

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.



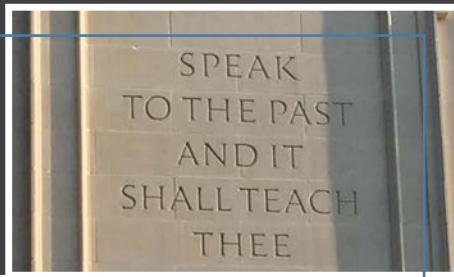
Kaaren Williamsen, Phd, Director of Sexual Assault Prevention & Awareness Center at the University of Michigan and trainer with Center for Restorative Justice at University of San Diego



USD RJ Center Project Initiatives



Campus PRISM



RJ and Bias



Rx for RJ



RJNCC



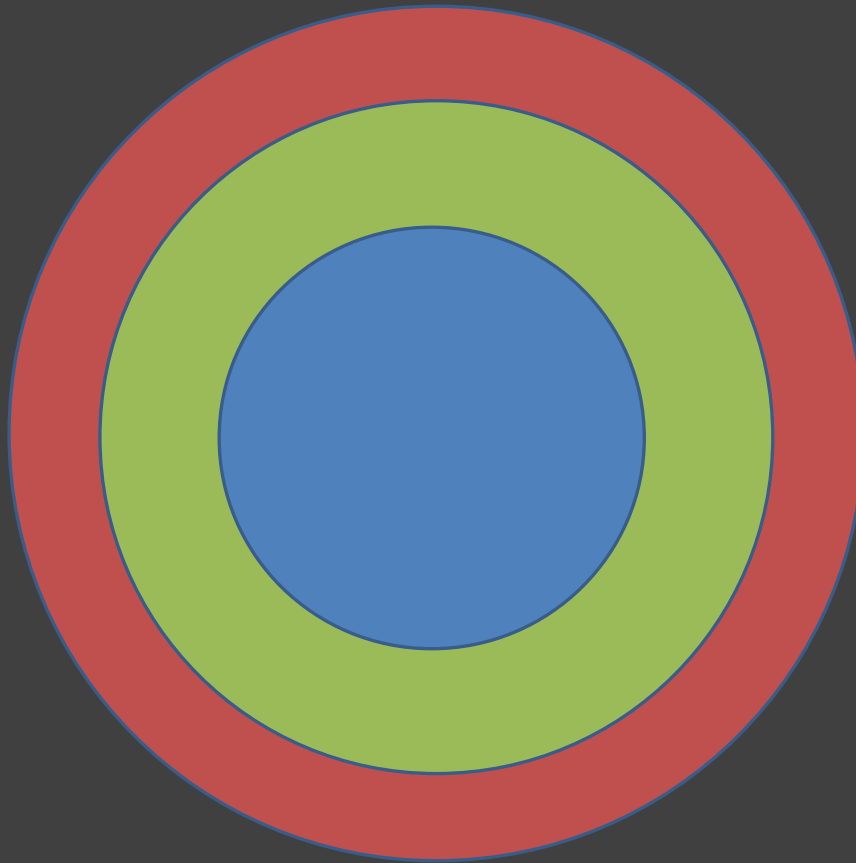
K-12 RJ



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

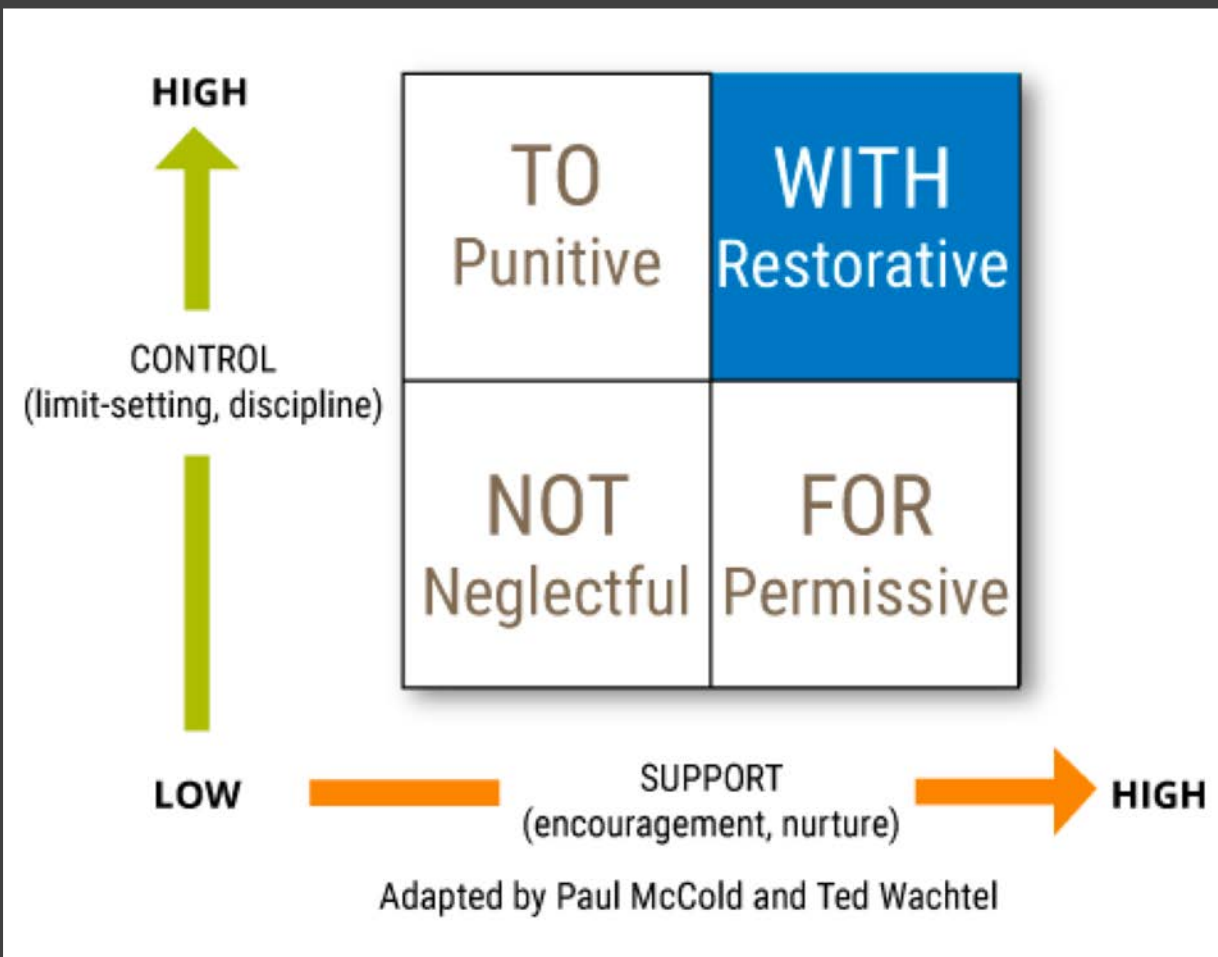


Definition

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

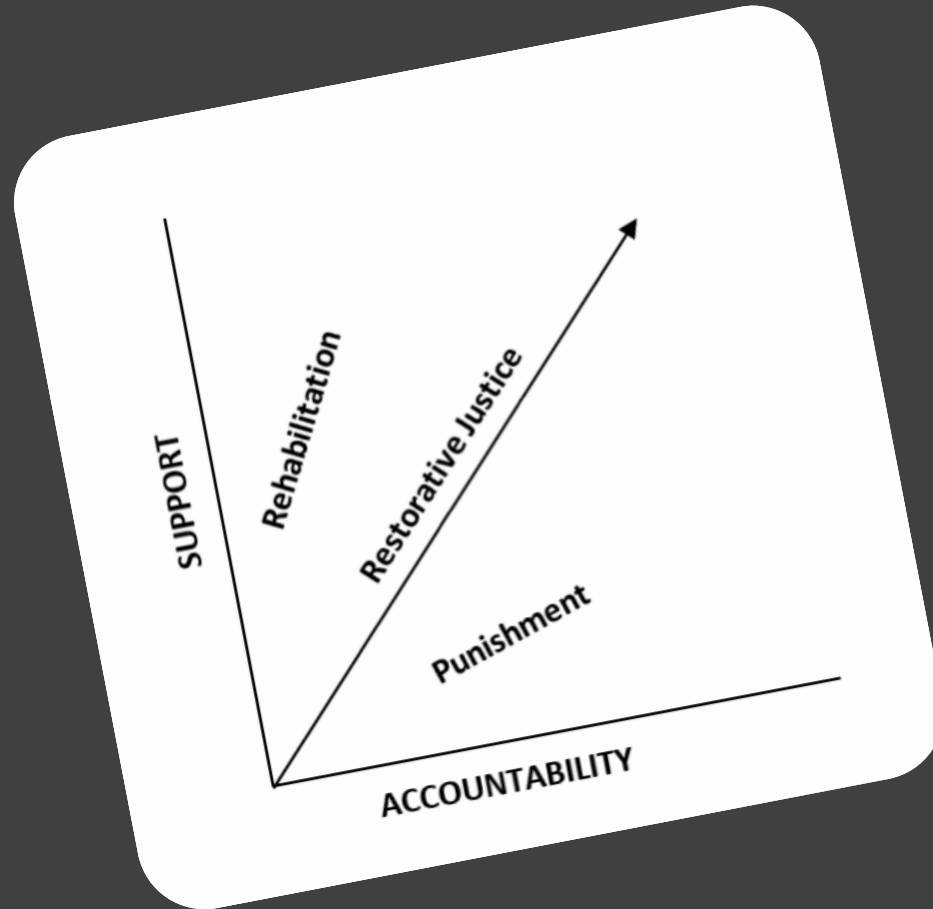
Lauren Abramson, Baltimore Community Conferencing Center





