

Want to learn how to mediate & resolve conflict?



**A Facilitator's Step-by-Step Guide
to
Repairing Harm Circles &
Restorative Peer Jury Circles**

a partnership between the

Milwaukee Public Schools Safe Schools / Healthy Students

and the

Milwaukee District Attorney's office

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However, an additional word of caution is in order. This document is merely intended to serve as a beginning point for conflict resolution practices and not as an exhaustive review of mediation practice or restorative justice. Practitioners must be individually responsible for their work in attempting to mediate or resolve conflicted situations and behavioral issues.

August of 2012

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While this guidebook could not hope to include every aspect of conflict resolution, nor account for every fact pattern that might emerge, I hope that it serves as a useful roadmap for educators to better address issues, resolve harm, and restore trust in relationships towards the development of healthier school communities.

My heartfelt thanks extend to include:

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Paul Dedinsky, JD, PhD
Milwaukee Assistant District Attorney, August of 2012

Preface

Several years ago, a school social worker called me in a state of distress. He described a pretty desperate situation at his school involving two gang members pitted against two brothers. When not actively fighting one another, they were threatening each other and disrupting the entire school community. The violence spilled over into the neighborhood as well.

The school handed down suspensions, but little changed. Parents were contacted. Police had responded. Truces would last for a few days at a time, but in actuality, nothing of significance changed. Given that the violence expanded beyond school, the principal recognized that simply reassigning the students to other schools would have amounted to, at best, yet another temporary and woefully incomplete solution.

We decided to conduct a peacemaking circle, utilizing our repairing harm circle process. Parents, teachers, the principal, the social worker, and the school psychologist would all join with the two gang members and two brothers. Everyone agreed to spend whatever time necessary to (hopefully) resolve the conflict and achieve a lasting peace. The school social worker met separately with each youth beforehand to explain the process and answer their questions. All the youth agreed to participate.

Before starting the circle, however, I took several minutes to meet with the parents together. As a parent myself, I knew that all of these parents loved their kids, and I supposed that they just might be inclined to show their love in the circle by protecting their children or taking up the cause of their children in some manner. This could prove to be perilous to the circle's objectives. While I wanted their presence in the circle, I worried about the parents potentially exacerbating the situation by arguing with each other. So, I asked them about it. What could happen if they became defensive during the circle or lost their composure and got angry at one another in the circle? I still recall their collective exhale in a sigh of relief after I brought up the subject. Turns out that they were worried about the same thing. And all the parents certainly agreed on one thing: They all wanted peace and a cessation of the fighting and bickering. I then asked them to commit to this purpose, and to trust me to facilitate this journey towards peace.

Next came the circle. With the parents now sharing a common purpose, I felt a lot of hope. But, the youths began tentatively. None risked even the slightest glimpse of vulnerability. For some time, it appeared no one would make the first move towards resolving the dispute. The boys would not even make eye contact with one another. Then, to make matters worse, the elder gang member surprised us by admitting that he would fight all over again if it meant that fighting would allow him to prove his loyalty towards his gang affiliate. After a long pause, one member of the circle wondered aloud whether a resolution between the boys could ever really be achieved. The fear was palpable. Were we all just wasting our time and energy?

But then, one of the fathers spoke in the circle. The father revealed that he had spent over a dozen years incarcerated in the state prison system. He told us that when he was younger, he committed crimes partially to impress his peer group. Later, when imprisoned, not a single member of his peer group ever visited him. He stated that only his mother and a few other family members ever bothered to see him. He learned that his peers were never really true friends who cared about him as a person.

Next, a grandmother of another youth spoke. She stated that two of her sons were currently incarcerated in the state prison system. Her feelings of loss ran deep. She told us definitively that she could no longer cope with the violence between the boys, and she did not believe she could muster up the energy to face the prospect of her grandson in this next generation becoming incarcerated, or worse, dying on the streets of the inner city.

A pause loomed in the circle while these words sank in. It somehow felt as if a line had been drawn in the sand. Finally, the older of the two brothers broke our silence. Apparently, one thing that the elder gang member said earlier had a profound effect on him. Just like the elder gang member had been motivated by loyalty, this older brother admitted that loyalty also motivated his actions. The brother said that he did not expect to relate to, or identify with, the elder gang member. He admitted that he never previously even considered the position of the elder gang member. But truly, loyalty to his younger brother was the sole reason that he fought with the two gang members. He stated that he knew how the elder gang member felt.

Once the elder gang member had been listened to, acknowledged, and understood by his rival and enemy, he made eye contact with him for the very first time since we had commenced the circle. We all sensed a major shift. Everyone knew at that moment that the circle would ultimately achieve its goal of peace. The boys were beginning to empathize with one another. They were beginning to consider others' perspectives and relate those perspectives to their own experiences.

To make a long story short, the circle worked. Balance was restored. We ended the peacemaking circle with an acknowledgement exercise, which enabled every circle participant to give and receive compliments and gratitude. There was laughter. Some of the parents cried tears of joy and embraced one another. Violence would reign no more.

Years later, I have scores of stories of embattled and bitter enemies choosing a new course of action and a new way of being because they trusted the circle to touch their lives. Not every attempt to resolve conflict and repair harm meets with success, and I have learned that no perfect process or perfect facilitator exists. But, the circle processes described in this guidebook will provide some direction and maybe even a measure of inspiration. Remember that this is a guidebook, not a cookbook or a script. Good facilitation requires lots of time, practice, and experience. Humility will become both a common experience and cherished virtue. In the end, I think you will find the circle process to be more art than science. So, please read and study this guidebook. Then, bring your intuition, empathy, and compassion to this work... and trust the circle process.

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Restorative Justice Circles: An Introduction

Since 2008, the Milwaukee Public Schools and Milwaukee District Attorney's office have collaborated on restorative practices such as Community Building Circles, Repairing Harm Circles, and Restorative Peer Jury Circles.

Throughout the Milwaukee Public Schools, thousands of faculty, administrators, staff, and students have received training related to restorative practices such as Peer Jury Circles, sometimes referred to as Repairing Harm Circles. The goal has been to reduce violence through the engagement and empowerment of youth actually participating in the decision-making processes and the pursuit of justice.

One objective of this collaborative work has been to increase opportunities for members of school communities to communicate. It has been the experience of this collective that members of the community feel empowered when they gain a "voice" in disciplinary processes or other important areas of the school community.

Repairing Harm Circles and Restorative Peer Jury Circles seek to improve the involvement of students from the school community in the resolution of conflict, to establish a safe container to hear the voices of victims of abusive conduct, and to increase input from alleged offenders.

Restorative justice practices must strike a proper balance between *accountability* and *support*. In order to teach the significance of responsible behavior and other valuable character lessons, Restorative Peer Jury Circles must hold student offenders accountable. As members of the school community, the student offenders must also be supported in order to become contributing members of that community.

