

**HARMONIZING RESTORATIVE JUSTICE VALUES,
PROGRAMMES, AND WHOLE SCHOOL CULTURE**

by

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ABSTRACT

Despite difficulty finding its role and place in society, the intuitive appeal of restorative justice has contributed to its expansion into schools. In an attempt to explore the “fit” of restorative justice in education, this thesis asks what conditions are necessary for restorative justice to be reflected in school culture. This qualitative study employing 22 in-depth interviews and document review explores the benefits, challenges and place of restorative justice in the educational setting with a view to improving policy and practice. Institutional barriers such as a lack of time and resources, as well as a lack of awareness about restorative justice present themselves as obstacles. A moderately paced whole school introduction to restorative justice is the most appropriate implementation strategy for culture shift. The results tend to suggest that there is a prominent place for restorative justice in formal education, as it inspires a democratic citizenry.

Keywords: Restorative justice, schools, policy, practice, culture shift, democracy.

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May the voices of all people with a story to tell be heard.

TABLE OF CONTENTS

Approval	ii
Abstract	iii
Acknowledgements	iv
Table of Contents	v
List of Diagrams and Tables	vii
CHAPTER ONE: RESTORATIVE JUSTICE AT A GLANCE.....	1
<i>Where Does Restorative Justice ‘Fit’ in Civil Society?</i>	1
<i>Restorative Justice in Education</i>	2
<i>Organization of the Thesis</i>	6
CHAPTER TWO: RESTORATIVE JUSTICE IN CIVIL SOCIETY	8
<i>Introduction</i>	8
<i>What is Restorative Justice?</i>	8
<i>Restorative Justice in Civil Society</i>	12
<i>An “Explosion” of Restorative Justice</i>	13
<i>Pop-Ups, Cooptation and the Proliferation of Restorative Justice</i>	14
Elder Abuse	15
Prison and Corrections	16
Workplace Conflict Resolution	17
Youth Justice	18
Criminal Law	21
Gendered Violence and Sexual Abuse	21
Serious Crime	24
Schools.....	25
<i>Conclusion</i>	27
CHAPTER THREE: RESTORATIVE JUSTICE IN SCHOOLS	28
<i>Introduction</i>	28
<i>School Climate & Culture</i>	29
<i>Bullying</i>	34
<i>Anti-Bullying, Peer Mediation and Other School Programmes</i>	37
<i>Vision and Leadership</i>	40
<i>An Ethic of Care</i>	41
<i>Education for Morality and Citizenship</i>	43
<i>Introducing Restorative Justice in Schools</i>	46
Much More Than a Conference.....	47
Applying Restorative Justice Values and Principles	48

Restorative Justice as a Means to Reduce School Violence.....	49
Possibilities for Implementation.....	51
Rethinking Safety	53
CHAPTER FOUR: RESEARCH DESIGN	55
<i>Research Questions and Strategy</i>	55
<i>The Peacemaker Project</i>	56
<i>Gaining Access and Participant Selection</i>	58
<i>Data Collection</i>	59
<i>Analysis</i>	63
CHAPTER FIVE: EXPLORING RESTORATIVE JUSTICE IN BURNABY SCHOOL DISTRICT.....	65
<i>Introduction</i>	65
<i>Problem Behaviours in the District and Restorative Justice</i>	65
<i>School Interventions</i>	71
<i>Exploring the Supportive Cultural Context of Burnaby’s Schools and the Fit of Restorative Justice</i>	84
Participants’ Thoughts on Restorative Justice and Perceptions of its Presence in Their Schools.....	87
CHAPTER SIX: LESSONS LEARNED FROM THE BURNABY EXPERIENCE.....	98
<i>Introduction</i>	98
<i>What Are the Barriers (Actual or Potential)?</i>	98
<i>Where Do We Go From Here?</i>	102
<i>What Is The Potential For Restorative Justice in the District?</i>	108
<i>Partial Implementation or Whole-School Approach?</i>	111
<i>Collaboration, Not Coercion</i>	113
CHAPTER SEVEN: FUTURE DIRECTIONS	115
<i>Increasing the Intersection of the Three P’s: Policy, Practice and Principles</i>	116
<i>The Relationship between Restorative School Life and Democracy</i>	118
<i>Widening the Circle of Knowledge</i>	120
<i>Recommendations for Future Action and Research</i>	124
<i>Conclusion</i>	126
APPENDIX A: INTERVIEW QUESTIONS - TEACHERS	128
REFERENCES	130