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





Whole Campus Restorative Approach

Circles of Support and Accountability

Tier III
Support Reentry

Conferences or Harm Circles

Tier II
Respond to Conflict and Harm

Community-Building Circles

Tier I
Build and Strengthen Relationships



The Why of Circles



To build community and strengthen relationships

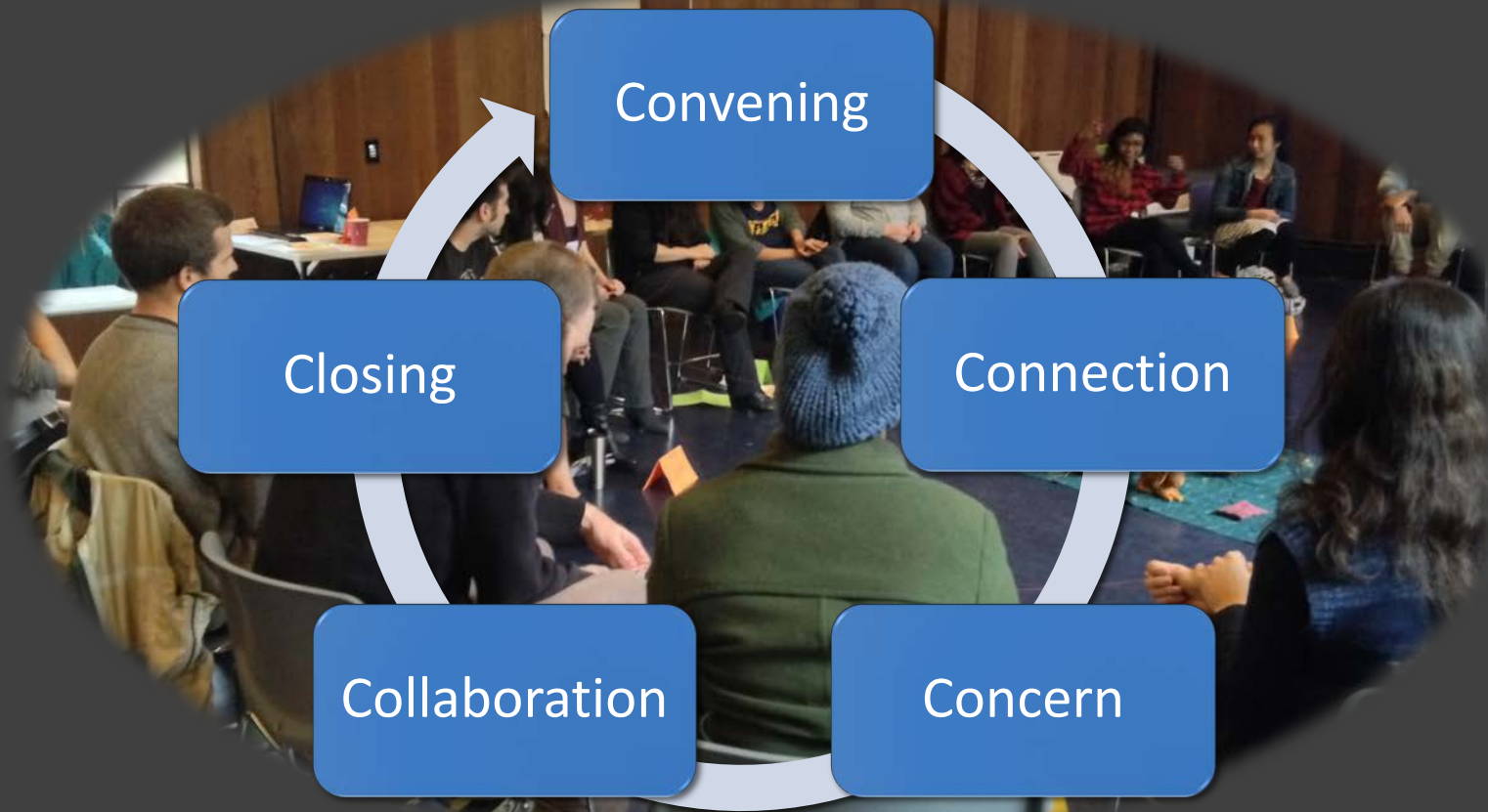
To create a safe container for difficult dialogue

To voice harms and concerns in community

To collaborate on next steps for response



The 5 C's of Circles



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.

Balancing Relationship-Building and Problem-Solving

Developing
a plan
of action

**Getting
acquainted**

Addressing
issues and
visions

Building
understanding
and trust

Seven Core Assumptions

What We Believe to Be True

Seven Core Assumptions

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

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

6 Human beings
are
holistic.

2 The **world is**
profoundly
interconnected.

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

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

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.

The assumptions are derived from and build on Indigenous teachings and other wisdom traditions. Excerpted from *Heart of Hope* and *Circle Forward*, by Carolyn Boyes-Watson and Kay Pranis. © Living Justice Press. Permissions: ljpress@aol.com Photo by Loretta Draths: Lake Superior, Minnesota. For educational and training purposes only.

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

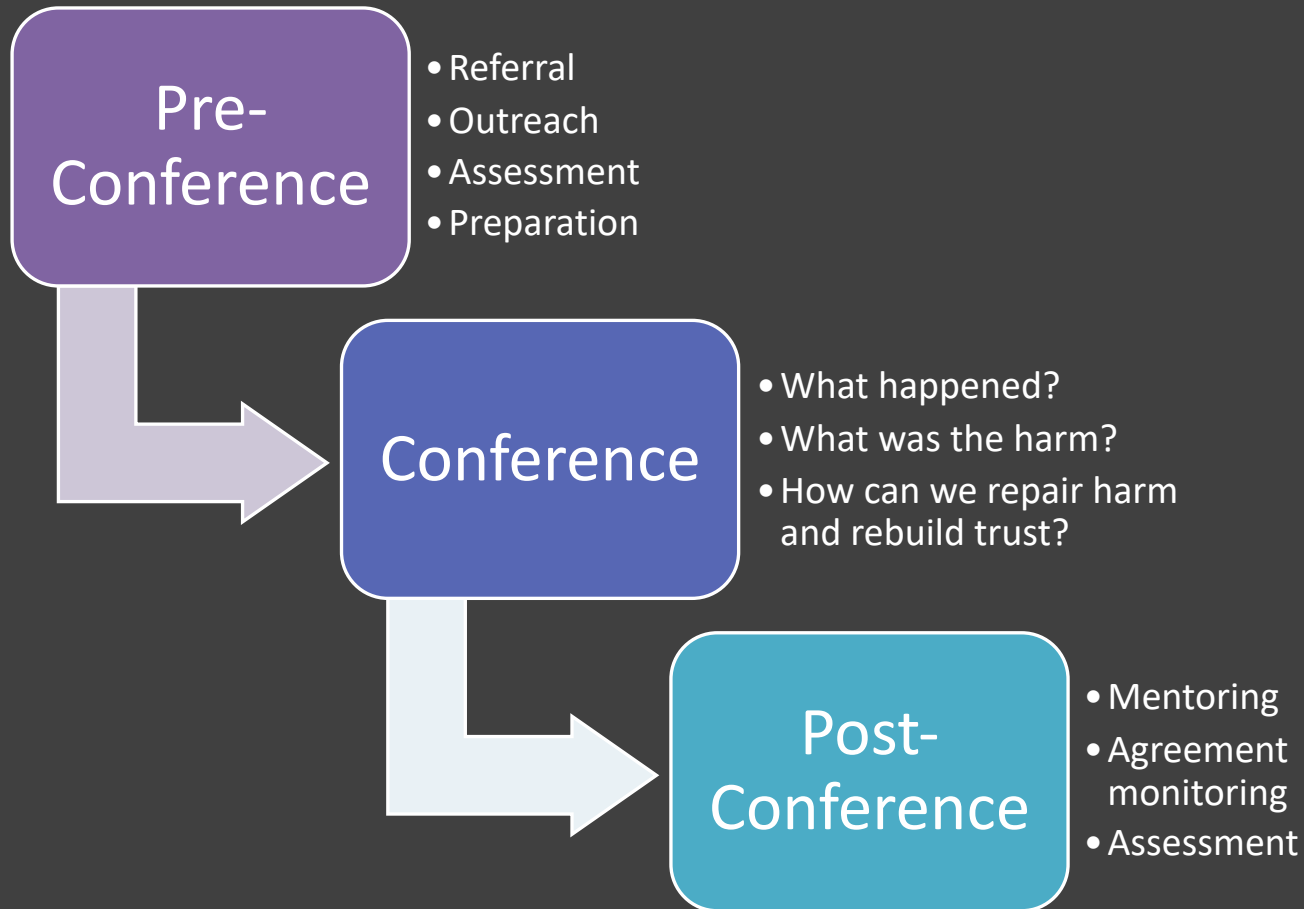
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- Script guides the process
- Questions asked per person (per role)
- Used as a response to harm, with clear harmed party/responsible party roles



RJ Conference – The Basics



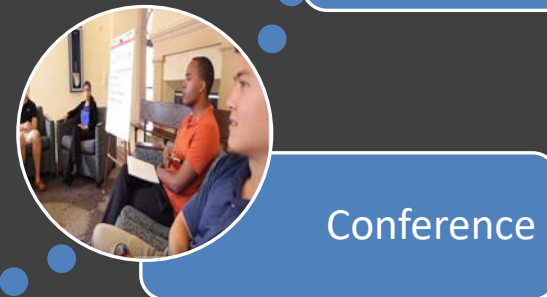
Fundamental RJ Process



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?

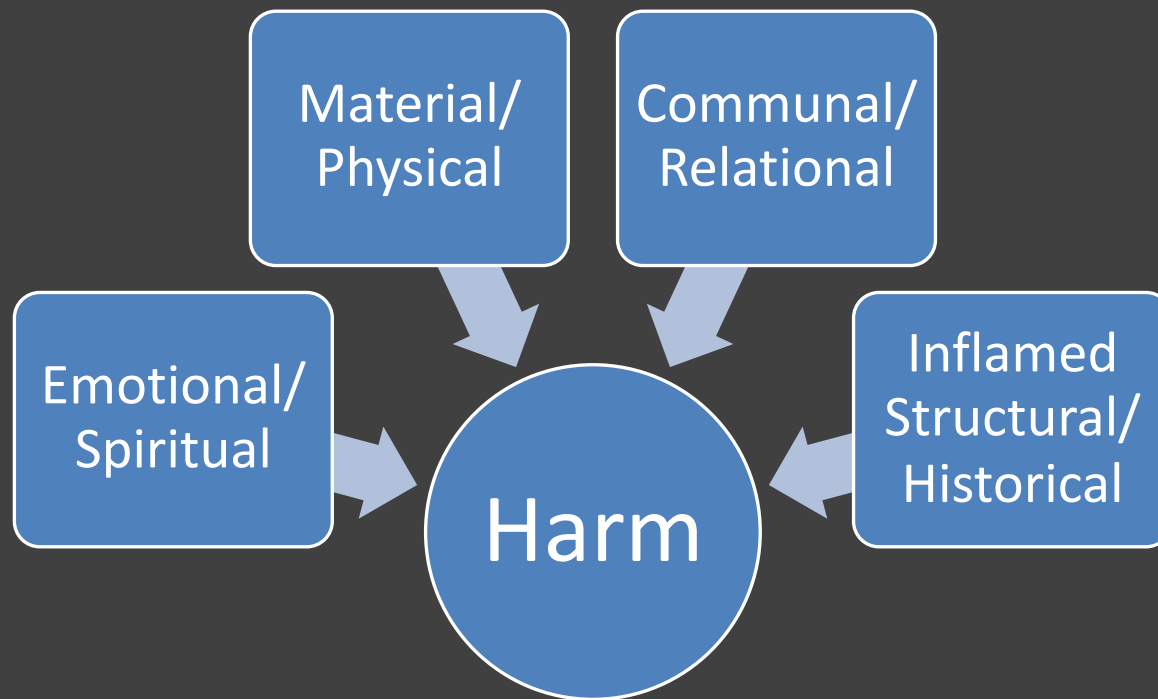
What can be done to make things right?

What can be done to rebuild trust?