From the very inception of Repairing Harm Circles and the Restorative Peer Jury Circle process, members of the Safe Schools/Healthy Students team recognized the potential perils of the circle processes becoming overly punitive, rather than restorative in nature. Thus, in many schools, the Circles were referred to as Repairing Harm Circles, Justice Circles, or Peace Circles. No matter the name or title given to these restorative justice practices, the thrust has always been to engage youth in decision-making processes, their participation central to the resolution of issues affecting the entire school community. Thus, the goal remains for the community to embrace all of its members, shoulder its members' burdens together, and share in the collective wisdom for the betterment of all.

The next section will tell you about the philosophy and theoretical basis for restorative justice and circles, with many contributions from MPS SSW Sarah Kubetz. After touching on theory, the action and process of the restorative practices will unfold.

What is Restorative Justice?

Restorative justice emerges in practices focused on finding respectful and effective ways to **repair harm, restore relationships, & build community** where divisions and disconnections abound. In Milwaukee schools, teachers report that restorative justice practices draw students more deeply into the art of negotiation and conflict mediation. As students feel respected, they become more engaged and willing to participate in the resolution of issues in their own communities. Students acknowledge and listen to new perspectives, express their emotions, and exchange feedback. They feel empowered to use their voices to lead and serve.

In the Criminal Justice System, restorative strategies help resolve harm by mediating conflict between criminal offenders and victims, often in the context of a system heavily reliant upon punitive responses such as incarceration. In schools, the use of restorative practices aims to improve school climate and reduce the need for reactive strategies to contend with issues of conflict and wrongdoing. Restorative schools note:

- a) Decreases in the numbers of discipline referrals, suspensions, and detentions.
- b) Reductions in misbehavior, violence, and bullying;
- c) Increases in instructional time;
- d) Increases and improvements in school safety and climate;
- e) Improvements in relationships and attitudes.

Restorative approaches combine a high level of accountability with a high level of support. Punitive approaches involve taking control and reasserting power over offenders (discipline and limit-setting). Punitive approaches often include retribution TO youths, but the punitive measures do not necessarily reduce the misbehavior. For instance, when a student is suspended, that student is treated with a dose of exclusion. However, the question of whether the student has actually internalized appropriate behavior is unanswered. Often, punitive approaches instill feelings of alienation within the student, even to the point of exacerbating the student's unresolved anger, fear, and shame.

At the other extreme, permissive approaches serve to either (1) dismiss the child all together in a neglectful manner, or (2) support the child with encouragement and nurturing, somewhat akin to enabling behavior. Neglect amounts to DENIAL of the student's behavior and needs, as if the student were a nonentity. Support without consequences can amount to caretaking FOR the student, as if the student were incapable.

The restorative approach combines a high level of control of wrongdoing with a high level of support. Restorative strategies engage people, doing things WITH them, rather than TO them or FOR them. With roots in the philosophy and methods of **restorative justice**, its fundamental hypothesis is this: Human beings are more cooperative and productive, happier, and more likely to make positive changes in their behavior when those in positions of authority do things **with** them (restorative), rather than **to** them (punitive) or **for** them (permissive).

(Thanks to contributions from MPS SSW Sarah Kubetz and the *International Institute for Restorative Practice*)

Circles as Safe Containers

What is meant by creating a *safe container*? When a circle becomes a sacred space for the free expression of ideas, feelings, and thoughts, then a circle can consider itself a *safe container*.

A number of features may provide for the creation of a *safe container*. One feature might be the creation of circle guidelines, together with the circle's commitment to these common agreements, as discussed later in this guide. Another feature might be the sense of safety that circle members feel from the assurances of a confidential place to share one's personal story.



Another feature of maintaining restorative justice circles as *safe containers* might be the ritualistic utilization of a *talking piece*. Students learn quickly that only the person in possession of the talking piece speaks, while others are expected to listen and wait their turn. For consistency purposes, schools typically pass around the talking piece in a clockwise direction. The talking piece may be an item of some personal significance or sentimental value. Sometimes circle members bring their own talking pieces to the class or even create their own talking pieces. “*Respect for the talking piece*” sometimes becomes a separate circle guideline which may be demonstrated by listening to others or even how circle participants accept, hold, and pass the talking piece.

Usually, facilitators also prefer to utilize a *centerpiece* as a reminder of the sacred nature of circles. The centerpiece may contain objects such as a candle, small plant, a small statue, or some other item of sentimental value. A centerpiece may contain objects that symbolize the values of the circle or school community. Sometimes, there is a story associated with a particular talking piece or item in the centerpiece that illuminates its meaning or significance.

Pre-Circle Conferencing

When convening a circle with a victim and offender, it is impractical to assume that the parties will naturally and openly share their feelings and judgments. Prudence would suggest a separate, private meeting with each individual. Restorative practitioners refer to this important step as pre-circle conferencing. Pre-circle conferences enable facilitators to gather information about the circle participants and begin to establish a core level of trust.

During a circle, there is always the possibility that the parties to a given conflict may feel vulnerable. With pre-circle conferencing, facilitators can familiarize the parties with the circle process and answer questions in a non-threatening environment. Often, during the pre-circle conference, parties will begin to share how they feel about the situation and whether or not they would be willing to talk about their feelings later in the circle. Once deeper understanding occurs, relationships between the facilitator and each party have a valuable foundation upon which to grow.

Restorative practices strive to repair harm. With restorative interventions, those who have misbehaved are asked to think about, and take responsibility for, how their actions impacted others. In order to repair harm, one must first understand its impact. Below, the trust model depicts the interplay between and amongst Community, Relationships, and Trust.



Components of the Pre-Circle Conference

Since it is entirely natural for referred students to feel some level of apprehension, most will appreciate a preview about what they can expect to experience later in the circle. Depending upon the facts or unique circumstances of each case, some modifications may be desired. But generally, the following questions will be asked of referred students who are directly involved in the situation or conflict:

- **Facts:** From your perspective, what happened?
- **Harm:** Who got harmed and how?
- **Feelings:** What are your personal feelings about what happened?
- **Repair:** What can be done to repair the harm?
- **Commitment:** What are you willing to do to repair the harm and resolve this situation?

Facilitators may find that some referred students will want to discuss some potential responses to these circle questions and even receive feedback about the reasonableness of their responses. From these discussions, the facilitator will often learn lots of details which will be of benefit later during the circle.

Pre-circle conference discussions may also enable participants to privately share their feelings in a one-on-one conversation with the facilitator. Through greater depths of understanding, trust may develop during the pre-circle conference. Most importantly, the pre-circle conferencing process will meet the ultimate objective of laying the groundwork for an open conversation and honest dialogue at the repairing harm or peer jury circle.

