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# RESTORATIVE JUSTICE

HUMAN RESTORATION PROJECT

RESTORING HUMANITY TO DISCIPLINE.



### The Problem

In an effort to decrease adverse behavior, educators have responded with “no nonsense” disciplinary action. However, punishments with no effort to educate or reform those charged do little to stop these actions from occurring in the future. “Zero tolerance policies”, or punishments dictated automatically based on certain school rules, have led to increased amounts of suspensions, which are heavily correlated to increased dropout rates and deviant behavior (Skiba, 2000). In addition, these punishments disproportionately target minority students (Dunbar & Villarruel, 2010).

Just as United States prison systems have incredibly high recidivism rates, students given suspensions rarely reform their behavior (Sullivan & Keeney, 2008). In fact, we should reflect on whether or not a student returning from a suspension has ever miraculously improved.

In addition, as schools have made more of their discipline criminal in nature, they’ve exacerbated the “school-to-prison pipeline.” Although minor fights, theft, and other crimes are dangerous and should be taken seriously - the act of arresting a student tends to lead to more problems than it creates (Advancement Project, 2005).

For teachers, using these policies are a quick-fix:

1. A student is causing a problem.
2. They are sent to the office.
3. The office administers punishment (a warning, isolated learning environment, suspension).
4. The problem is removed from the classroom.

**Restorative Justice (RJ)** is the anecdote to “zero tolerance policies” such as “three strike systems.” Yet, RJ is not a replacement for suspensions or expulsions. There are still scenarios that require these outcomes. RJ is simply a philosophy to empathize first, come to an understanding, then enact a policy that makes sense for remediating behavior.

## WHAT ARE THE FEATURES OF RESTORATIVE JUSTICE?

Problems are remedied through a process of communication and empowerment of the victim, rather than through quick, easy retribution.

A focus is placed on reconciliation. The victim is not forced or coerced to forgive anyone, however, if the aggressor makes amends, punishment may not be necessary.

The aggressor is spoken to and made aware of the issue they’ve caused. They are encouraged to take ownership of the problem, reflect on their actions, and make amends.

The victim is involved throughout the entire process, if they are willing. As a result, they are empowered throughout the process, rather than left in the dark.

### The Solution

Restorative Justice (RJ) aims to shift the aggressor’s mindset from resentment and isolation to a reflective mindset. This does not mean there is no punishment, blame, nor any rules. RJ takes issues seriously, as there is greater time and energy spent to remedy the problem.

Empathy is key. We’re often quick to judge and demean those who cause harm, but many of these actions are due to emotional desperation. By understanding the situation, we can encourage

responsible actions in the future. We want to reintegrate the aggressor as a caring individual, while ensuring a victim’s voice is empowered and rectified.

Consider the following scenario:

*A student - “Rob” - has stolen another student’s - “Aya” - cell phone. Aya tells her teacher that Rob has it in his backpack. Rob is confronted by the teacher, and denies it. In turn, the teacher reports the situation to the school administrator, who confiscates Rob’s belongings and finds the cell phone.*

In a standard discipline system, Rob likely would be suspended or placed in isolation at a bare minimum. He would be lectured on his actions and Aya would have her cell phone returned. Depending on the school or Rob’s former altercations, he may be arrested.

However in a school practicing RJ, Rob would first be invited to the office to explain the situation. The administrator would not start off by scolding or lecturing Rob on what he’s done wrong, rather she would invite Rob to explain his decision making

and how his actions negatively affected Aya. After a considerable amount of time, especially if a student is not used to opening up, the administrator will either discover why Rob stole the phone (seeking attention, attempting to raise money, criminal activity, or many other scenarios) or Rob will lie or sit in silence. Whatever the case, the administrator then temporarily isolates Rob and speaks with Aya - if she desires.

While conversing with Aya, the administrator inquires further and talks to Aya about how she feels. Also, the administrator considers

what Aya feels is the best course of action going forward.

