



Restorative Justice Practices

A Guide for School Practitioners

Version 1 | July 2011



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Restorative Justice Pocketbook

What is Restorative Justice?

Restorative Justice is an approach to conflict that focuses on repairing harm and creating a space for open communication, relationship building, healing, and understanding. According to the Community Justice for Youth Institute (2011), restorative justice provides a way for those impacted by conflict to be a part of finding solutions that meet their needs and promote community safety and well-being. In a school setting, restorative justice practices can help students develop the critical thinking and social skills they need to be successful throughout the school community.

Using Restorative Practices in our Schools

Restorative justice sounds good when we talk about it in abstract terms. Of course we want students to learn from their mistakes and take steps to repair the harm caused by their actions. But how does the process actually work? What tools do we have that will allow us to transform our punitive approach to school discipline into a more restorative approach? Although there are many forms of restorative practice that are used in different settings, we will focus our restorative justice program on the following four practices:

- Restorative Chat
- Peer Jury
- Restorative Conference
- Peace Circle

The figure below shows the four restorative practices as part of a restorative justice continuum. The practices become more formal and structured as you move from left to right on the continuum. Less serious student issues can be addressed with the restorative chat or peer jury, while more serious issues can be addressed with restorative conferences or peace circles. The subsequent sections of this pocketbook describe each practice in more detail.



Figure 1: Restorative Justice Continuum

Restorative Chatⁱ

The restorative chat is essentially a conversation between one or more students and an adult (typically a dean) about an incident that has happened in the school. The restorative chat provides students with an opportunity to reflect on what they did, understand how their actions affect others, and find a way to repair the harm caused by their actions. Restorative chats are used for incidents that need to be addressed, but are not very serious. For example, you may use a restorative chat with a student who leaves class without permission, with two students who are caught throwing food in the cafeteria, or with a student who is repeatedly late to class. More than anything else, the restorative chat is a teaching tool. Through the restorative chat, students learn how to slow down and think about how their actions affect other people. They also learn how to take responsibility for their actions and come up with solutions to their own problems. These are all valuable skills that everyone needs in order to be successful.

A script for the restorative chat is provided below. You may need to adapt the script to fit each particular situation, but the questions below should serve as the foundation of the conversation.

Restorative Chat Script

- Tell me what happened.
- What were you thinking at the time?
- What do you think about it now?
- Who did this affect?
- What do you need to do to make things right?
- How can we make sure this doesn't happen again?
- What can I do to help you?

Making an Agreement

At the end of every restorative chat, the facilitator should ask the student(s) how they plan to make things right. Since restorative chats are used for minor incidents, there may not be a need for a written agreement. Instead, a verbal agreement may be sufficient (e.g. an apology to the teacher). It is important, however, to make sure the conversation ends with a plan for how the student will make things right and avoid similar behavior in the future. If a formal agreement is needed, then the conference agreement form can be used (see Appendix A).

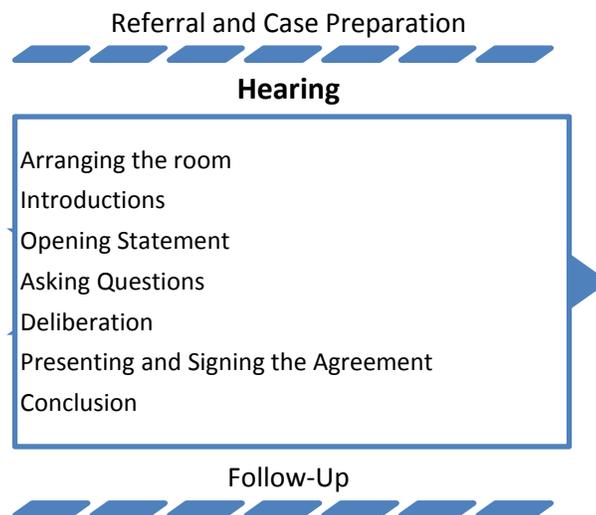
There should also be some type of follow-up with the student (and possibly others who were involved) to ensure that the situation has been resolved and relationships are restored. The follow-up might be as simple as asking the student to check-in with you the next morning to tell you how the apology to the teacher went. In that case, you may also want to ask the teacher how things went after the student returned to class. The follow-up gives the restorative process teeth by holding students accountable for following through, so it is a very important step and should not be neglected.