Once the questions are discussed during the pre-circle conference, the facilitator must discuss:

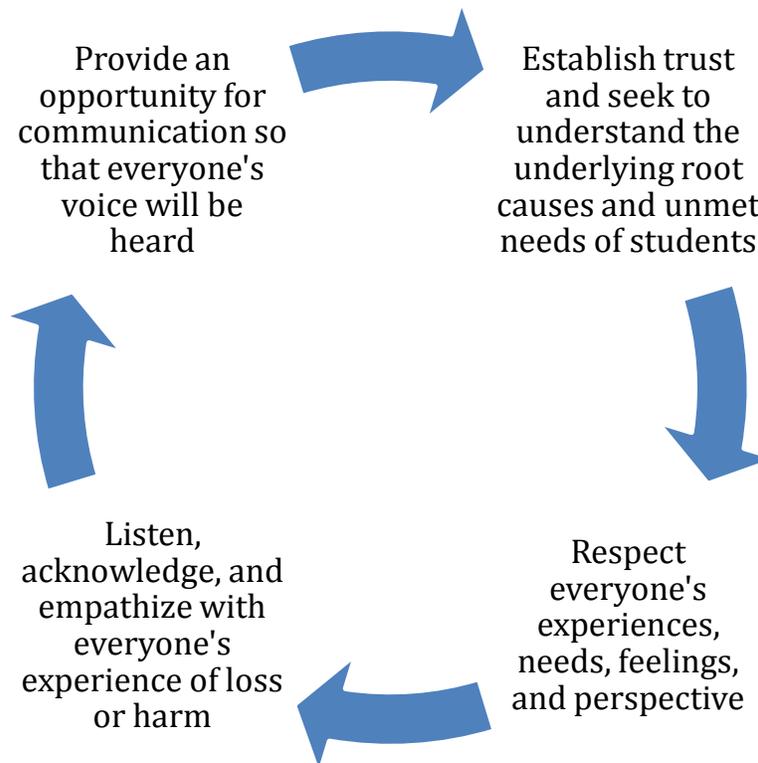
- **Voluntary Participation:** Each participant must be a free and willing participant.
- **Circle Guidelines:** Each participant must commit to following the Circle Guidelines during the circle. Sample guidelines are included on page 13.

After addressing these items, the referred student will have good, solid preview of the circle process. The facilitator should also be well prepared with a clearer understanding of the facts and the personalities of the participants. Before the circle begins, just a few other considerations remain. The next two sections will address these finer details.

Preparation Considerations for Facilitators

After completing the pre-circle conferencing with those directly involved and affected by the conflict, the facilitator should reach out for additional participants. Restorative justice practitioners typically advise that any community members with a stake in the issue should be invited. Again, every stakeholder's interest and willingness to participate must be assessed. In a school community, Repairing Harm or Restorative Peer Jury Circles may be comprised of anyone who has been affected by the conflict including teachers, classmates, parents, family members, etc.

At a minimum, every conflicted situation will include each person's perspective of: 1) Facts, 2) Feelings; and 3) Judgments. Thus, it is reasonable to conclude that each circle must offer an opportunity for each person to discuss their version of the facts, as well as their interior feelings and judgments about what happened. It is advisable to revisit some core values and principles of restorative justice practices when preparing for the circle. For example, consider the following core principles to guide the process in order to ensure its restorative nature.



Circle Guidelines / Common Agreements

Why does this guidebook prioritize common agreements and circle guidelines? Experience conducting thousands of circles and conferences has proven the effectiveness of maintaining a high level of personal safety. Good facilitators know that when circles become *safe containers*, participants more honestly and openly share their thoughts and feelings. Proficient facilitators value physical, emotional, and psychological safety.

Instead of being imposed upon them from an external authority, students in circles normally create their own circle guidelines based upon their personal values. Empowering students to determine their own list of guidelines increases the level of buy-in, investment, and ownership of not only the terms of the common agreements, but the underlying represented concepts as well. When students create their own guidelines, teachers explain that students tend to be more apt to hold their peers accountable to them.

While it may be tempting to adopt an approach to facilitation that favors “free flowing” processes without requiring circle members to “submit” to rules or guidelines, this guidebook advises against circles without any form, organization, or structure. Circle participants derive a healthy sense of safety from the certainty that common agreements and guidelines provide, and this type of safety should be considered another excellent strategy to build trust. Therefore, this guide recommends that leaders set proper limits and boundaries to ensure that all participants feel safe, self-assured, and confident that their needs will be considered and addressed. To support the development of the *safe container* concept for their circle, students at one MPS high school, James Madison Academic Campus (JMAC), created the following circle guidelines:

- 1) Respect the person possessing the talking piece.
- 2) Listen respectfully. “Side” talking is forbidden.
- 3) Speak using respectful language. No blaming, shaming, or put downs.
- 4) Speak from the heart and be honest.
- 5) Respect confidentiality: What is said in the circle stays in the circle.

Note that students may use words like *respect* without necessarily providing tangible examples. Different people may attach different meanings to what it means to be *respectful* of others when interacting. For example, *respect* may take the form of asking questions rather than making statements, not interrupting while others are speaking, asking for clarification rather than judging, accepting others who express themselves differently, or refraining from making noises of approval or disapproval when others express themselves. Healthy circles spend time discussing what is meant by certain words that express underlying concepts and values.

Confidentiality

Confidentiality must be secured. Trust depends upon confidentiality. Without trust, the Repairing Harm and Restorative Peer Jury Circles will have little credibility with students in your school community. The circle process seeks to repair harm and restore the trust needed to promote healthy relationships and vibrant classroom and school communities.

When violating their commitment to maintain confidentiality, circle participants disrespect their peers and undermine the integrity of the circle process. Student circle participants must understand that violations of confidentiality will not be tolerated and will result in future exclusion from participation.

While confidentiality can never be absolutely guaranteed to the circle participants, it must be requested of all involved. Likewise, commitment to confidentiality must be made. An example of a “confidentiality agreement” form is included in the appendix.

Community Building

Every restorative peer jury or repairing harm circle involves some type of issue related to an incident or conflict. A facilitator would never want to do anything which could potentially depreciate the seriousness of the situation, especially an incident involving a serious victimization. For that reason, some circle facilitators prefer to move directly into the issue that needs repair.

From a different viewpoint, many practitioners recognize that the most successful of restorative practices invariably rely upon the level of trust built amongst stakeholders. Since healthy communities depend upon trusting relationships, logically, most incidents involve a break or fracture or betrayal in trust. Therefore, in order to bolster the effectiveness and value of the circle, many facilitators choose to use a simple community building activity/exercise. Significantly, these facilitators will plan for the selection of an activity well in advance of the circle. For instance, the facilitator might ask everyone to state their names, grade levels, or some favorite place to travel or the identification of a favorite hobby, etc. No activity should take up too much time, nor interfere with or detract from the serious nature of the circle.