LIST OF DIAGRAMS AND TABLES

Diagram 1: The Intersection of School Policies, Practices, and Restorative Justice.....	3
Diagram 2: Some Applications of Restorative Justice in Civil Society	15
Diagram 3: The Reciprocal Alignment of School Policies, School Practices and Restorative Justice Principles.....	117
Table 1: Basic Information about Research Participants.....	62
Table 2: A Summary of Advantages and Disadvantages of Conducting Interviews and Document Review	63
Table 3: An Overview of Participant Responses Concerning Their Definition of Restorative Justice and Whether Their School Has It.....	89

CHAPTER ONE: RESTORATIVE JUSTICE AT A GLANCE

Participant: Are you going to put some of the research out to encourage this to come along in our school system? Because that would be great! I'd be an advocate of that for sure.

Where Does Restorative Justice 'Fit' in Civil Society?

Restorative justice has had an arduous time finding its role and place among traditional forms of justice in society. In the criminal justice context, restorative justice is a minor part of an overwhelming justice system characterized mainly by punitive, retributive reactions to wrongdoing. Addressing this problem, Garland adds perspective: "Notwithstanding the humane ideals of restorative justice, the unpalatable but inescapable fact is that restorative justice programmes are embedded in a contemporary political and cultural context where punitive exclusionary punishment is dominant" (2001:18). Compounding the problems that arise when restorative justice "comes up against the inertia of a highly punitive system" is the resistance encountered when restorative programmes seek to find their position in societal institutions (Roche, 2003:7).

Nevertheless, restorative justice has gained a great deal of popularity as evinced by the proliferation of restorative justice programmes worldwide through the efforts of practitioners, policy makers, researchers and governments (Van Ness & Heetderks Strong, 2002). Restorative justice, as an approach to justice that views crime as a violation of people and of interpersonal relationships (Zehr, 2002), has tremendous appeal in the criminal justice system and beyond. The potential seen in restorative justice to restore losses from crime, to educate about deeper social issues behind conflict, to curb

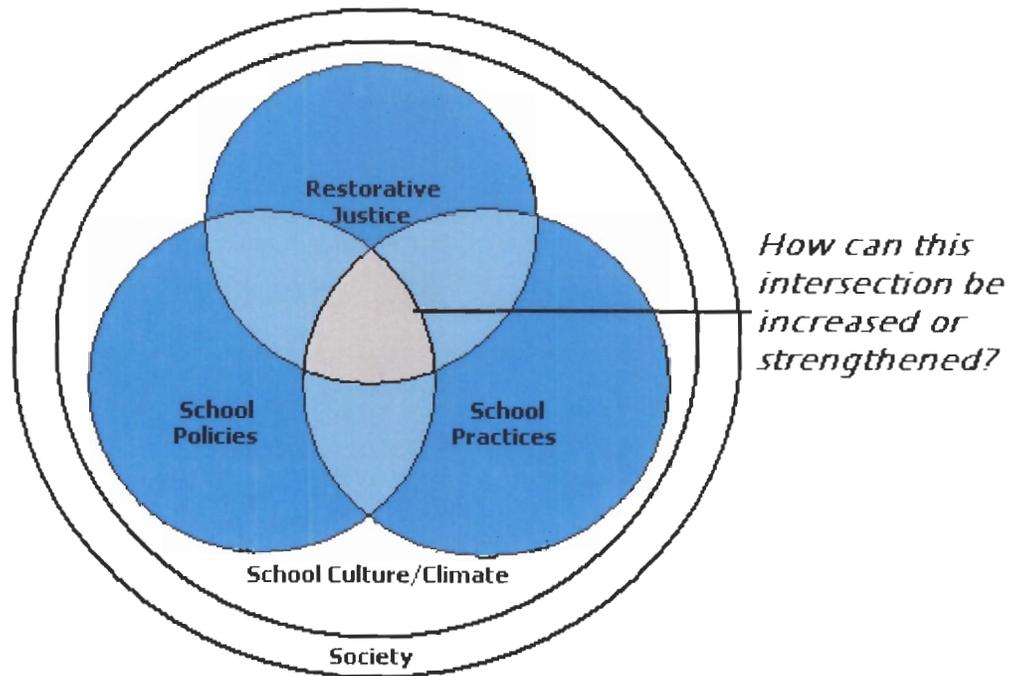
cycles of violence and harm, and to address the fundamental needs of people democratically puts restorative justice at the forefront of viable options for justice.