Peer Juryⁱⁱ

Peer Jury is a restorative practice that allows one's peers to help come up with a plan for repairing harm caused by a student's misconduct. Any violation of a Group 1 through Group 3 infraction in the Student Code of Conduct can be referred to Peer Jury. However, in order for a student to participate in a Peer Jury, he or she must admit to the misconduct. Also, participation in the Peer Jury process has to be voluntary. The dean (or other administrator) must also get parent consent in order for a student to participate.

Peer Jury Process (taken from the Peer Jury Manual developed by Alternatives, Inc.)

The Peer Jury process has several steps. The figure below summarizes the Peer Jury process, from referral to follow-up. A brief explanation of the steps involved is also provided below.



Referral and Case Preparation

All student discipline issues go through the Dean's office. It is up to the Dean to decide how each situation will be addressed. If the Dean decides to refer a student to a Peer Jury, then a Peer Jury referral form should be completed (see Appendix D). After the referral form is completed and signed, one copy is provided to the student and one is kept on file with the staff member in charge of Peer Jury. The Dean will also enter a log in Student Logger, selecting Peer Jury as the log type. A drop-down calendar will allow the Dean to schedule the date for the Peer Jury. It is up to the Peer Jury Advisor (typically the Restorative Justice Counselor) to monitor the Peer Jury schedule so that he or she is prepared for each case.

Copies of the Peer Jury referral form should be made and distributed to all Peer Jurors. The Peer Jury team should gather before the student arrives to briefly review and discuss the case. A Youth Facilitator is chosen for the day (this position should rotate). The Youth Facilitator leads the Peer Jury process, introduces the process to the Referred Student during the hearing, takes notes during the hearing (although all jurors are encouraged to take notes), and signs the agreement.

Hearing Process and Follow Up

1. Arranging the Room
 - a. Create a comfortable environment
 - b. Sit in a circle so that everyone can see each other
 - c. The adult facilitator sits outside of the circle
2. Introductions
 - a. The youth facilitator makes an introduction and welcomes the referred student
 - b. The rest of the jurors introduce themselves
 - c. The referred student (and the victim, if present) introduces him or herself
 - d. The adult facilitator introduces him or herself and explains his or her role in the process
3. Opening Statement
 - a. The youth facilitator explains:
 - i. The Peer Jury process
 - ii. The purpose of Peer Jury
 - iii. The basic guidelines of Peer Jury
 - iv. The Oath of Confidentiality

1. Everything discussed remains confidential, with the exception of something that threatens someone's safety
 2. All Peer Jurors and the adult facilitator have signed the Oath of Confidentiality
 - b. The youth facilitator asks the referred student if he or she has any questions
4. Asking Questions
 - a. Peer Jurors should take turns asking questions of the referred student
 - b. In asking questions and creating a solution, Peer Jurors should consider the following questions:
 - i. What is the harm caused by the referred student's behavior?
 - ii. What needs to be done to repair the harm?
 - iii. Who is responsible for repairing the harm?
 - c. Sample set of questions (these are only suggestions)
 - i. Can you explain what happened?
 - ii. What were you thinking when you _____?
 - iii. Is there anything going on in your life (e.g. at home, in class, etc.) that has negatively affected your behavior?
 - iv. Who do you think has been affected by your actions?
 - v. How do you feel (or what do you think) about what you did?
 - vi. How do you think you could repair the harm caused by your actions?
5. Deliberation
 - a. The referred student is asked to step outside of the room while the Jury deliberates
 - b. The Peer Jurors talk in an attempt to come up with an agreement that is appropriate, realistic, and restorative
 - i. Review the referred student's account and circumstances of the case
 - ii. Identify who was harmed and how they were harmed
 - iii. Identify the needs of everyone affected by the harm (e.g. the referred student, the victim, the school, etc.)
 - iv. Identify what the referred student needs to do in order to repair the harm
 - v. Construct an appropriate agreement tailored to the circumstances of the case
6. Presenting and Signing the Agreement
 - a. Adult facilitator assists Peer Jurors with completing the agreement form (the Youth Facilitator should write the agreement)
 - b. The referred student returns to the room