To summarize, the intention of the community building exercise: To foster trust and connection in the circle. After completing the activity/exercise, the facilitator must transition into the business of solving the problem.

Circle Keeper / Facilitator

Ideally, circle facilitator should have lots of experience and possess the confidence and ability to maintain a purposeful flow in the circle. After all, there is business to be done. There is a process that must be completed and questions that need to be answered, some by the referred student(s) and others by the entire circle.

At the same time, the circle keeper or facilitator must be cognizant that restorative justice deals with harm resulting not from the breaking of rules, but from damage to relationships now in need of repair and healing. The facilitator must create that sacred space where thoughts and feelings can be shared, and circle members acknowledge and listen to varying perspectives.

In addition to the information enumerated in this guide, some basic points that all repairing harm circle facilitators must possess in their repertoire include:

- The **history of Sacred Circles** and **significance of the Talking Piece & Center Piece**.
- A belief that students should learn that they are acceptable for who they are, not simply how they behave. Mistakes are inevitable. **Responsibility** is learned when students acknowledge harm, repair harm, and explore ways to behave differently.
- A belief that the circle members can influence their peers by suggesting alternative choices for referred student(s) to assert themselves in healthy and positive ways, instead of choosing passive or aggressive behaviors.
- A belief that as students learn responsibility, **students control themselves** from within, internally and intrinsically. Control thrust upon them from extrinsic, external, authoritarian pressure will usually result in rebellion.
- Restorative practices seek to improve **Social-Emotional learning** by engaging the *head* and the *heart*. People may like to think that their decisions are based solely on rational thought processes. However, many decisions derive, in whole or in part, from emotions.

As youth gain experience in circles and wish to step into the role of facilitator, schools may wish students to first share the responsibility as co-facilitators.

Repairing Harm, Restoring Relationships, & Building Community

The Repairing Harm Circle / Restorative Peer Jury Circle

There are many opportunities to engage youth in leading aspects of the circle process. As students learn more, they can be encouraged to become more involved.

The Physical Circle and Seating Arrangements:

Chairs should be comfortably placed in a circle arrangement. Chair(s) should be pre-designated for the referred student(s). Use common sense. Prepare strategically. For instance, do not place two combatants next to one another. Do not place victims in a compromising or threatening position. Always err on the side of keeping everyone in the circle safe from physical, emotional, mental, and psychological harm.

Student Co-Facilitators:

If youth are experienced enough to assist in the circle facilitation, consider appointing two circle keepers. These student co-facilitators will share the responsibility of making the introductory remarks in the circle, reciting the circle guidelines, and asking the questions during the circle. Even if students facilitate, adults typically participate.

Student Escorts:

If the students referred for discipline need to be located and brought to the circle, appoint one or two students to serve as escorts. While escorting the referred students to the circle classroom, these escorting students should be prepared to provide basic emotional support and reassurances to the referred students.

Student Note-taker:

One student should be appointed to take notes during the circle, especially regarding the circle's proposed resolution. As suggestions are made to repair the identified harms, the student note-taker will document the agreement in a more formal manner after the circle. In the appendix, a copy of a sample agreement used by teacher Molly Mollett at Vincent High School is provided.

Follow Up / Accountability Student:

One student should be appointed to follow up with the referred student(s) in order to ensure that all of the conditions of the final circle agreement are met.

Opening Remarks from the Circle Facilitator

Welcome and Introductions:

Welcome the referred student(s). Remember that it takes courage for students to face their peers. Allow all of the other circle participants to introduce themselves.

[Facilitator should consider the appropriateness of a short “community building” activity or exercise. See page 15 for more information.]

Voluntary Nature of Process:

Explain that the circle is meant to be voluntary, not compulsory. Ask the referred student(s) about their willingness to participate in the circle.

Purpose:

Inform referred student(s) that the circle offers them an opportunity to tell their side of the story and to repair any harm that resulted from the situation. The circle participants are present to assist and provide community support for the referred student(s) to exercise responsibility. The purpose of the circle is not to lay blame, belittle, or shame people.

Circle Components, Circle Guidelines, and Confidentiality:

Explain the talking piece and center piece. Recite the circle common agreements or guidelines. Everyone must commit to abiding by the circle guidelines, including confidentiality. Make sure everyone signs the confidentiality agreement. In the appendix, a copy of a sample confidentiality form used by Vincent High School teacher Ms. Molly Mollett is provided. All participants must sign the form.

[See page 13 for a set of sample “circle guidelines” or “circle common agreements” created by high school students at James Madison Academic Campus.]

Follow Up / Accountability:

Typically, the repairing harm or restorative peer jury circle replaces an administrative discipline referral. If the circle reaches no resolution, then the matter is returned to school administration to decide the case's outcome. If the matter reaches a successful resolution, then someone will be appointed to follow up to ensure the referred student(s) fulfill their obligations according to the written circle resolution agreement, a sample of which is attached in the appendix.

Five Circle Questions

1) **FACTS: From your perspective, please describe what happened?**

This question is posed to the referred student(s) who have an opportunity to share their side of the story. If there is a written discipline referral that the facilitator wishes to read, ask if the referred student(s) agree with the accuracy of the referral. The facilitator may ask: "Would you like to add anything?" OR "Did anything provoke this incident?" OR "Did anything precipitate this incident?" OR "Did you come to school bothered or upset or angry about something else?"

The facilitator may ask if other circle participants have clarifying or follow up questions pertaining to the facts. However, maintain a high level of trust. Refrain from accusatory questions which will cause the referred student(s) to become defensive.

2) **HARM: Who was harmed & How?**

This question is open for the whole circle to answer the ripple effect of harm. Participants share their reflections about who was impacted and how different people were affected. If the referred student struggles with this question, consider asking: "If you could do everything over again, would you do anything differently? Why?"

3) **FEELINGS / EMPATHY: What are your personal feelings about what occurred? OR Whom do you identify with or relate to (empathize with)?**

For referred student(s), ask the "feelings" question. For the other circle participants, ask them to empathize with one or more referred students. Empathy improves connections and increases support. Once peer student advisors relate a similar experience from their own lives, trust usually flourishes. With increased trust, referred student(s) will typically open themselves to hearing advice as to what should be done to repair the harm. Never heap shame and blame upon the referred student(s).

4) **REPAIR HARM: What can be done to repair the harm?**

After ascertaining ideas from the entire circle about what can be done to repair the harm, the facilitator may ask: "Now that you have heard our ideas, what are you willing to do to repair the harm and make this situation 'right' again?" Depending on the facts, a student may agree to apologize, pay restitution, be on time to class, complete work, do community service, etc. If the referred student(s) get stuck, ask what their teacher might want them to work on. Ascertain ideas from the circle. Ensure that the student commits to an agreement that successfully can and will be met.