Inherent in the sweeping enthusiasm behind restorative justice is the risk of cooptation and misappropriation of restorative values and principles. Comparable to a game of “Whack-A-Mole,” restorative programmes are “popping up” at a rapid rate. As one programme is knocked down because of funding cuts, under-developed implementation strategies or internal resistance, several other versions of restorative justice are likely to appear such that the rate of expansion supersedes the thoughtful consideration required in pre-planning stages. Some practitioners are concerned that restorative justice practice has led, and possibly exceeded, restorative justice theory (Braithwaite & Strang, 2001; Roche, 2003; Schweigert, 1999). Umbreit, for example, refers to the phenomenon as “McDonaldization” when referring to the “industry” of restorative justice in juvenile justice systems (2001).

Restorative Justice in Education

In examining closely the relationship that exists at the intersection of policy (written or unwritten), practice (formal or informal), and restorative justice principles and values in schools, the aim is to better understand the relationship and strengthen the intersection. In particular, how can a close arrangement between these aspects be achieved given the nature, climate and values of contemporary schools? Given that the educational environment has traditionally been retributive in regards to discipline policies, what is the capacity for restorative justice to be reflected there?

Diagram 1: The Intersection of School Policies, Practices, and Restorative Justice



Harmful behaviour and violence in schools appear to be occurring at unprecedented levels. A great deal of courage or “moral strength” (Coloroso, 2002) is required to take a stand against bullying and violence in schools while promoting positive relationships. Traumatic events, like bullying in childhood, have the power to destroy fundamental assumptions about the safety of the world, cause people to feel abandoned or disconnected, shatter trust, and call the positive value of the self into question (Herman, 1997; Zehr, 1990). Herman explains that the core experiences of trauma are disempowerment and disconnection; the core experiences of recovery, then, are empowerment and reconnection (1997). A sense of self, however, “can be rebuilt only as it was built initially, in connection with others” (p. 61). Embracing processes by which conflicts and safety issues are dealt with in the school community through means that

ultimately lead to relationship building may be ideal. Restorative justice aims to build or rebuild relationships and focuses on accountability, healing, and the reparation of harms done within a system of support. Sharing harmful experiences with caring others “is a precondition for the restitution of a sense of a meaningful world” (p. 70). Schools may be the most appropriate institutions for focusing on reducing antisocial and criminal behaviour patterns in children (Morrison, 2002). Moreover, the school provides a safe environment in which to instil and practice the values and principles espoused by the restorative justice paradigm, particularly when the school culture embodies an ethic of care (Noddings, 1992).

Schools have a major role to play in raising healthy, competent, mindful children, and are less likely to achieve their goals, academic or otherwise, without providing care and continuity. Certain changes to curriculum planning, teacher preparation and educational philosophy may constitute what is needed to transform schools into “centres of care” (Noddings, 1992). Drawing from the work of Noddings (1992), Cassidy and Bates argue, “Schools can and should be organized in ways that support the efforts of teachers and others to care for children and adolescents” (2005:2).

The insights offered by a sample of educational professionals from Burnaby School District in British Columbia provide an example of what is possible for restorative justice in education. Speaking directly to educational professionals to gain their views on implementing, understanding and using restorative justice daily in schools offers a unique opportunity to engage in a process of defining and redefining the values and principles of restorative justice. Society may have lost its capacity to engage in such a process.

Trained professionals have become experts in “stealing” our valuable conflicts as though

they were property, resulting in “a trained incapacity in letting the parties decide what *they* think is relevant” (Christie, 1977:8, emphasis in original). Christie urges us to re-establish the credibility of people and communities to find suitable conflict resolutions through personal encounters.