**Balanced focus/
Supportive**



Types of Harm



Whole Campus Restorative Approach

Circles of
Support and
Accountability

Tier III
Support Reentry

Restorative
Conferences

Tier II
**Respond to
Conflict and Harm**

Community-
Building
Circles

Tier I
**Build and Strengthen
Relationships**



Tier 2: Restorative Response to Misconduct

Intake/Preconference

Storytelling

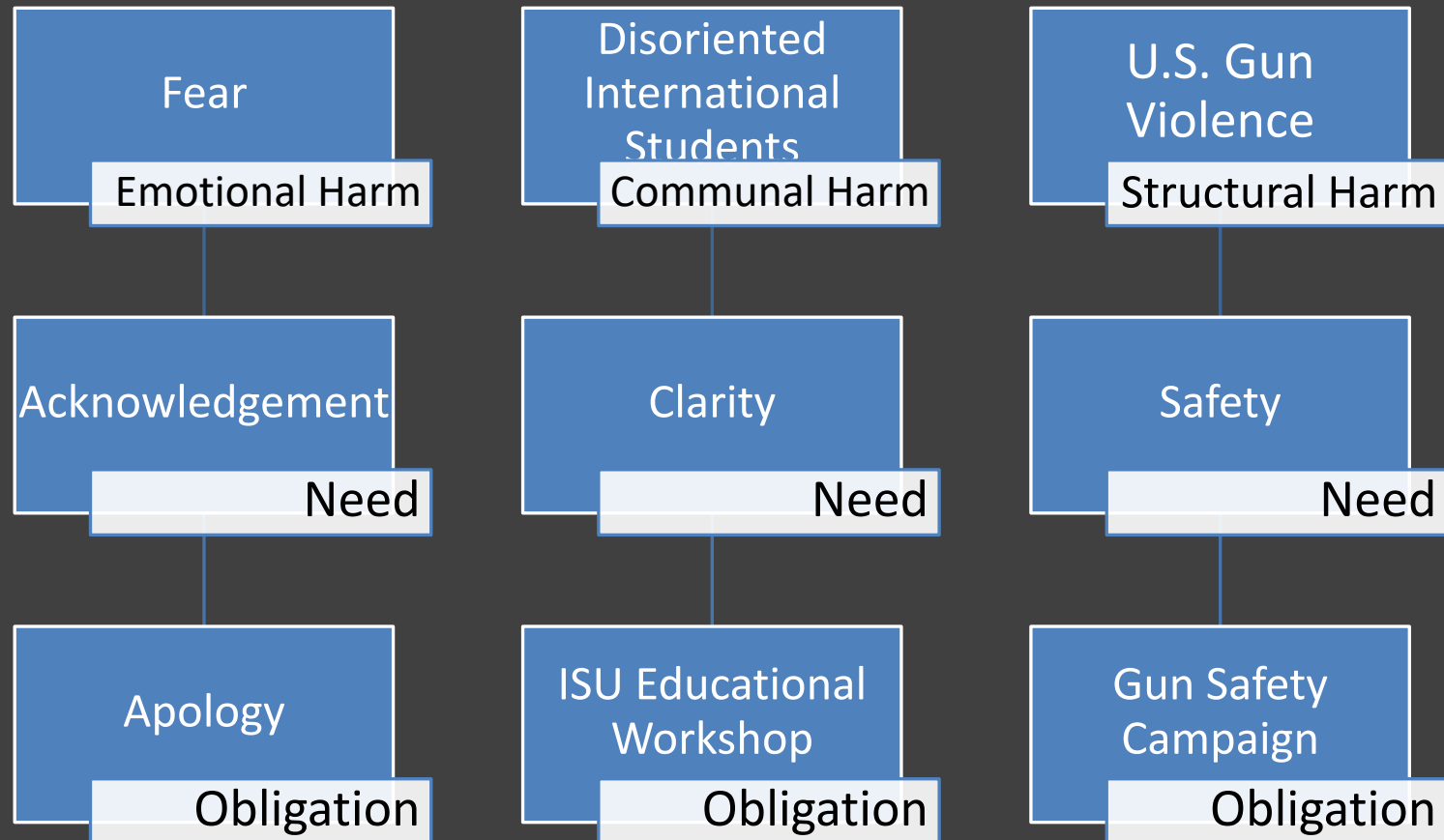
Listing Harms

Brainstorming Solutions

Agreement Mentoring

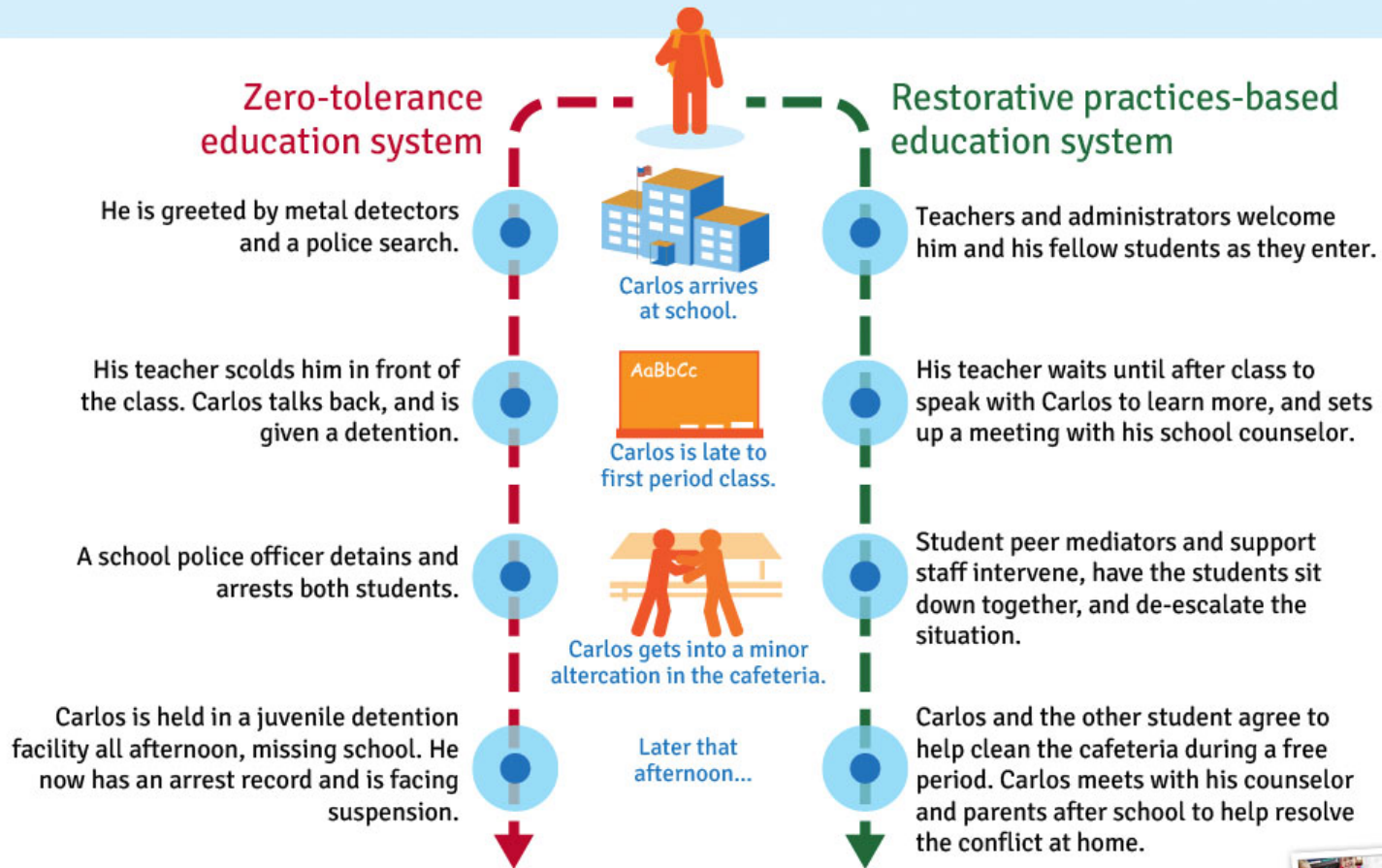


BB Gun Case: Prompting Micro and Macro Solutions



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.



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 want to know if you are sorry

I have questions only you can answer

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)

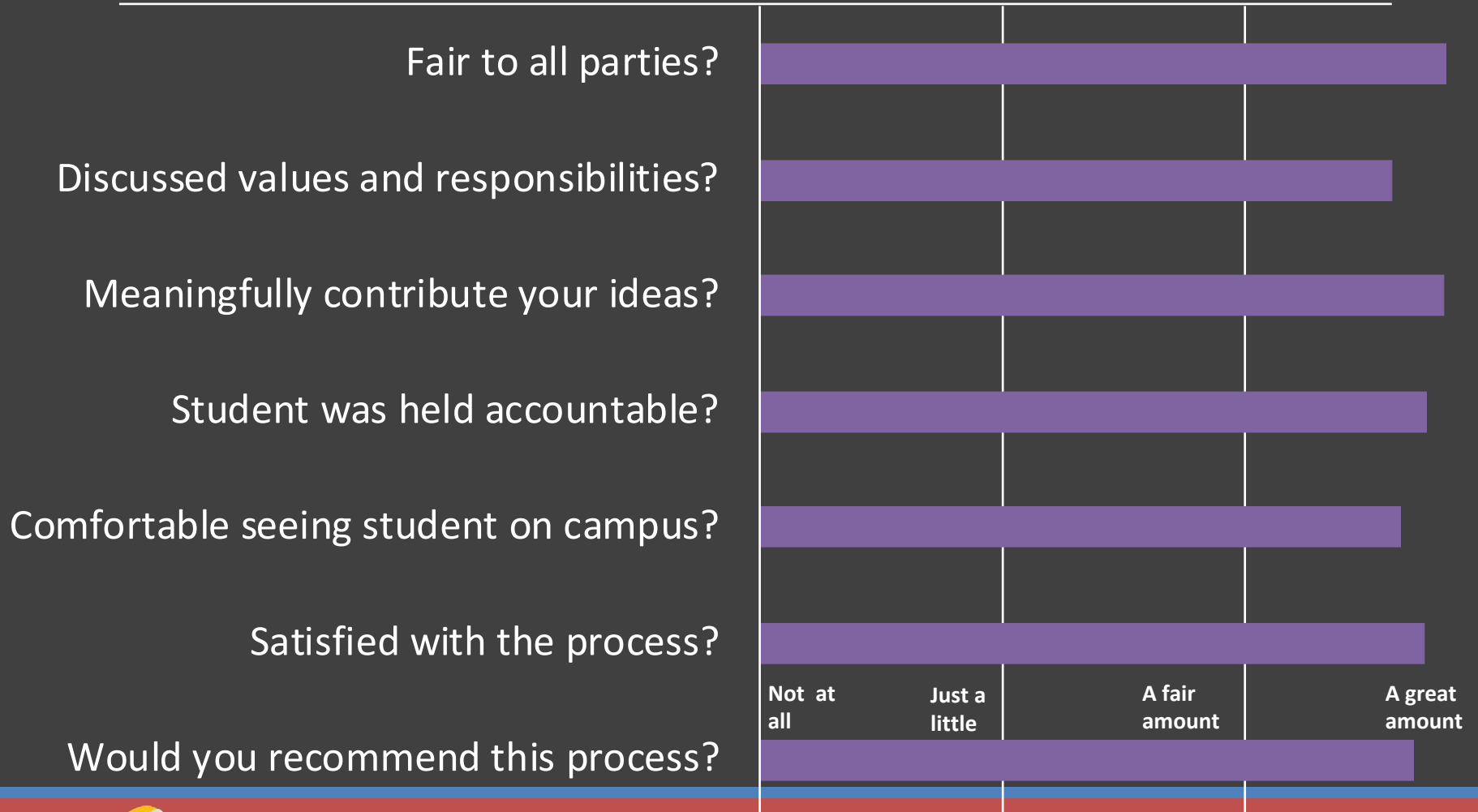
Vindication (acknowledgement and repair of harm)