5) **COMMUNITY COMMITMENT: How are you willing to contribute, and what can you do to support _____ in repairing the harm?**

Dissecting the Nature of Harm

Facilitators will desire that the student advisors gain a level of competency in recognizing the various ways in which victims and other community members were impacted by a situation. Restorative justice proponents often refer to the impact as the “ripple effect” of harm. For novices, facilitators may wish to guide the circle towards recognition of the harms. Later, the student advisors will become adept.

Victims experience many types of harm depending on the nature of the trauma suffered from the offense(s). Trauma may be acute, chronic, or complex. While a full discussion related to trauma is beyond the scope of this guide, the table below contains several layers of harm which a victim may experience. The list below is meant to be comprehensive, but by no means, complete. Thanks to Erin Katzfey for this contribution.

PHYSICAL	EMOTIONAL	PSYCHOLOGICAL	FINANCIAL
Trauma to body	Fear, Angst, Apprehension	Paranoia of others or of being alone	Personal out-of-picket expenses
Bruises	Anger & Rage	Social isolation	Loss of wages/ inability to work/ loss of job
Fractured bones	Sense of Hopelessness	Intimidation by others	Insurance deductibles and premium increases
Cuts & Contusions	Sense of Helplessness	Manipulation by others	Law enforcement costs
Burns	Feelings of Isolation	Memory losses or repressed memory	Prosecution/ trial costs
Scars and marks	Feelings of Insecurity	Panic Attacks and crying outbursts	Defense counsel costs
Black Eyes	Sadness	Inability to sleep and Nightmares	Costs of jails, camps, halls, institutions, prisons, and special community programs / supervision
Tremors/shaking	Shame & Guilt	Inability to feel clean and need to bathe or wash many times	In extreme cases, funeral costs
Fatigue	Embarrassment, Humiliation	Depression	Medical costs
Ulcers	Confusion	Wanting to die	
Stomach pains/aches	Depression	Difficulty having normal sexual relationship	
Pregnancy	Suicidal feelings		
Loss of life	Vulnerability, Powerlessness		
Sexually transmitted diseases			

Concluding the Circle

- **WRITTEN AGREEMENT:** One of the student peer advisors should write up the contents and substance of the agreement (what the referred student is willing to do to repair the harm). A sample written agreement is included in the appendix.
- **ACCOUNTABILITY:** The facilitator must explain that the circle will hold the referred student(s) accountable by following up with the referred student(s) and/or teacher in the time agreed upon. One or two peer student advisors must be appointed to check in with the referred student(s) and/or teacher, perhaps on multiple occasions until the agreement has been substantially completed.
- **FAILURE TO MEET THE TERMS OF THE AGREEMENT:** The facilitator must ensure that referred student(s) understand that if the agreement is not completed on time, then the original consequence will be reinstated (suspension, detention, etc.) OR the student referral will be returned to the school office for a different, alternative disposition.
- **UNINTENDED CONSEQUENCES (& UNINTENDED BENEFITS):** Repairing harm and restorative peer jury circles should repair harm, not cause it. Before concluding the circle, the facilitator must consider all phases of the interactions. Did anything happen during the circle or was anything said which could cause a participant to seek retribution? Asking this question is especially vital for circles that address bullying situations where power and control issues are present. Consider whether a target of bullying will be safe from future harm. Finally, consider the reverse. Consider the beneficial fruits of your work, so that the community may accentuate positives and build upon strengths.
- **REVISIT CONFIDENTIALITY:** Before closing, revisit the commitment that each member of the circle made related to confidentiality. If necessary, present hypothetical examples of how a participant might respond to an outsider's request for information about the subject matter of the circle.
- **SURVEY:** Repairing harm and restorative peer jury circles will only become more trustworthy and retain more credibility if participants are surveyed, informative data collected, and the feedback integrated to improve the processes. The implementation of repairing harm and restorative peer jury circles must continue to co-evolve. A sample survey is included in the appendix of this guide.

Post-Circle Follow Up and Accountability

This stage is as important as any regarding the success of circles. If participants are not held accountable to their agreements made during the circle, the time and efforts of everyone involved is wasted. Accountability honors the efforts made by the circle to rebuild the relationships that were scarred by the conflict.

Select a time and place for follow up for referred student(s) to meet with a designated circle student advisor. Ideally, the referred students will follow through with their commitments, thereby taking the steps necessary to repair the harm caused by their misconduct or misbehavior. Facilitators must ensure that referred students have continued support to meet their obligations, if needed.

If referred students fail to complete their obligations as set forth by the restorative circle agreement, the facilitator must decide upon the best course of action. Each participant must understand what disciplinary action will result from a breach of the restorative circle agreement. Failing to take responsibility could require some administrative action through school or even action through the courts. No matter the outcome, students need to learn and experience personal responsibility.

Things to Keep in Mind

Conflict occurs in relationships. Instead of conflict becoming a destructive force, it can serve as a useful learning opportunity. If youth believe that “good” relationships are void of conflict, or that conflict spells the end of a relationship, dispel these myths. Youth need to understand that healthy relationships demand the resolution of conflict.

Conflict may arise when peoples' expectations are unmet, when their beliefs become challenged, or their trust gets broken or betrayed. All people enter into relationships with values formed by earlier experiences. When values clash, sometimes emotions flare, feelings get hurt, and relationships become damaged.

Youth can learn the skills to address conflict by choosing to assert themselves in a positive manner instead of internalizing problems and suffering through the emotional and physical pain of unaddressed conflict and rage. The next section introduces the basic core human emotions, as well as their *operational* definitions. Since emotions inevitably become a factor in just about every conflicted situation, students should gain fluency with the operational definitions of these basic core emotions as well as the means to unravel some tangled emotional situations. After this discussion, the underlying needs of students are addressed.

Understanding Core Emotions

Mad: When I'm feeling mad, the energy is always about *me not getting what I want*.

"Mad" encompasses feelings and emotions ranging from irritated, annoyed, and frustrated to anger and rage.

Glad: When I'm feeling glad, the energy is always about *me getting what I want*.

"Glad" encompasses feelings and emotions ranging from content and confident to happy, ecstatic, and loved.

Sad: When I'm feeling sad, the energy is always about *me experiencing loss*.

"Sad" encompasses feelings and emotions ranging from loneliness, melancholy, and sadness to deep loss, abandonment, and grief.

Scared: When I'm feeling scared, the energy is always about *me concerned about getting hurt*. The *hurt* can be physical or financial, but it is often an emotional, psychological, mental, spiritual, or even social hurt (such as when feelings get hurt).

"Scared" encompasses feelings and emotions ranging from caution, insecurity, and suspicion to anxiety, fear, and shock.

Shame: When I'm feeling ashamed, the energy is always about *me feeling bad about who I am*.