- c. The Youth Facilitator presents the agreement, explaining the rationale behind it
 - d. The referred student asks questions and responds to the agreement
 - e. The agreement is modified if the referred student thinks he or she will have problems completing it (the Peer Jurors have to agree to any changes)
 - f. The referred student, the Youth Facilitator, and the adult supervisor sign the agreement
 - g. The referred student is given a copy of the agreement, and another copy is placed into a Peer Jury file
7. Conclusion
- a. The Youth Facilitator makes a final closing statement and thanks the referred student for participating
 - b. The referred student leaves the room and the adult facilitator offers a final word, if necessary
8. Follow Up
- a. Peer Jury Advisor contacts any outside parties that may be involved in the agreement
 - b. The referred student is responsible for completing the agreement
 - c. Once the agreement has been completed, the referred student notifies the agreement supervisor
 - d. The agreement supervisor verifies successful completion of the agreement
 - e. The agreement supervisor notifies Dean of outcome and updates Student Logger to indicate that the student has successfully fulfilled his or her agreement
 - f. If the referred student does not complete the agreement, he or she is referred back to the Dean for other action

Peer Jury Agreement

Every Peer Jury case will end with a written agreement that is signed by the Referred Student, the Youth Facilitator, and the Agreement Supervisor. The Peer Jury facilitator (in most cases, this will be the Restorative Justice Counselor) will complete the agreement form while the Youth Facilitator guides the Peer Jury through the process of outlining the agreement. The Peer Jury Agreement form can be found in Appendix C.

Restorative Conference

Restorative conferences are reserved for situations that are more serious than those addressed using restorative chats. Restorative conferences involve more people and

often end with a written agreement for repairing the harm. Because restorative conferences are more formal than restorative chats and involve more people, they take a bit more time to set up and facilitate. The following steps should be followed when a restorative conference is used:

What is the process or protocol?

- The facilitator should have conversations with those involved before the conference takes place.
- The facilitator decides who should be involved in the conference.
- The conference is scheduled and all parties are invited and informed of the time and place.
- The facilitator should set the chairs up in a circle before participants arrive. Once everyone is present, they are asked to have a seat in the circle. The facilitator may want to have certain people sit in certain chairs, and if this is the case, he or she should make that clear.
- The facilitator then welcomes everyone and explains why the conference was convened. The facilitator also explains the conference process and guidelines for participation (e.g. only one person speaks at a time).
- All participants are asked to introduce themselves and say why they are there.
- After introductions, the facilitator will ask a series of questions to those involved in the conference. A sample script for those questions is provided below. In order to make the script more realistic, we will pretend that James got angry with Kevin during Ms. Sanders' class yesterday and punched him. The conference might include the following people: James, Kevin, Ms. Sanders, James' father, and Kevin's mother.

Restorative Conference – Sample Script

- To James: Can you tell us what was going on when you punched Kevin?
- To James: What have you been thinking about since yesterday?
- To James: Can you talk about who has been affected by what you did? If James does not mention all of the people who have been affected, other participants can be asked to have input.
- To Kevin: What did you think when James punched you?
- To Kevin: How did you feel about what happened?
- To Ms. Sanders: What did you think when this happened?
- To Ms. Sanders: What are the main issues for you concerning this incident?

- To James' father: How do you feel about what happened?
- To Kevin's mother: How do you feel about what happened?
- To James: Is there anything you want to say at the moment (hopefully, this is where a formal apology will be made)?
- To James: What have you learned from listening to people today?
- To Kevin: What would you like to see happen as a result of this conference? What needs to happen to make things right for you?
- To Ms. Sanders: What do you want as an outcome from this conference?
- To both parents: Is there anything you'd like to add?
- To James: Is there anything else you'd like to add?
- To James: Do you agree with what has been decided here?