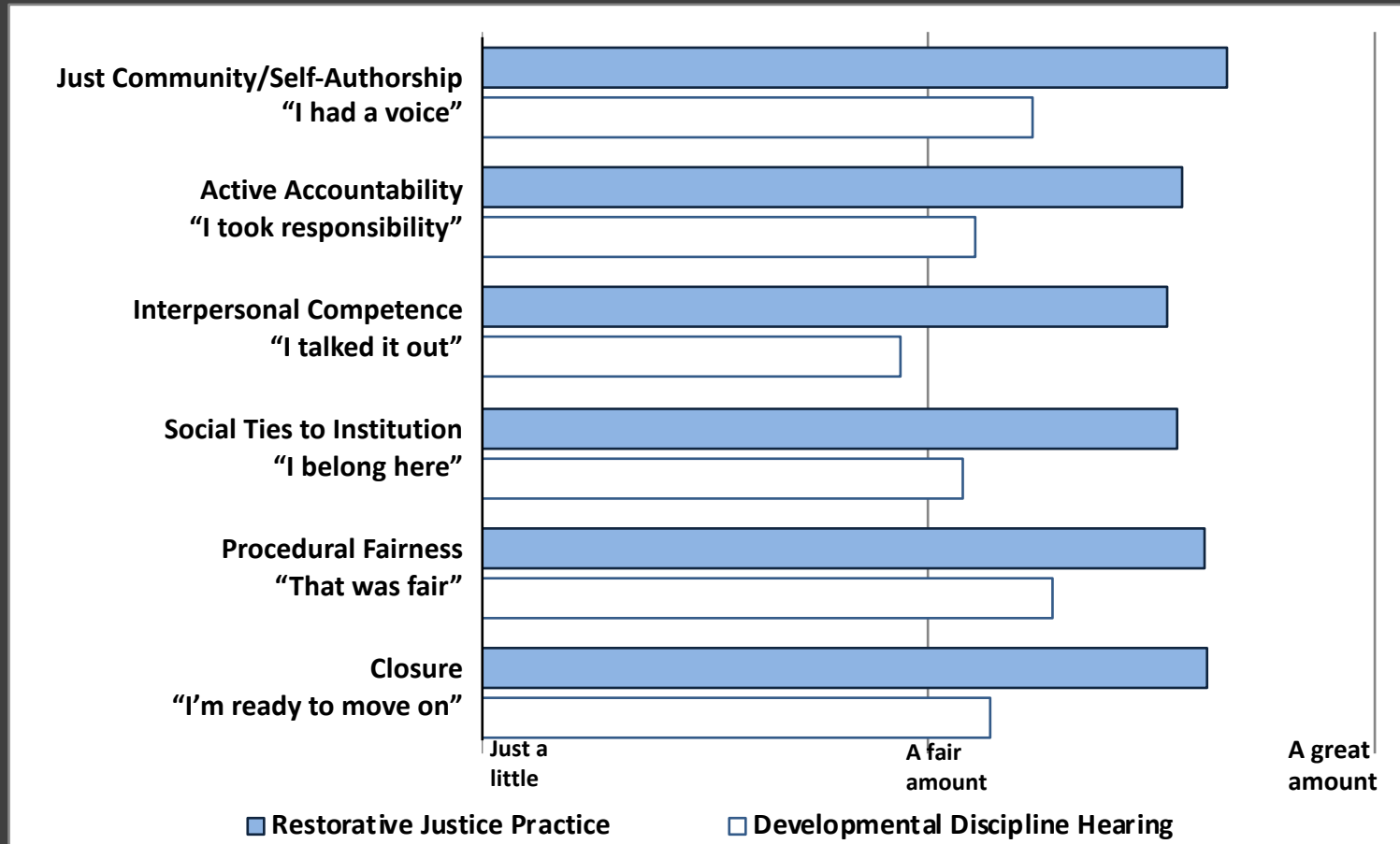
Why Do People Who Cause Harm Participate?



Are Harmed Parties Satisfied with RJ?



Student Development



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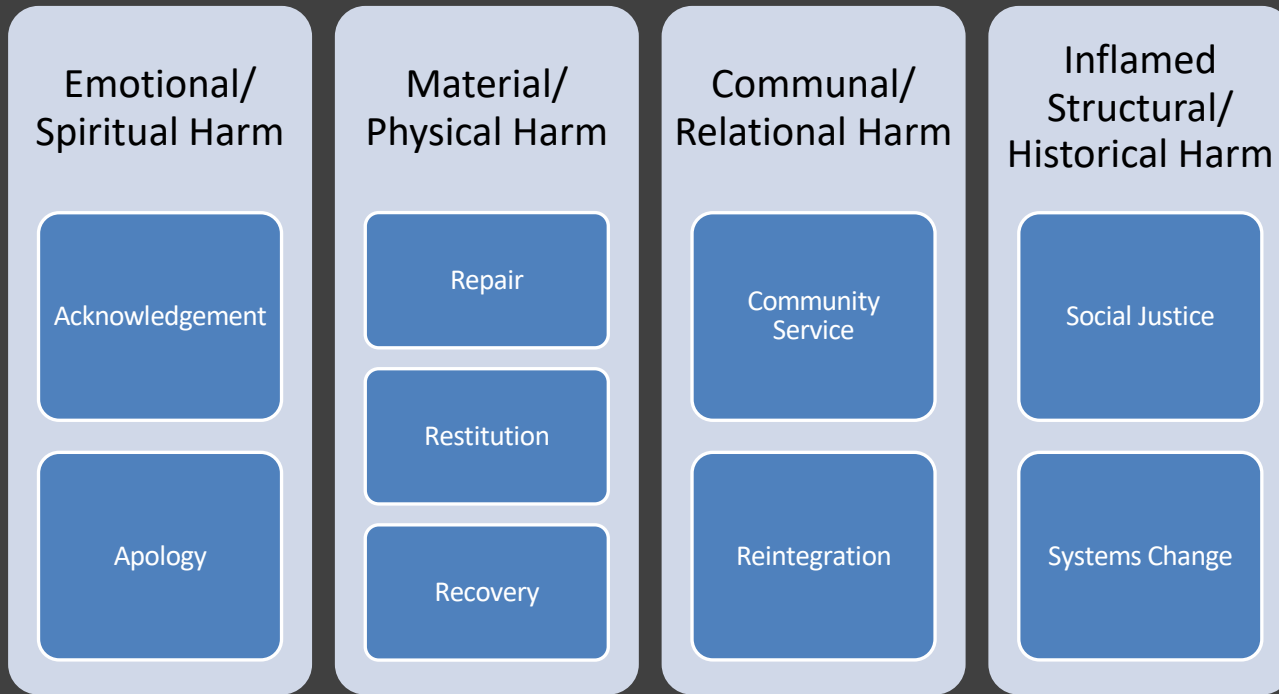
What can be done to rebuild trust?

**Balanced focus/
Supportive**



Repairing Harm

What can be done to repair the harm?



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



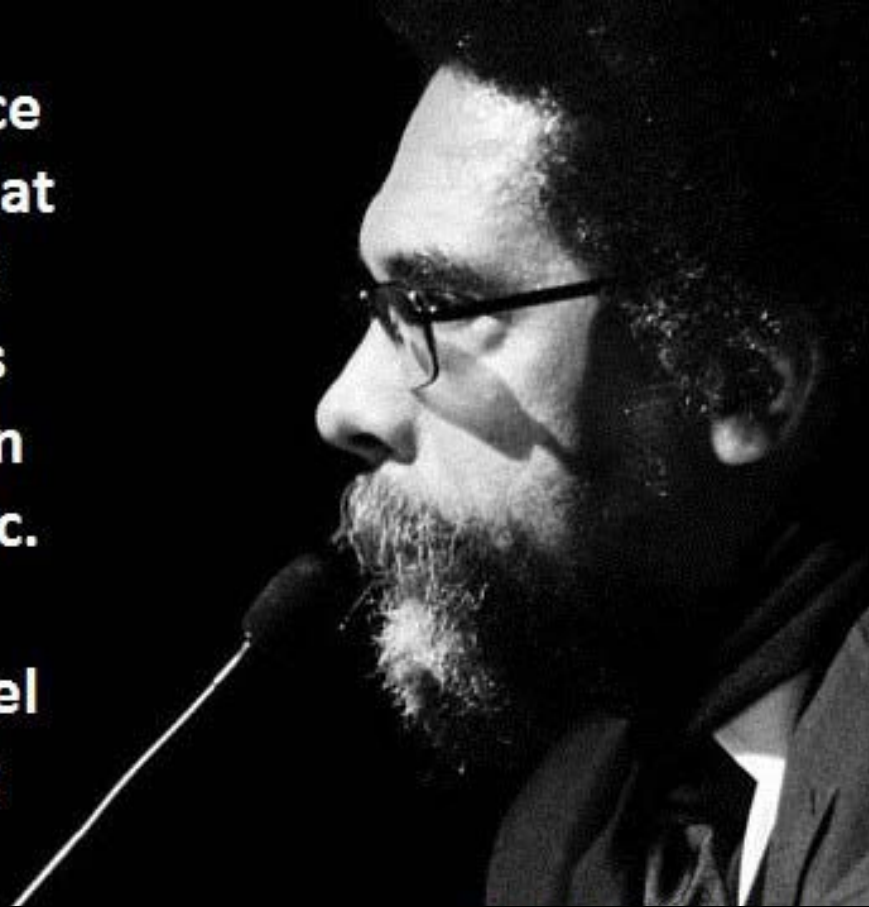
Restorative Community Conferencing in Oakland



WORLD TRUST PRESENTS
HEALING JUSTICE
a film by Shakti Butler



**Justice
is what
LOVE
looks
like in
public.
- Dr.
Cornel
West**



Identifying Harms and Needs



groktheworld.com



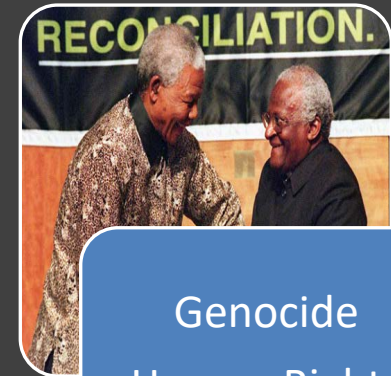
Expanding RJ Movement



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



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



Conference

Circle

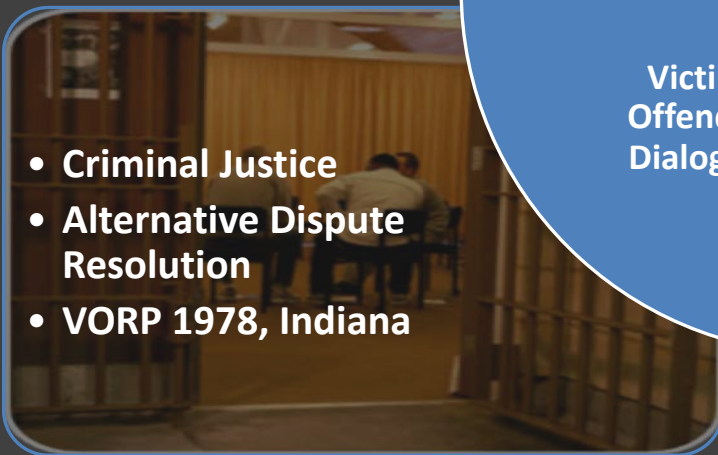


Victim
Offender
Dialogue

Truth
Commission



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



- Human Rights
- Peacebuilding
- South Africa TRC 1995
- Uganda 1974



Origins: Circles and Conferencing



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



Rebuilding Trust

What can be done to rebuild trust?