"Shame" encompasses feelings and emotions ranging from embarrassed and not feeling "good enough" to humiliation and self-hatred.

Note: Guilt is not the same as shame. When I'm feeling guilt, the energy is about *me feeling bad about something I've done*, an action or behavior. For that reason, guilt is sometimes considered part emotion/part judgment.

Feelings that are NOT Emotions: People often mistake judgments for emotions. For instance, feeling *exhausted* or *confused* or *hysterical* or *disgusted* or *mischievous* or *smug* or *overwhelmed* or *hopeful* or *jealous* or *bored* or *surprised* or *shy*... these "feelings" are actually judgments. The judgments may describe a core emotion but are not emotions unto themselves. For instance, jealousy may describe one emotion in particular or a combination of emotions such as mad, sad, scared and/or shame. People will commonly mislabel feelings in this manner. So, in order to fully understand the underlying meaning, you may have to query the individual further to understand what core emotion that person has in mind.

Underlying Needs of Students

On the continuum of addressing harm, many incidents will not rise to the level of necessitating a full circle process. Often, school personnel may not have the time during their busy days to engage students in a full circle process. Sometimes, incidents need immediate resolution. On these occasions, educators can still avail themselves of the restorative principles of addressing harm. This is accomplished by using restorative language, focusing on the harm, and conceiving ways to repair the harm.

Over time, students can learn the principles, redress conflict, and repair their own relationships. Master the following three assumptions underlying the restorative justice conflict resolution processes.

Assumption #1: Misbehavior/Misconduct =
Attempts by students to get their NEEDS met.

Assumption #2: Needs

- 1) Inclusion (Acceptance & Belonging)
- 2) Competence (Success & Failure themes)
- 3) Control (Power, Fun, & Freedom to innovate/create)
- 4) Love (Friendship, Nurturance, Affection, Generosity)
- 5) Survival (Physically and Socially)

(Wm. Glasser, Betty Geddes, and Brendtro, Brokenleg & Van Bockern)

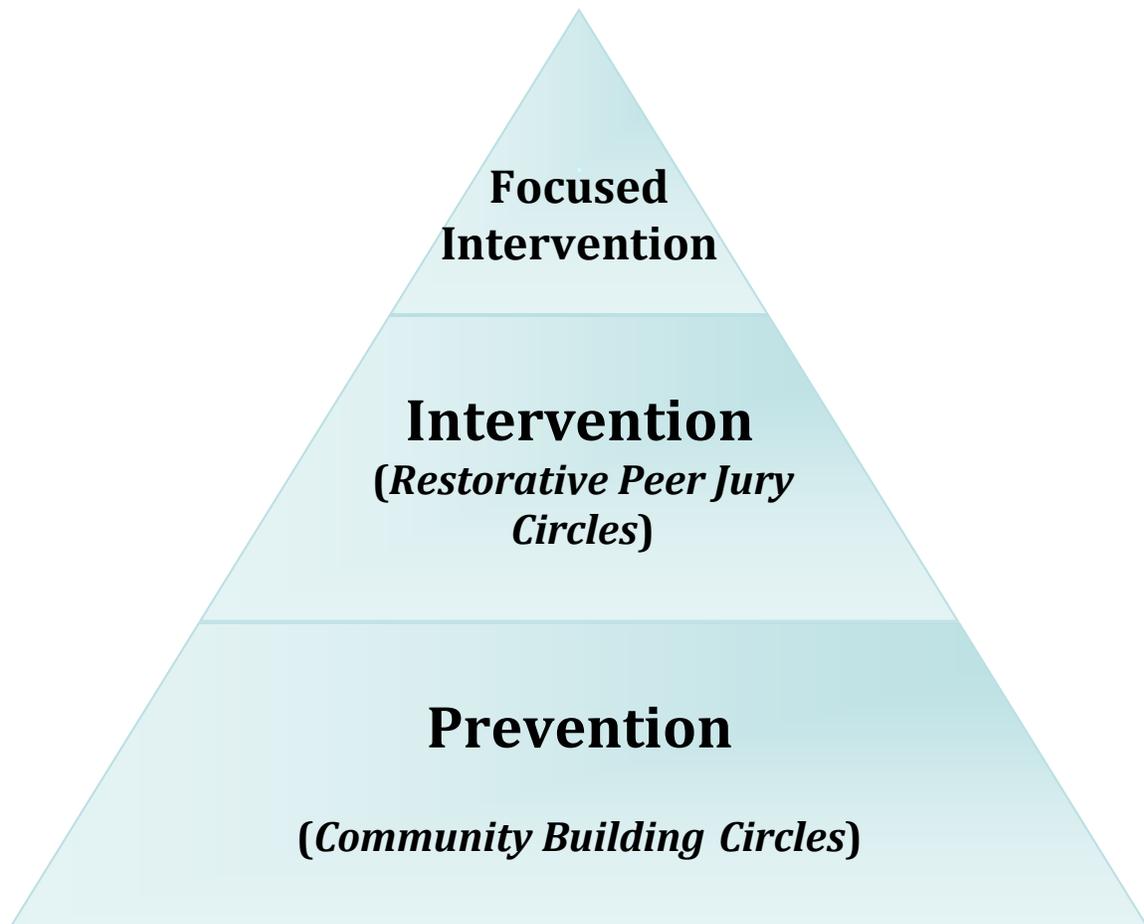
Assumption #3: Core Emotions

- 1) Mad
- 2) Glad
- 3) Sad
- 4) Scared
- 5) Shame

Since misbehavior and misconduct are misguided attempts by students to get their needs met, it is important to have a list of needs handy (such as the one above) when addressing students and particular factual situations. Restorative justice practitioners always attempt to address the underlying root causes of the behavior.

Positive Behaviors, Interventions & Supports (PBIS)

Repairing harm and restorative peer jury circles are accepted strategies for implementing PBIS in school communities. Community building circles most often address issues within the PBIS Prevention tier. Repairing harm and restorative peer jury circles address issues arising at the Intervention tier. These circles may or may not be appropriate for the Focused Intervention tier depending upon the facts and circumstances of individual cases. Generally speaking, schools may have mandatory interventions associated with cases involving illegal drug possession and drug dealing, firearms/weapons possession, dating violence and sexual abuse, as well as cases of extraordinary violence and/or bloodshed. Educators and mental health experts must appropriately screen students for participation in these strategies and interventions.



Trust and Mandatory Reporting of Child Abuse & Neglect

Many young people have direct, traumatic experiences of abuse in their lives. As educators and professionals, we want to encourage young people to share these stories of abuse with trustworthy adults, so that necessary steps can be taken to responsibly ward off future abuse and address the scars left from physical, emotional, psychological, or sexual abuse.

It is important to help stop abuse and end it. Sensitive interventions can help place victims in a position to address abuse and become survivors of it. However, the transformative journey from victim to survivor must be handled in a delicate, responsible, and dignified manner.