Making an Agreement

Most restorative conferences will end in some sort of agreement for repairing harm and restoring relationships. The agreement will be developed by the people who have been harmed in the situation. However, the facilitator has to use his or her best judgment to ensure that the agreement is appropriate, enforceable, and restorative. If the conference participants have a difficult time coming up with an agreement, the facilitator should offer suggestions. However, the facilitator should not have the final say in what the agreement will be; the solution has to come from those who were directly affected by the incident.

After the terms of the agreement have been offered, the wrongdoer must accept the terms. The conference facilitator should prepare a conference agreement form during the conference, and all of the people who have a part in the agreement should sign the form (a conference agreement form can be found in Appendix A). If the wrongdoer does not agree to the terms of the conference agreement, or if they do not follow through with the agreement, then the incident should be referred back to the Dean for other action.

Peace Circleⁱⁱⁱ

Peace circles (Circles) are at the far, right end of the restorative justice continuum. Circles are used for the most complex and serious situations involving students. There are various types of Circles that fall under the umbrella term "Peace Circle". Some examples of Circles include conflict circles, celebration circles, check-in circles, grief circles, and reintegration circles, just to name a few. While you are encouraged to use Circles for many different purposes, the most commonly used type of Circle will likely be

conflict circles. The remainder of this section will use the term “Circle” to refer to conflict circles.

Circles should be used in situations where there is a serious conflict between two or more people that cannot be resolved through a simple chat or restorative conference. Circles require much more planning than a conference, and they often take much longer to facilitate. Circles will not be used nearly as frequently as the other restorative practices. It is safe to assume that the frequency of use of the various restorative practices will increase as you move from left to right on the restorative continuum (see bottom of page 1). In other words, restorative chats will be used most often, then peer juries, then restorative conferences, then peace circles.

The stages of the Circle process are described below.

Stages of the Circle Process

There are four stages to the Circle process, and all are essential to the successful use of Circles to address student issues. Each stage is outlined below:

1. **Stage 1: Determine Suitability** This involves assessing whether the Circle is an appropriate process for this situation by asking these questions:
 - a. Are key parties willing to participate?
 - b. Are trained facilitators available?
 - c. Will the situation allow the time required to use the Circle process?
 - d. Can physical and emotional safety be maintained?
 - e. Is the situation too complex or serious to be handled with another restorative practice (e.g. restorative conference)?
2. **Stage 2: Preparation**
 - a. Identify who needs to participate: Who has been impacted? Who has resources, skills, or knowledge that might be needed? Who has insight into the situation that could help with understanding?
 - b. Familiarize key parties with the process.
 - c. Begin exploring the context of the issue.
3. **Stage 3: Convene all parties**
 - a. Identify shared values and develop guidelines for the Circle.
 - b. Engage storytelling to build relationships and connections.
 - c. Share concerns and hopes.
 - d. Express feelings.
 - e. Probe underlying causes of conflict or harm.

- f. Generate ideas for addressing harm or resolving conflict.
- g. Determine areas of consensus for action.
- h. Develop agreement and clarify responsibilities.

4. Stage 4: Follow Up

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

Key Elements of a Circle

There are certain features that distinguish a Circle from a Restorative Conference. The key elements of a Circle are noted below.

Ceremony

- There should always be an opening and closing ceremony.
- Opening ceremonies help people shift gears from the pace and tone of ordinary life to the pace and tone of the Circle.
- Closing ceremonies acknowledge the efforts of the Circle and prepare participants to leave the Circle with a sense of direction and hope.

Guidelines

- The commitments or promises that participants make to one another about how they will behave in the Circle.
- Always includes respectful speaking and listening and some form of confidentiality (i.e. what is said in the Circle stays in the Circle).
- The entire Circle is responsible for developing the guidelines.
- The guidelines arise by asking people what they want for themselves from others.

Talking Piece

- Object passed from person to person.
- Only the person with the talking piece can speak.
- Participants may “pass” when the talking piece comes to them.
- Ensures that speakers will not be interrupted.