What makes a
good apology?



Apology Guidelines

What Happened

- Description detailing the harm.

My Role

- Acknowledgement of responsibility.

How I Feel

- Expression of remorse.

What I Won't Do

- Commitment to preventing reoffending.

What I Will Do

- Commitment to make amends for the harm caused.



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.

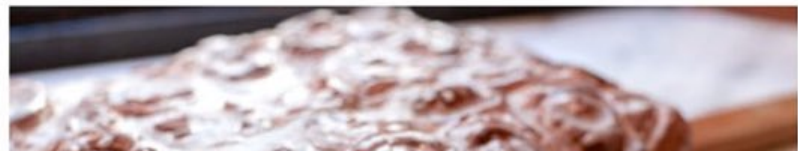
I have made many mistakes and I am so very sorry that I have disappointed my friends, my family, my fans and my team. My behavior was wrong and there are no excuses. I take full responsibility.

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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.



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Homework – Bring your Talking Piece tomorrow







Morning Stretch

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

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- Hold space & trust the process
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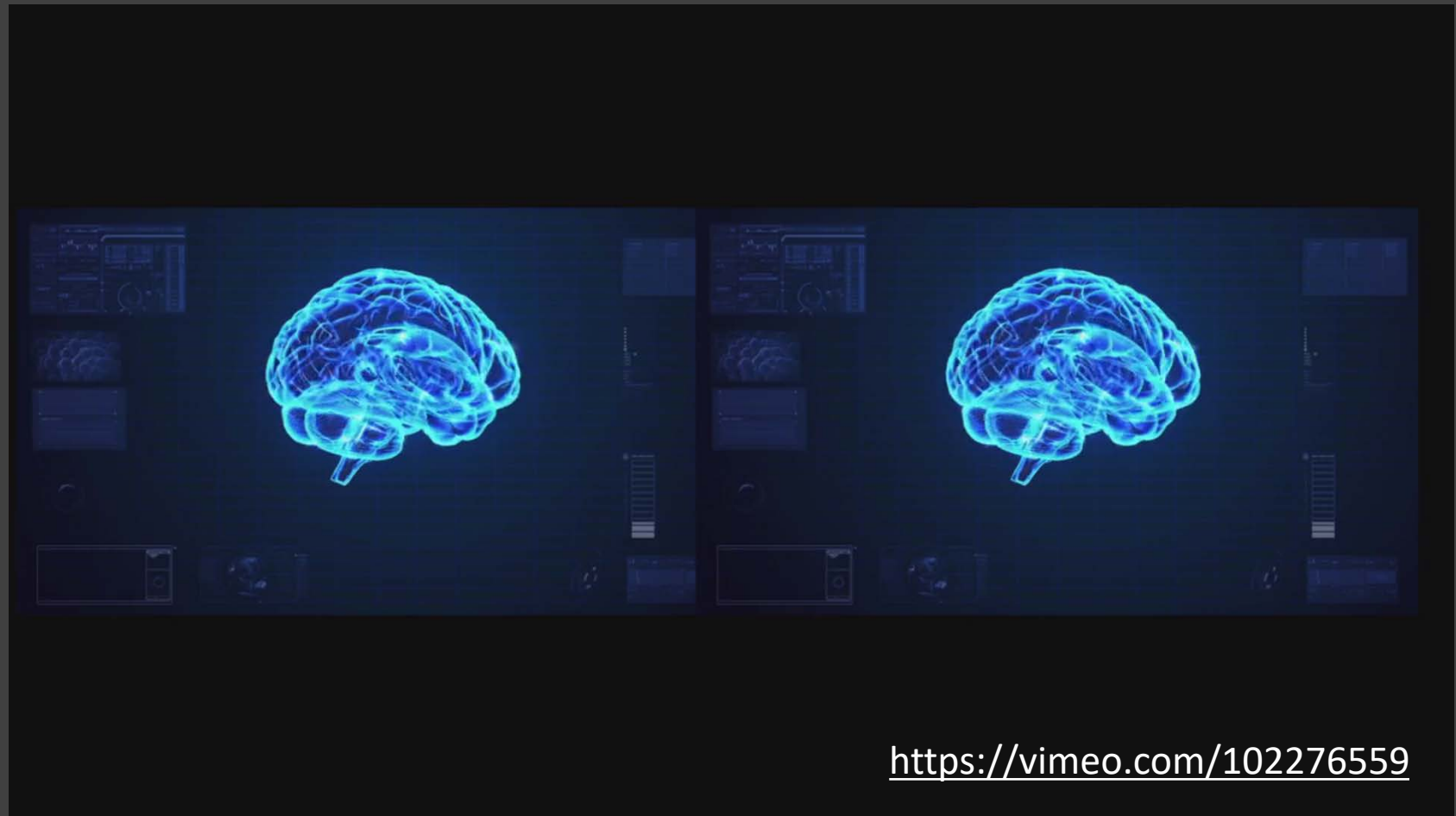
What can be done to make things right?

What can be done to rebuild trust?

**Balanced focus/
Supportive**



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

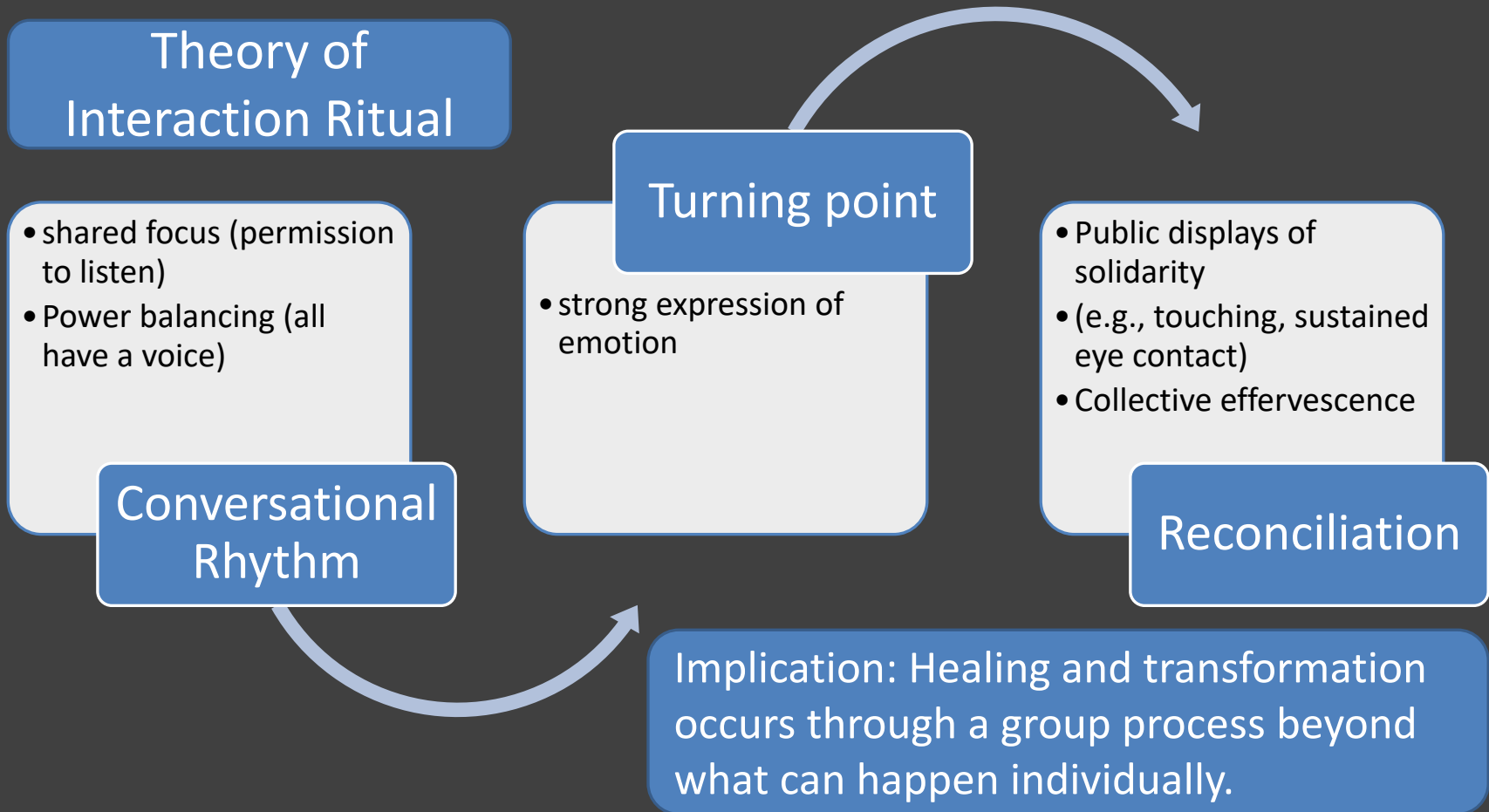
- Armour and Umbreit (2018)
- RJ dialogue/storytelling transfers pain from victim (healing) to offender (moral understanding)