We want young people to trust and feel safe when talking about their life experiences in our restorative circles. However, under the law, teachers and other professionals in schools are necessarily mandatory reporters of child abuse and child neglect.

Our experience is that disclosures pertaining to abuse are best handled in a personal, one-on-one context whenever possible. Should a disclosure emerge in the context of a circle in front of several participants, several issues may surface. Most significantly, while confidentiality is a high priority for circles, teachers and circle facilitators can only ask members of the circle to keep information confidential. As mentioned earlier, no teacher or circle facilitator can absolutely guarantee confidentiality. If expectations of strict confidentiality are misunderstood or broken in any manner, then trust in the integrity of the circle may wane.

Also, while a victimized youth may experience an elevated sense of trust in the moments directly before and during a disclosure of abuse, there exists the risk that the victimized youth will later feel differently. A victim may regret his or her decision to disclose abuse in front of the larger group. An experience of shame or humiliation or a feeling of being “judged by others” may become a future impediment to the victim’s healing.

Therefore, this guidebook strongly recommends that disclosures of abuse occur outside the setting of the circle whenever possible. That means that facilitators will need to pay heightened attention to the circle, and on a rare occasion, perhaps be forced to steer a student away from momentarily speaking until the disclosure can occur in a safe, one-on-one setting.

Understandably, abrupt interruptions of students while they are in the midst of speaking might temporarily dampen the trust level for some members in the circle. Of course, that means that teachers and facilitators may need to repair a rupture in the trust of the circle. But in these limited circumstances, we think it advisable.

A Final Word or Two for Circle Facilitators

“Life is like a game of cards.
The hand that is dealt you represents determinism;
The way you play it is free will.”
– Jawaharal Nehru

Often, circle facilitators are referred to as *Circle Keepers*, meant as a special designation for the responsibility and thoughtfulness required. In many senses, by accepting the mantle of *Circle Keeper*, one individual agrees to provide for the needs of the circle and support the individuals therein. This can be an intimidating challenge, as well as a huge responsibility.

The *Circle Keeper*, or circle facilitator, has the responsibility for holding the circle participants together in a “safe container.” In the circle container, safety must reign supreme. When we use the term – safety – we do not mean just *physical* safety, although physical safety is required at all times. In the context of Repairing Harm Circles and Restorative Peer Jury Circles, safety is used in a much broader sense, meant to encompass the wholeness of each individual, including *emotional* and *psychological* and even *mental* or *spiritual* safety as well.

Facilitation is both an art and a science. Circle facilitation needs form, substance, and boundaries, yet it longs for freedom as well. It needs definition and certainty, while it yearns for creativity. Knowledge and experience are important, while intuition and flexibility add vitality. Circle Keepers maintain objectivity, while providing space for subjectivity. One needs to stay the course, yet occasionally allow people to linger awhile.

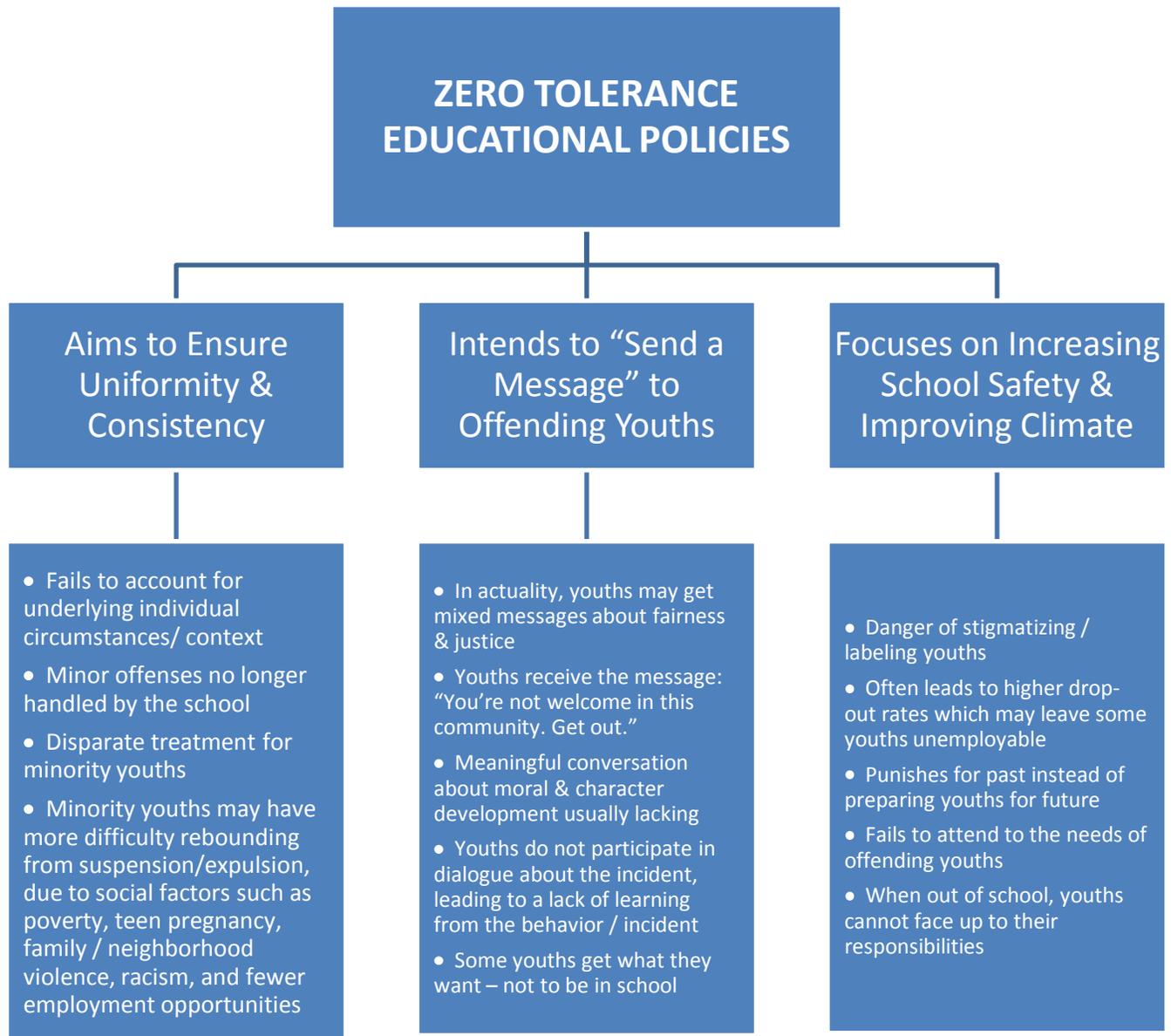
John Muir once said: “The power of imagination makes us infinite.” While imagination is a powerful asset for a successful Circle Keeper, members of the circle may desire and need definitive boundaries. Remember that trust is earned for many people over time, and safety requires boundaries. So, facilitating circles ideally maintains that sense of balance.

