles

Community-Building Circles
Restorative Reintegration
The 5 C’s of Circles

- Convening
- Connection
- Concern
- Collaboration
- Closing
# Climate Circle Design

## Goals
- What is the purpose?

## Convening
- Who would you invite?
- How will you open the circle?

## Connection
- What would you ask to create trust?

## Concern
- How would you introduce the topic?

## Collaboration
- How will you encourage collaborative decision-making or individual next steps?

## Closing
- What is your closing question that helps the circle identify takeaways?
Restorganizing

The project you have in mind will soon gain momentum.

09 16 23 26 40, 17
Training Evaluation Form

tinyurl.com/y6u66sal

Sign up for Google Groups
- Campus RJ (General interest in RJ in higher education)
- Campus PRISM (RJ and Title IX)
- RJ and Bias
- RJNI CC (RJ Network of Catholic Campuses)
- Rx for RJ (RJ for Education in Health Professions)
- Capital Region K-12 (RJ for schools in the New York Capital Region)