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



STARR Project

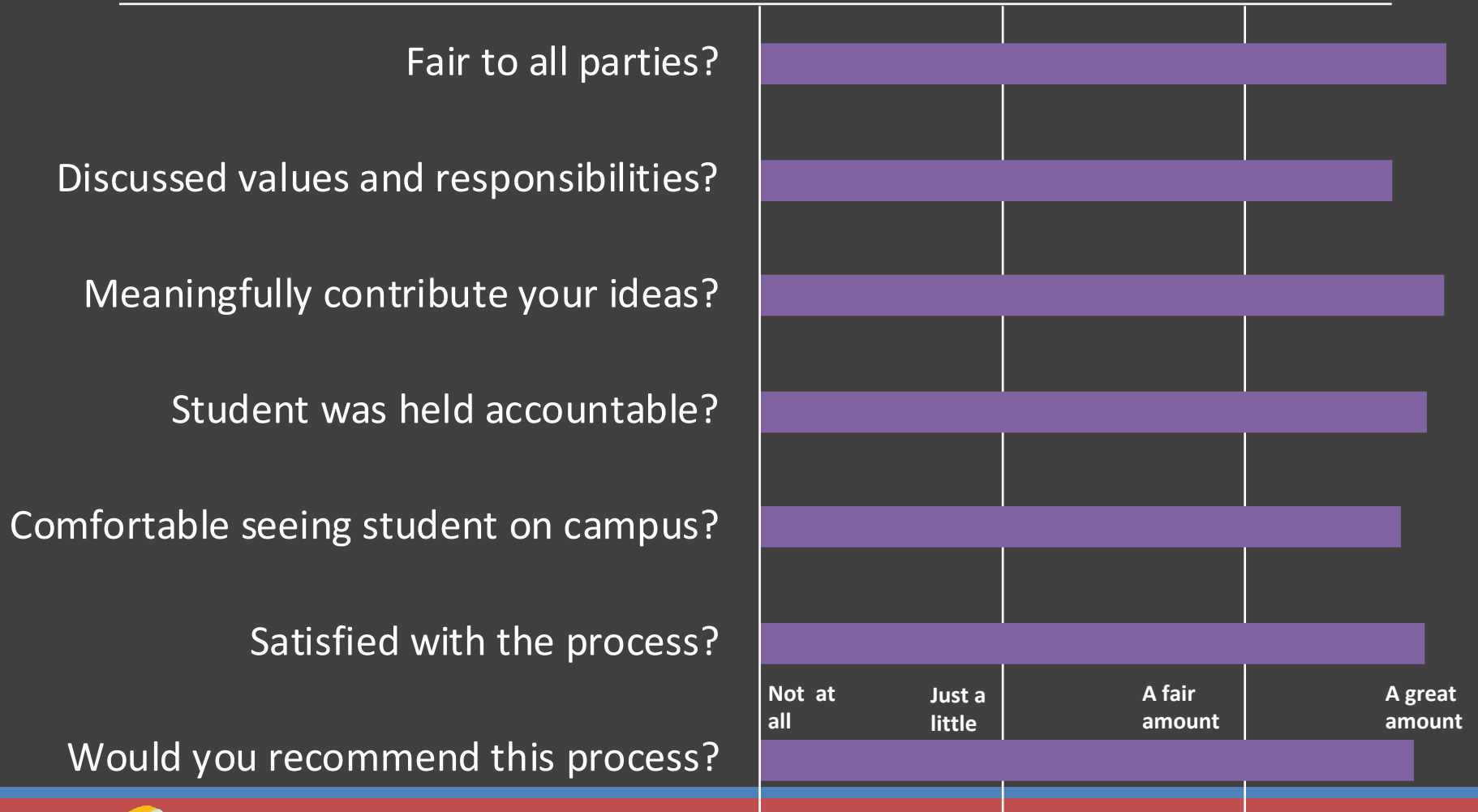
STudent Accountability and Restorative Research Project

- ❖ Offender Survey
- ❖ Harmed Party Survey
- ❖ Conduct Administrator Surveys

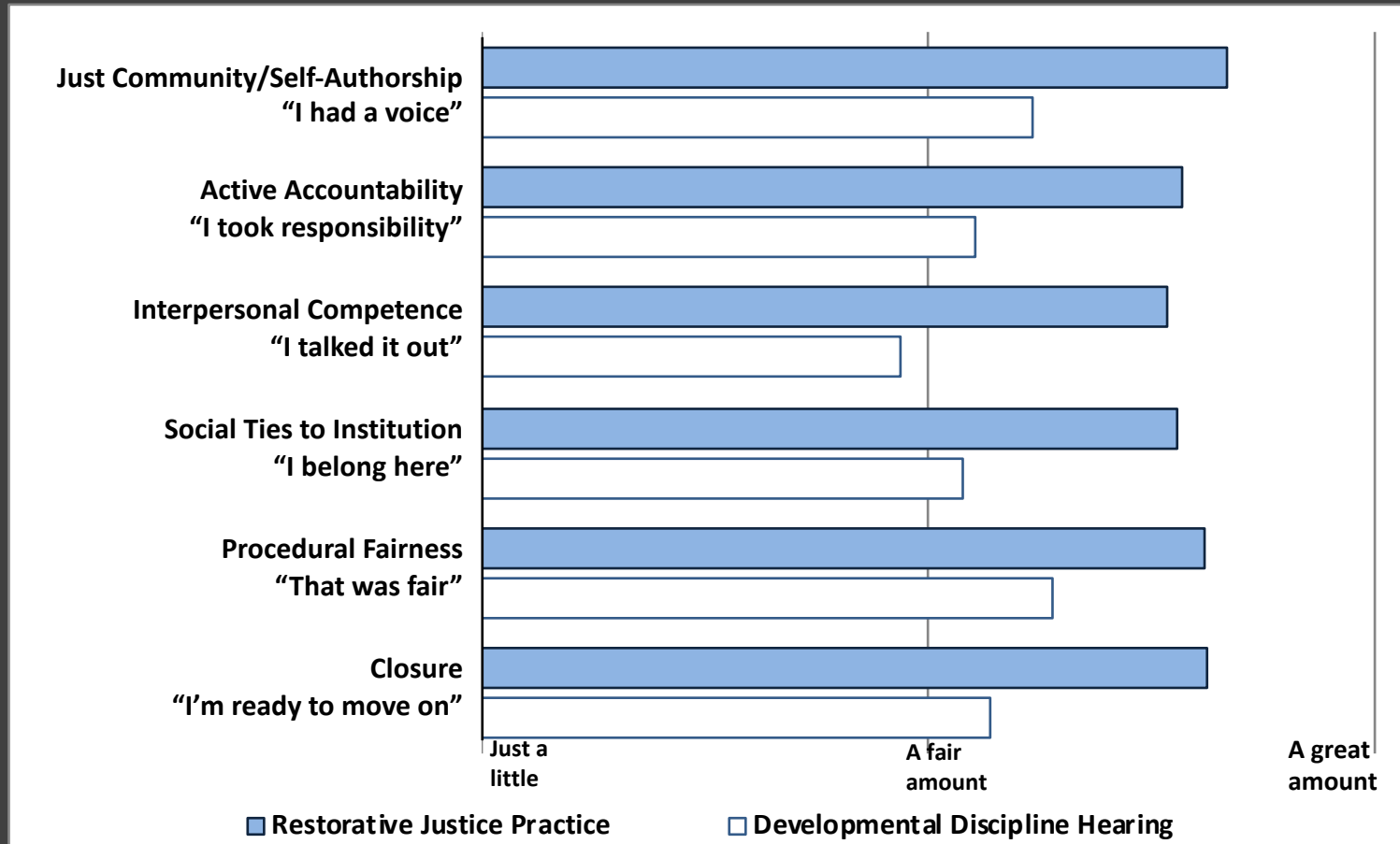
Type of Process	Cases
Developmental Discipline Administrative/Board Hearing	403
Restorative Justice Circle/Conference/Board	165



Are Harmed Parties Satisfied with RJ?