Today, I accept the mantle of Circle Keeper.
I accept this mantle humbly in the service of each member of this Circle.
The needs of the Circle supersede my own needs.
I serve as an instrument for the caring support of each member of the Circle.

My responsibilities touch each member of the circle.
As such, I seek to authentically speak my Truth.
I desire the wisdom borne of understanding and empathy.
I seek to safeguard the dignity and value of each person in the Circle.

Zero Tolerance Educational Policies

On the following pages, we wish to include some insights into the restorative paradigm as well as other paradigms such as zero tolerance. Over time, circle facilitators will want to build their awareness of the existence of these often competing and contradictory mental models and discern processes to encourage the adoption of more restorative strategies, approaches, and practices.



Dedinsky, P. (2012). *Experiencing Restorative Justice Practices within the Context of an Academic Course – A Phenomenological Mixed Methods Study*.

Examples of Differences between a Punitive Paradigm and a Restorative Paradigm

The <i>Punitive</i> Paradigm	Issues	The <i>Restorative</i> Paradigm
Is the school district's view of discipline weighted too strongly towards punitive measures and objective results, at the expense of more meaningful measures?	<i>DISCIPLINE</i>	Is discipline viewed as a <i>learning opportunity</i> ? Do school district practices demonstrate decision-making that fully considers the best interests of children, classrooms, schools, and the community?
Are our standards communicated as "rules to be followed"?	<i>STANDARDS</i>	Do standards reflect the honored, touchstone values of the district?
Is behavior controlled by external/ outside pressures that are exerted upon students?	<i>CONTROL</i>	Do we view children as controlling their own behavior from within?
Is misbehavior personalized by school teachers and administrators, such that students are perceived as plotting attacks to undermine the school's ability to teach?	<i>MISCONDUCT & MISBEHAVIOR</i>	Does the school community view misconduct/misbehavior/poor decision-making as a misguided attempt by a student to get his or her internal needs met?
Are children merely taught content, without problem solving skills or context?	<i>LEARNING & SKILL BUILDING</i>	Are children <i>problem solvers</i> , capable of learning to respond responsibly to the context of the world's circumstances?
Are children expected to rigidly obey standards?	<i>EXPECTATION OF CHILD</i>	Are children expected to struggle, such that they naturally seek and receive guidance?
Do children feel acceptance as conditioned upon their actions and behaviors?	<i>MESSAGE CHILD RECEIVES</i>	Does each child feel unconditionally accepted?
Is accountability meted out by adult to child in a hierarchical fashion, with little input from or dialogue with the child and parent(s)?	<i>ACCOUNTABILITY</i>	Is accountability perceived as a valuable gift given to a child within a trusting relationship, following an interchange of dialogue, listening, and understanding?
Is responsibility used to blame wrongdoers, shame malefactors, and punish offenders?	<i>RESPONSIBILITY</i>	Is responsibility used as a means to allow the offender to first "own" their behavior and then take action to repair the harm resulting from the misconduct?
When a child receives discipline, do we suspend as a first, rather than last, resort and/or seek to swiftly move that child to a different building?	<i>SCHOOLS</i>	When a child receives discipline, is the school committed to reintegrating the child back into the school community through a process that reduces any harmful effects caused by the child's behavior and/or repercussions from the disciplinary process?

Final Review: Restorative Justice Practices

In many ways, the implementation of the restorative philosophy is a personal journey, specific to each individual. Several principles may serve as touchstones for this journey, summed up in the following questions:

- 1) Am I establishing trust and seeking to understand the underlying root causes and unmet needs of students?
- 2) Am I respecting everyone's experiences, needs, feelings, and perspective?
- 3) Am I listening, acknowledging, and empathizing with everyone's experiences of harm and loss?
- 4) Am I providing an opportunity for communication so that everyone's voice will be heard?

When addressing misbehavior or conflict, emotions are important, as are internal needs. Students may misbehave as a result of attempting to get their internal needs met. At a minimum, facilitators need to consider the following needs:

- 1) Survival (can be physical, but is often, social or emotional)
- 2) Inclusion (student's need to belong and feel accepted)
- 3) Competence (student's need to experience success and avoid failure)
- 4) Control (students need to feel freedom, creativity, power, and fun)
- 5) Nurturance / Affection (the human need for friendship, generosity, and the basic need to give and receive love)

Milwaukee Public Schools have adopted many restorative practices over the course of the past decade. Some of the most popular circle processes have included:

- 1) Community Building Circles
- 2) Restorative Peer Jury Circles or Repairing Harm Circles
- 3) Teaching Curriculum in Restorative Justice Circles

No matter the restorative strategy, approach, or practice, three goals have always remained steadfast to the implementation of restorative justice in MPS:

Building Community, Repairing Harm, and Restoring Relationships.

Appendix

- Confidentiality Agreement
- Sample Restorative Justice Agreement
- Sample Feedback Survey

**** Confidentiality Agreement ****

Restorative Justice Circle

Name _____ Date _____

Repairing Harm and Restorative Peer Jury Circles are voluntary. The processes seek to work with all stakeholders to an incident in order to repair harms to relationships in the community. While a referred student may discuss these proceedings at his/her discretion, confidentiality is expected by all other participants. Violating this confidentiality agreement will have direct consequences which will include, but not be limited to, immediate removal from all future circle participation. Your signature below indicates your agreement to keep all information related to this repairing harm circle confidential.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____

Participant _____

Restorative Justice Facilitator _____

* Sample Restorative Circle Agreement *

I, _____, agree to the following terms /conditions:
Student Referred for Incident

in order to repair the harm caused on _____.
Date(s) of Incident

This will be completed by _____.
Date of Expected Completion of Agreement

I understand that _____ will
Name of Follow-up Student

provide follow up services for this case. If I have not completed this agreement, I may be called back to account to the circle or sent to my program or school administrator.

Dated this _____ day of _____, 201____.

Referred Student's Signature

Follow-Up Student's Signature

Facilitator's Signature

Sample Feedback Survey

Name _____ Date _____

We would like you to fill out this simple form to give us some feedback.

1. Was this process helpful to you? If so, how? If not, why?

2. Will your participation in this process change your relationship with another person with whom you have been in a conflicted situation? Yes No

How? _____

3. After your participation in this circle process, what is one way you will react differently the next time you are faced with making a difficult decision or situation?

4. Do you think this process is more beneficial than other ways your school has handled disciplinary situations? Yes No

If yes, how? _____

5. Name one part of this process that was the most valuable to you?

6. Considering your experience with this process, what is one improvement that you would recommend?