- Slows the pace of the conversation and encourages thoughtful and reflective interactions among participants.
- Often carries symbolic meaning.
- Talking piece moves in order (clockwise) around the Circle.
- Facilitates the contributions of quiet people who are less prone to talk in an open dialogue.

Circle Keeper

- Not responsible for finding solutions or for controlling the group.
- The Keeper's role is to initiate a space that is respectful and safe and to engage participants in the Circle process.
- May speak without the talking piece, but should rarely do so.
- Does not have to remain neutral. In other words, the Keeper can offer his or her own thoughts, ideas, and stories.
- It is common (and okay) to have two Circle Keepers.
- An effective Keeper will be able to let go of control and allow the Circle participants to share responsibility for the process and the outcomes.

Consensus Decision-Making

- Not all Circles are designed to make decisions, but those that are should strive for consensus.
- Consensus in the Circle process means that all Circle participants agree with the decision and will support its implementation.
- If consensus cannot be reached, the decision can be reverted back to the Dean for other action.

Planning for a Circle

The Circle Keeper must plan for the Circle by answering the following questions:

- Who will be part of the Circle?
- Where and when will the Circle take place?
- What will I use for the talking piece?
- What will be placed in the center of the Circle?
- What opening ceremony will be used?
- What question(s) will be used to generate guidelines and values for the Circle?
- What question(s) will be used for an introduction or check-in round?

- Is there a need for further relationship building before getting into the issues? If so, how will that be done?
- What question(s) will be used to begin the dialogue about the key issues?
- What further questions might be useful if the group is not getting deep enough into the issues?
- What question will I use to begin dialogue about an agreement or solution?
- What closing ceremony will be used?

Steps for Conducting a Circle

- Greet participants as they arrive.
- When everyone is present and it is time to start, invite everyone to take a seat.
- Welcome everyone and thank them for coming.
- Conduct the opening ceremony.
- Share the purpose of the Circle and the expected outcome (e.g. peace, an agreement, improved relationships, etc.).
- Introduce the talking piece and explain how it functions.
- Develop guidelines by passing the talking piece around the Circle and asking participants to identify promises they would like from the other participants for making the Circle a safe space where they can speak openly and honestly.
- If there are time parameters for the Circle, explain those and ask participants to keep those in mind to ensure that everyone has adequate opportunity to speak.
- Using the talking piece, initiate a round of introductions. Pose a question for everyone to answer in addition to saying who they are (see Appendix F for a list of sample question prompts). The Keeper should speak first in this round to model the kind of sharing that is invited from participants.
- Begin the dialogue about the issue by asking participants to share their thoughts and feelings regarding the issue (the Keeper should speak last in this round).
- Pass the talking piece around again so that people can respond to what they have heard from others.
- Follow major threads of the discussion by passing the talking piece around and asking participants to talk specifically about those threads.
- Initiate a problem-solving dialogue by passing the talking piece around and asking participants to share their ideas on how a solution can be reached.
- Offer closing remarks that summarize the experience, including any agreement or consensus that may have been reached.

- Pass the talking piece around and ask participants to share their feelings about the Circle process and any outcome that may have been reached.
- Thank everyone for sharing and for participating in the Circle.
- Conduct a closing ceremony (e.g. a reading, music, silent reflection, etc.).

Making an Agreement

Circles will not always result in a formal agreement. You may find that Circles are effective for helping people understand each other, build relationships, and prevent future conflict. However, if there is a formal agreement, the Circle Keeper should write it out and review it before the end of the Circle process.