Student Development



Survey Method

Online survey of higher education professionals

Participated in our trainings or email interest lists

840 invited

315 individuals responded

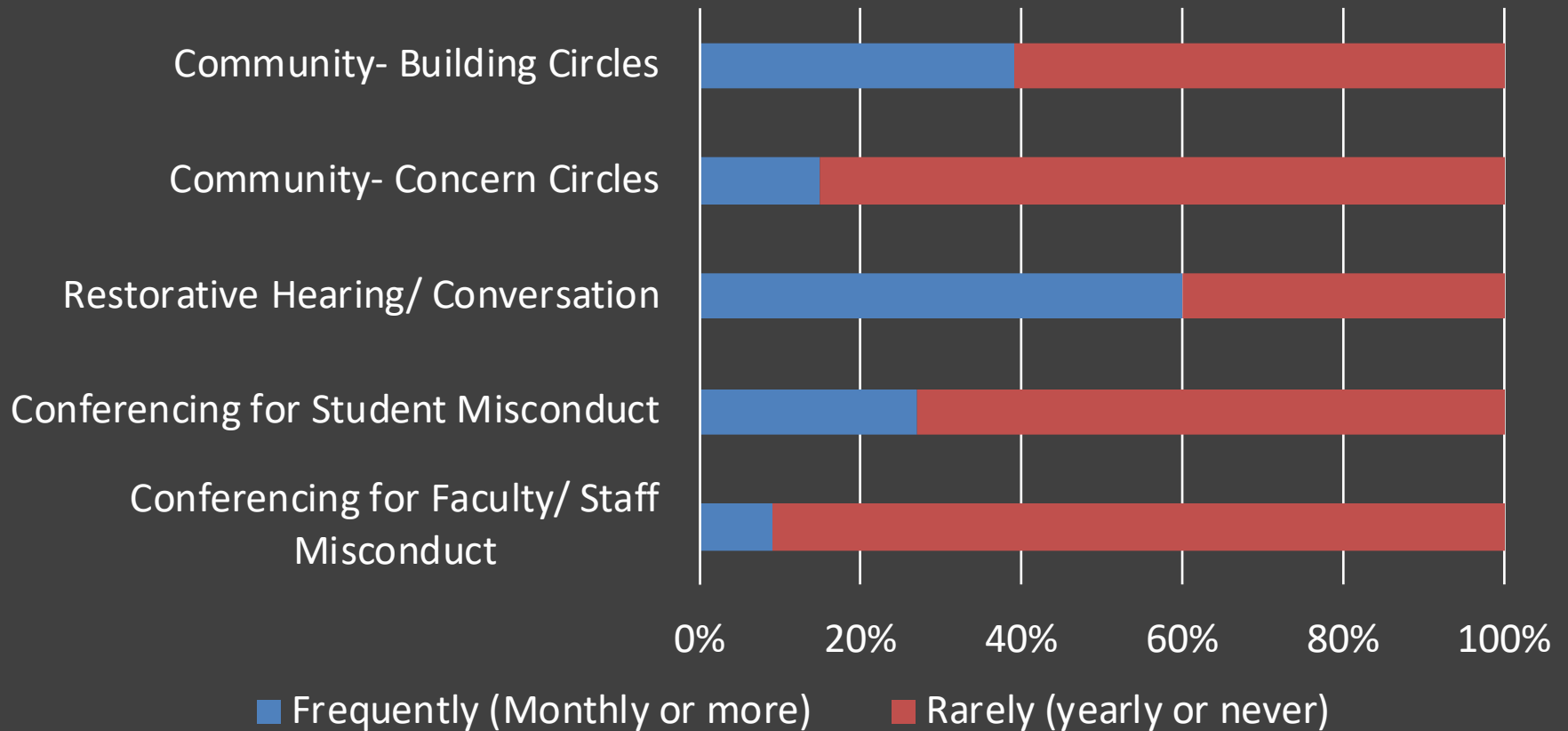
159 institutions represented

Response rate = 38%

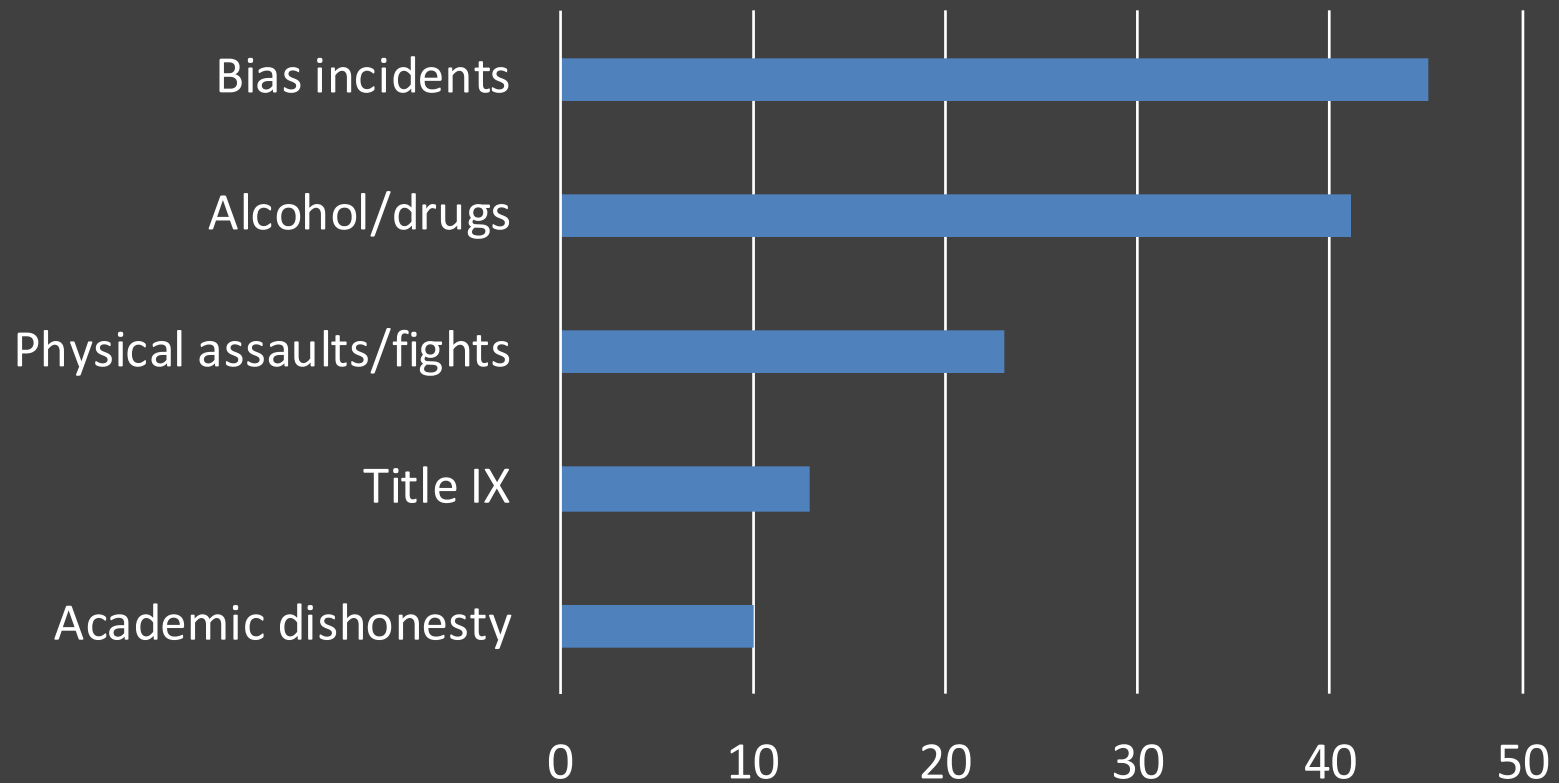
Convenience sample: results do NOT generalize to all higher ed professionals or institutions



Extent of Implementation by Campus (Percent)



RJ Use for Various Violations by Campus (Percent)





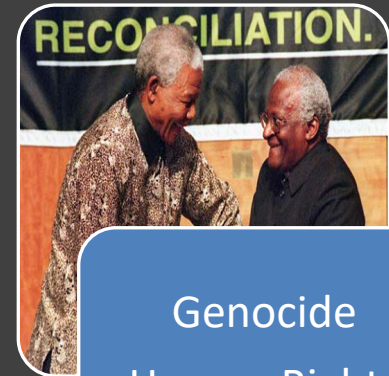
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Schools
Workplaces
Families



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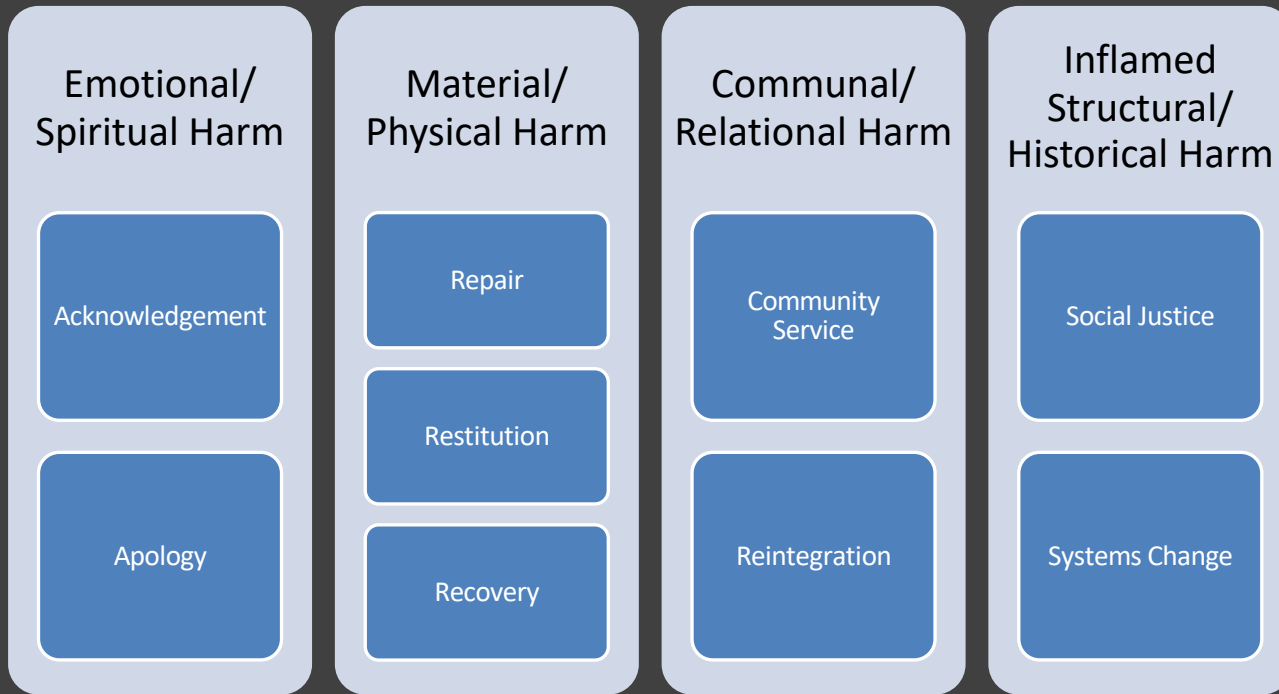
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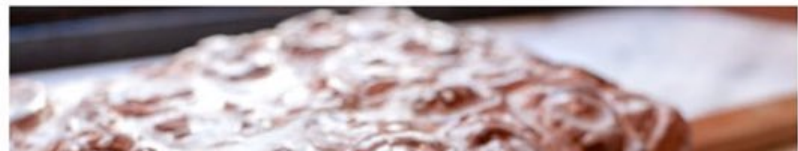
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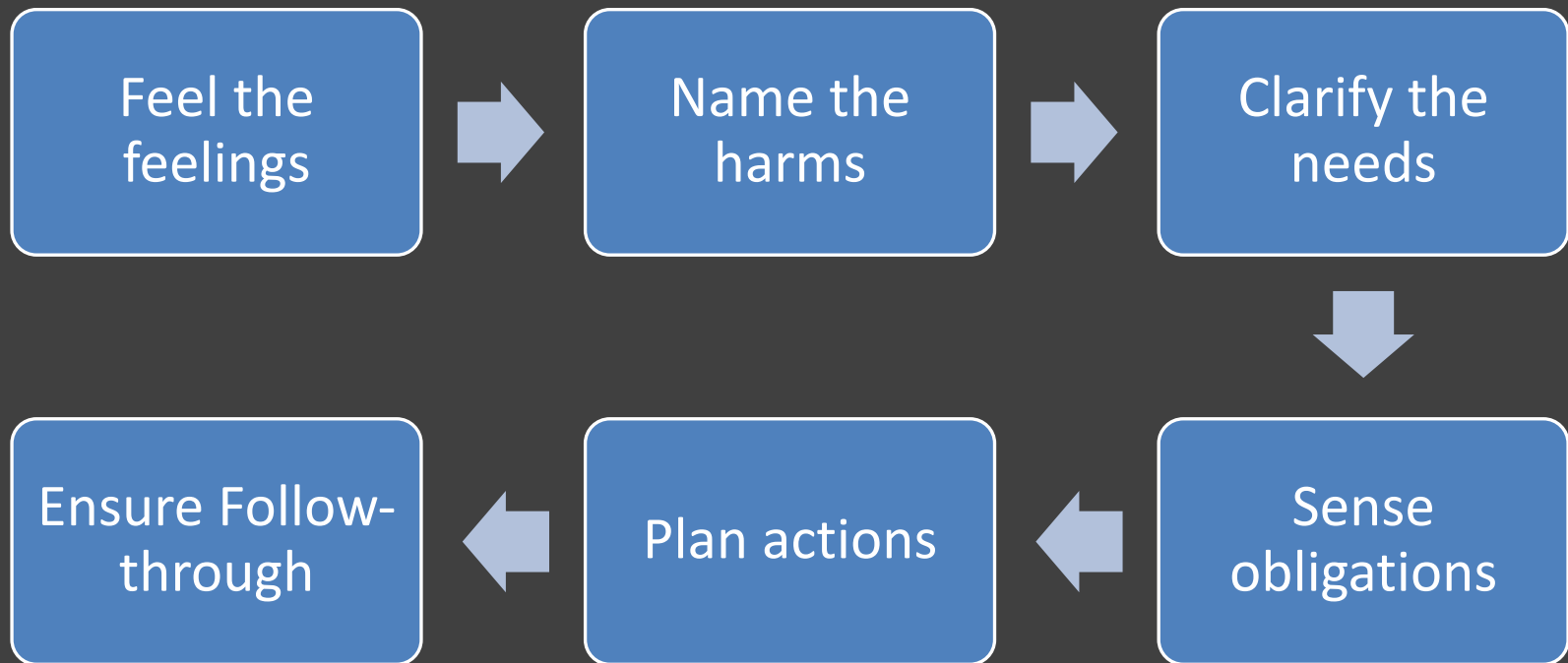
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Personal RJ Journey