After this process, the administrator would again speak with Rob, describe Aya's feelings (with her permission), and encourage Rob to open up and accept the negative consequences of his behavior. If he does, then Rob would be assumed to apologize to Aya and carry out Aya's repercussions. The administrator would then schedule Rob to meet again, or possibly a guidance counselor, to have further conversations. It's important that the administrator shows they're not upset or angry at Rob, but at the actions he's taken. Further, the administrator would follow up with Aya and ensure she feels reconciliation.

Obviously, the second situation requires more time and diligence and when school roles are stressed, this can be difficult. However, it is undeniable that the second situation does much more to solve the underlying issue.

Of course, there can be ambiguity. Perhaps Aya didn't tell the entire truth? Maybe she doesn't want to speak at all? Maybe Rob refuses to speak? Or there is something much more serious involved (e.g. gang initiation or intent to harm)? RJ implies that ambiguity is normal. By removing automatic sentencing, every scenario must be handled on its own accord.

In the classroom, RJ focuses on relationships first. Relationships

are fundamental to learning and the same goes for disciplinary action. A course emphasizes listening and communication as well as empathy and belonging. Consistent reflective activities should be integrated to provide students with a greater sense of community, voice, outcome, and self-improvement.

Rarely have blanket statements of "don't do this!" been effective. Schools attempt to discourage bullying, drug-use, sexual activity, gun violence, and more by enacting harsh measures, awareness campaigns (via a documentary or worksheet), and assemblies. Although well-intentioned, without an active student voice throughout this entire process, students will

not connect or understand this information. To communicate behavioral change, schools should:

- Allow students to share their experiences and actively encourage a safe community that allows transparency.
- Encourage questions to be asked in an open, caring environment.
- Move away from blanket "avoidance statements" and toward recognizing the negative consequences of one's actions.
- Educate the entire staff on RJ philosophy and provide consistent scenario training.

Standard Procedure	Restorative Justice
Rob is punished for his actions and does not return to class.	Rob can personally change the consequences of his actions through positive behavior.
Rob is labelled a troublemaker or criminal.	Rob's actions are viewed as negative, but he is not.
Rob never has a chance to communicate his side or accept responsibility.	Rob has a chance to accept responsibility for his actions and make amends.
Aya has her phone returned (with little to no communication).	Aya is actively involved in remedying the problem and is empowered in the situation.

Beyond change to disciplinary measures, additional institutional practices exist to encourage more positive behavior (the following are adapted from [The Illinois Criminal Justice Information Authority, n.d.](#) & [Hopkins, 2002](#)).

#### Peacemaking Circles

A trained facilitator leads participants in sharing their feelings. This may be instigated by an incident or simply for developing emotional intelligence. Staff, community members, or families may

be invited to join. The goal of these circles are to develop empathy, respect, and greater understanding for all participants.

#### Student Mediation

A trained student mediator works in the same way as our Rob and Aya event earlier. Instead of administration beginning the process, a peer is the first to initiate conversation. Students are typically more prone to be honest and come to an agreement among a peer.

#### Peer Jury

A group of students - not only exemplary students - work through "trials" of their peers, similar to academic misconduct hearings found in higher education. This group listens to each side and distributes remedial behavior accordingly.

#### Implementation

Documenting and training staff on the use of RJ is no small endeavor. In order to implement this process, you'll need to think about:

- If you're not in an administrative position, clearly communicating to other staff the importance of RJ and what you've researched. (You can find more information on [our website](#).)
- Training staff (in all positions) on restorative justice techniques via certified professional development.
- Enacting the philosophy for use in all facets, not only in certain circumstances.

- Modifying and transforming school policy to match the verbiage and vision of RJ practices.

Even without an entire school's support, RJ is practical application for a classroom. Although systemic change is desirable, enacting empathy and changing disciplinary structure within one's four walls will still have positive benefits over doing nothing at all. If your school district refuses to acknowledge and adapt policies that are best for students despite communication from staff, then a decision must be made on further commitment to that organization. It is up to educators to demand these systemic changes for our students.

Educators should demand structural change so that young people are not pushed out of the education system through misunderstandings, lack of support, and/or correctable behavior.

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