One way for communities of all kinds to build capacity to engage in dialogue, to problem-solve, and to clarify values is through democracy. Democracy, however, must be *taught* (Braithwaite, 2000). In the words of Braithwaite, “We are not born democratic. We are born demanding, inconsiderate, disgruntled whiners, rather than born listeners. We must learn to listen, to be free and caring” through deliberations that lead to responsible citizenship (2000:3). Presumably, this responsibility would fall within the purview of the school, a principal social institution for learning. Noddings suggests teaching themes of care in regular subject-matter classes (1995). Whitley notes, “What has been evolving over the past decade though, has been a growing awareness that [programs] cannot be taught effectively in isolation from a caring, humanistic environment” (2002:117). A consistently supportive and restorative school climate, facilitated by caring adults, may foster a sense of belonging and circumvent possible negative interactions between students (Fopiano & Haynes, 2001).

Restorative justice offers a way to learn, model, and experience democracy. It may be time to move toward greater involvement of students in building school community, and solving problems within that community in a more meaningful way, as Varnham suggests (2005). It makes sense for schools to build a culture of care and democracy, where the skills of democratic engagement are the foundation of the whole school culture. The idea of school community members working collaboratively together

to learn restorative justice values and principles through democratic modelling has a serendipitous fit with restorative justice philosophy in that relationship building and inclusivity are cornerstones of restorative practice.

Organization of the Thesis

This introductory chapter has provided an overview of the issues elaborated upon in this thesis, including several main themes that highlight the tensions in integrating restorative justice into schools and other social institutions. Chapter Two gives a sense of the breadth of restorative justice in civil society, examining various emerging forms of restorative justice. Civil society is openly defined as “all those institutions that are intermediate between the individual and the state. This lets in families, schools, churches, private policing organizations, private workplaces, Indigenous organizations, social movements...and most inchoate of all, communities” (Braithwaite & Strang, 2001:1).

Chapter Three focuses on the main themes of school culture and climate, bullying, school safety programmes, vision, leadership, the ethic of care, and moral and citizenship education as they apply to restorative justice in schools. The emphasis is on shifting culture in schools to reflect the centrality of care, shared vision, representative decision-making and democracy. Bullying, violence and accompanying zero-tolerance policies are discussed in light of increased evidence of their counter-productivity for those involved. Moving toward cultures of care while increasing education for citizenship are options proposed for learning about the values and principles of restorative approaches. Chapter Four then outlines the research design of the study, which included interviews, observations and document analysis.

Chapter Five begins by presenting the results from in-depth interviews with educational professionals in a British Columbia school district about their opinions and experiences with restorative justice. Problem behaviours in the District are examined in relation to restorative justice interventions. The Chapter compares written policies to actual practices, and continues with a discussion of where restorative justice fits into the school milieu. Chapter Six continues the analysis of the data gathered in the interviews. It explores, in detail, the barriers, actual or perceived, to making restorative justice the underlying philosophy and primary response to conflict in schools. More importantly, perhaps, the Chapter reveals a wide variety of practical strategies for moving in a restorative direction, as reported by participants. Also reviewed are the merits and drawbacks of different restorative justice implementation strategies. In Chapter Seven, the final and concluding Chapter of the thesis, the author offers a model of restorative justice that serves as a vision to work towards. The Chapter includes some reflections on the role and purpose of restorative justice in education by, and the relationship of restorative justice to, democratic engagement. The thesis concludes with an analysis of how this work adds to the body of knowledge on restorative justice in schools and some recommendations for future research directions.

CHAPTER TWO: RESTORATIVE JUSTICE IN CIVIL SOCIETY

Introduction

The broader purpose of this thesis is to generate meaningful discussion around the possibilities for restorative justice in civil society. The aim of this introductory literature review chapter is to give a brief overview of the various meanings given to restorative justice and the different areas in society where restorative justice has debuted.

Restorative justice has been introduced formally and informally into many of our institutions; this chapter will mention some of its more recognizable contributions. A clearer picture of civil life that includes restorative justice is sketched. An attempt is made to understand how restorative justice has expanded from its first formal uses.¹

What is Restorative Justice?