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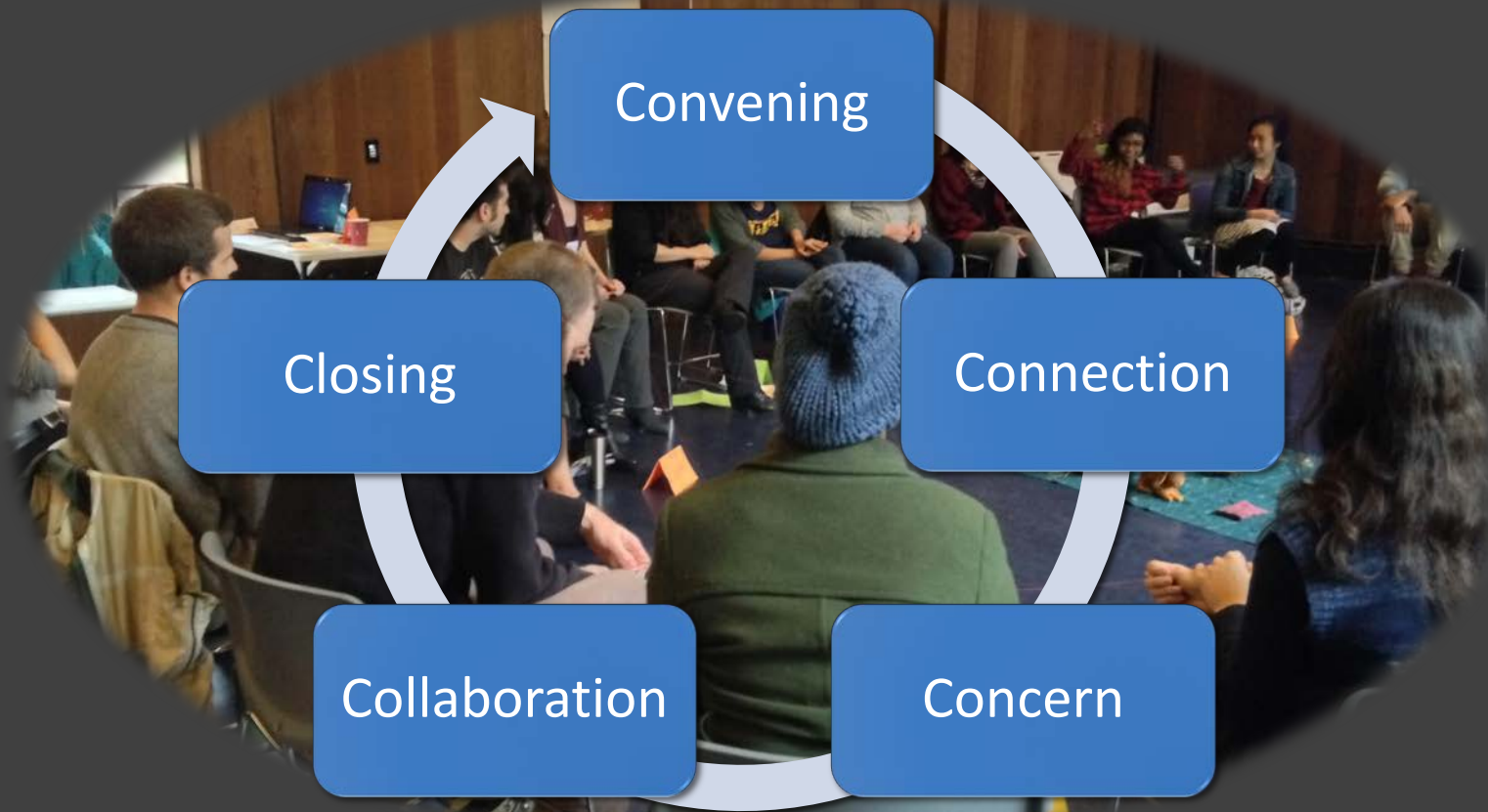
Tier I
Build and Strengthen Relationships



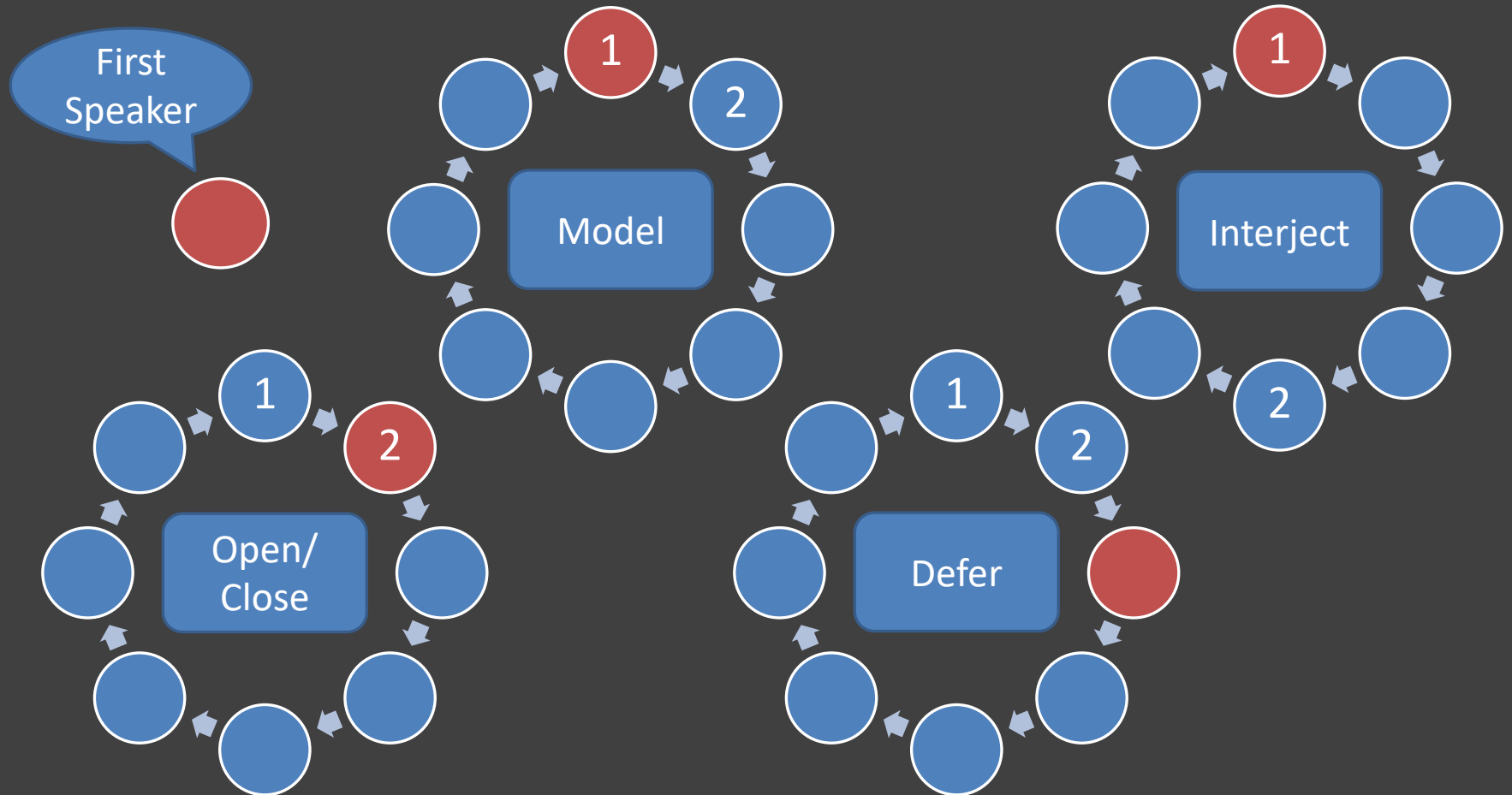
Restorative Reintegration



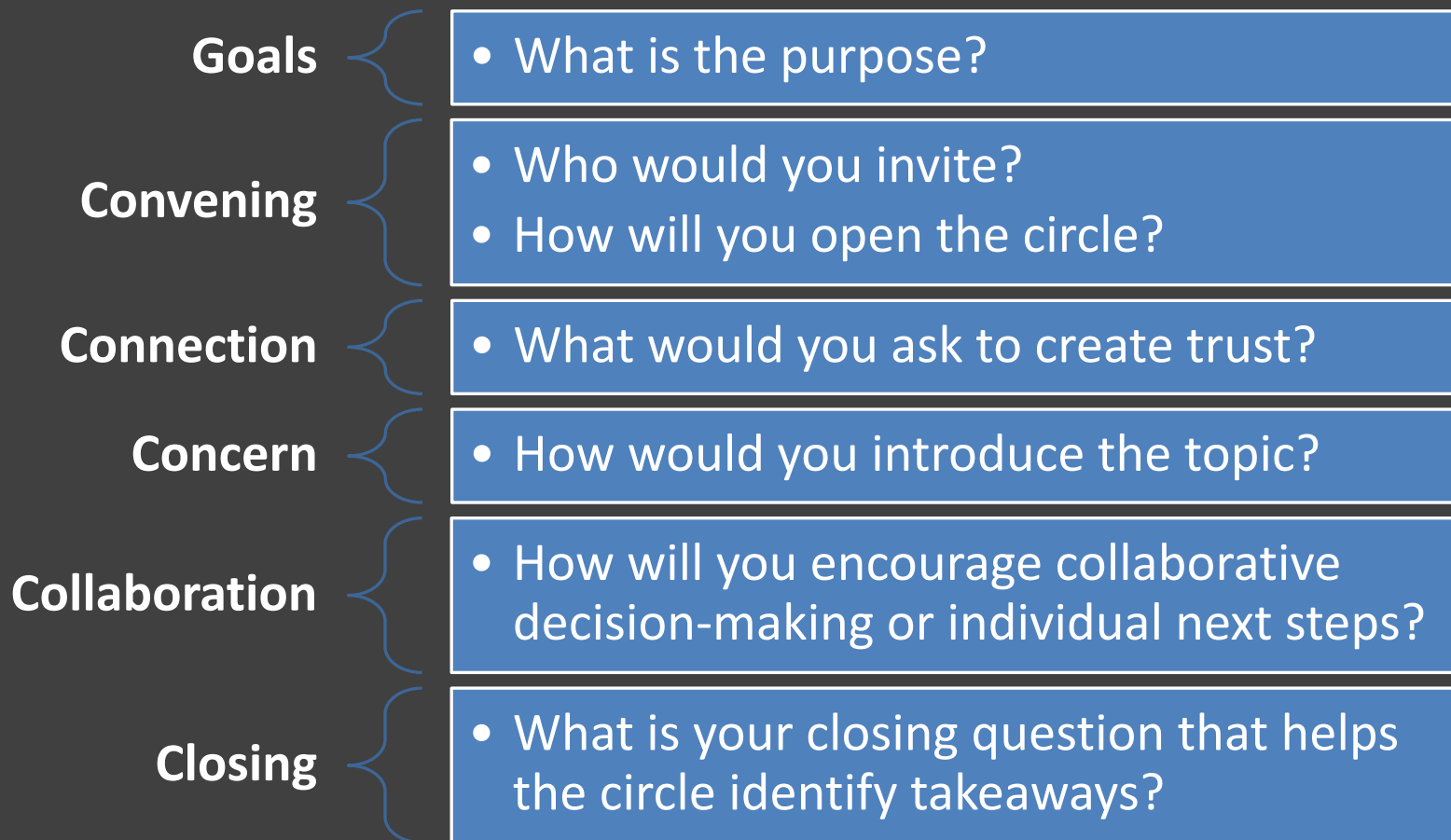
The 5 C's of Circles



Facilitator Positions



Climate Circle Design



Wagon Wheel



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
- RJNCC (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)