Appendix B

Restorative Justice Agreement Log

Student Name	Reason for Agreement	Agreement Terms	Supervisor	Review Date
e.g. Marlon Smith	Knocked over trash can in cafeteria	Will help clean tables following lunch between 9/26 – 9/30 and will apologize to custodian staff	Dean Jones	10/4
e.g. Tierra Jackson	Cursed at Ms. Webb during algebra class	Will apologize to Ms. Webb (privately) and will apologize to the class (publicly) for disrupting the class. Will also eat lunch with Ms. Webb on 10/3	Ms. Webb	10/5

Appendix C

Peer Jury Agreement Form

Date of Peer Jury

Referred Student: _____

Youth Facilitator: _____

Peer Jury Agreement:

Follow-Up Plan (who will supervise the agreement):

Agreement review date: _____

By signing this form, we agree to follow the conditions of the agreement as described above:

Referred Student Signature

Youth Facilitator Signature

Agreement Supervisor Signature

Appendix D

Peer Jury Notification Form

Date of Referral

Referred Student Name: _____

Staff Making Referral: _____

Reason for Referral (describe what student did):

Peer Jury Schedule:

Date

Time

Location

By signing this form, I agree to participate in the Peer Jury process. I understand that my participation is voluntary.

Signature of Referred Student

Date

Signature of Dean or Administrator

Date

Appendix E

Suggestions for Peer Jury Agreements

Develop a list of resources that can be referred to when Peer Jurors are deciding on an agreement for a referred student. The list should include organization name, contact person, contact information, services provided, available hours, etc.

- Community Service
 - Constructive, educational, and non-punitive
 - Meets community needs
 - Student feels involved, not isolated
 - Results in a finished product, if possible
- Written Apology
 - A sincere apology that the victim wants and will accept
- Personal Essay on their behavior and the Peer Jury process
 - What caused me to commit the offense?
 - What have I learned from this experience?
 - How can I prevent this behavior in the future?
- Service in the school
- Tutoring
- Counseling
- Peer Mentoring
- Involvement with community or after school programs
- Options that encourage parental involvement
- Other creative agreements

Appendix F

Sample Question Prompts for Circles^{iv}

Exploring Values

- What value would you like to offer for our Circle?
- What demonstrates respect?
- How would you like to be treated during the Circle?

Getting Acquainted

- Share a happy childhood memory.
- If you could be a superhero, what super powers would you choose and why?
- How would your best friend describe you?
- What would you not want to change about your life?
- If you had a free day to do whatever you wanted, what would you do?
- If you were an animal, what animal would you be and why?
- Who do you believe is a good role model for young people and why?
- If you could have a face to face conversation with anyone in the world, who would it be and why?

Storytelling to Build Community

Invite participants to share:

- A time when you experienced success.
- A time when you were outside of your comfort zone.
- An experience of letting go of anger or resentment.
- A time when you acted on your core values even though others were not.
- A time when you were in conflict with someone and how you handled it.
- An experience where you discovered that someone was different from the negative assumptions you first made about the person.

Taking Responsibility

- How have we each contributed to this situation?
- How can each of us, by taking responsibility, act differently now?
- Does anyone have anything to clear up?
- What things might keep us from building good relationships with each other?

Toward the end of a Circle

- Is there anything that you came with that you would like to leave behind (e.g. negative attitudes, unhelpful feelings, etc.)?
- What are you taking from this Circle that will help you in the future?
- What have you learned through this Circle process?
- What will you do differently now that you have experienced this Circle?

References

Alternatives, Inc. (2008-2009). Chicago Public Schools Peer Jury Manual.

Community Justice for Youth Institute. (2011). Material taken from training documents received during July 2011.

Pranis, Kay. (2005). *The Little Book of Circle Processes*. Good Books: Intercourse, PA.

Thorsborne, Margaret & Vinegrad, David. (2009). *Restorative Justice Pocketbook: How to resolve disciplinary matters by enabling those involved to repair the harm done to people and relationships*. Alresford, Hampshire: Teachers' Pocketbooks.

ⁱ Restorative chat and restorative conference procedures and description were adapted from the *Restorative Justice Pocketbook* (Thorsborne & Vinegrad, 2009).

ⁱⁱ Peer Jury process and procedures were taken from the Chicago Public Schools Peer Jury Manual (2008-2009), which was created by Alternatives, Inc.

ⁱⁱⁱ Peace Circle process and description were taken from *The Little Book of Circle Processes* (Pranis, 2005).

^{iv} Adapted from training materials provided by Community Justice for Youth Institute, 2011.