To understand how restorative justice might be an appropriate avenue for addressing harm in various institutions, an overview of the definition would be helpful. Unfortunately, this is one of the major problems plaguing research and literature about restorative justice. Restorative justice is most often defined in contrast to retributive justice, although this juxtaposition is in itself debated. The retributive system of criminal justice focuses primarily on crimes as violations of defined rules, the state as the victim, fixing blame on an identifiable offender, and reaching a decision about what type, duration and severity of punishment should be imposed. In contrast, the restorative perspective sees crimes as defined by harms done to people and relationships (i.e. broken

¹ The first uses of Victim-Offender Reconciliation Program (VORP) began in 1974 when Mark Yantzi and Dave Worth helped two young men make reparations to the victims of their destructive rampage (Yantzi, 1998). In New Zealand, it was social welfare, and later the criminal justice system, that introduced restorative justice for youth (Hudson, Morris, Maxwell, & Galaway, 1996).

relationships) and people as victims, while addressing the needs of victims and offenders, and using a communitarian process to generate a resolution agreed upon by the participants. Many other comparisons can be drawn between the two paradigms: retribution focuses on the past and restoration on the future [or the distinction between passive and active responsibility (Braithwaite, 2000)]; an adversarial model versus a consensus model; restitution as rare versus restitution as normal; victim's suffering is secondary as compared to the victim's suffering being central; and a focus on infliction of pain versus a focus on "making right" (Zehr, 1990).

Some well-known restorative justice theorists contend that the oppositional contrast between retributive and restorative justice is inexact. That restorative justice is the antithesis to the current crime and punishment (court and prison) model is not entirely accurate, says Australian criminologist Kathleen Daly. Such statements to Daly are "misleading simplification(s) used to sell the superiority of restorative justice" (as cited in Butler, 2004:A1). Daly (2000) adds that if punishment includes anything unpleasant or burdensome, then it may be impossible to eliminate punishment from restorative practices. Daly takes liberties with this definition, claiming punishment has more to do with the discomfort of the recipient than the intent of the inflictor. She argues that the ability of victims to be forgiving and for offenders to "make amends" to victims can only come about during or after a process where punishment, broadly defined, occurs. For Daly, the *process* determines the extent to which an outcome is restorative. Others argue that not only is coercion difficult to avoid during a process of restoration, but that pressure or force may even be necessary when voluntary processes cannot be achieved or are deemed to be insufficient (Walgrave, 2005). For these authors, the restorative impact

of enforced obligations or sanctions may be reduced but there can still be a restorative meaning to them.

Because restorative justice has a different emphasis than more traditional approaches to wrongdoing, it challenges deeply embedded notions of justice in our culture, homes, schools and institutions. Zehr (1990) conceived of the shift from retributive justice to restorative action as a paradigm shift. Part of this change requires asking new questions: *Who has been hurt? What are their needs? Whose obligations are these?* (Zehr, 2002:21). These questions cause us to think about our connections to others, highlighting the possibility that we are all interconnected through relationships and as such have obligations to each other as responsible citizens. This interconnectedness defines the human experience.

It may help to view restorative justice as Braithwaite and Strang do, as both a process conception and a values conception, with the former being the most dominant conception (2001). Viewed in the process conception, restorative justice is a process that brings together all stakeholders affected by some harm. The stakeholders meet in circle to discuss how they have been affected and come to some agreement about what should be done to repair the harm. A set of values also defines restorative justice, values that set it apart from traditional forms of justice. Healing, humility, inclusivity and respect are examples of values that restorative justice advocates frequently name as important, though “dissensus and debate on most values is inevitable and desirable” (Braithwaite, 2000:6). For Braithwaite, the minimum values necessary include democratic deliberation, equal respect for the voices of all stakeholders, and allowing a space for those stakeholders to have a say (2000). Restorative justice involves a commitment to

both conceptions (Braithwaite & Strang, 2001). This distinction makes clear the differences in how restorative justice is conceived; when restorative justice is referred to the first question that might arise is, in which conception is restorative justice being viewed?

While we are faced with a definitional problem of what is and is not restorative, above all, a restorative response to harm is said to grow out of a needs-based conception of justice, meaning “problems diminish or disappear only when we attend to the needs of those involved” (Sullivan & Tifft, 2001:45). Sullivan and Tifft (2001) advance a general definition of restorative justice that describes its potential to help people heal in the face of trauma, however caused, and for building or rebuilding communities for strength in the aftermath. It is a way of thinking that involves a search for solutions that promote repair, reconciliation and reassurance (Zehr, 1990). Some definitions narrow the use of restorative justice to the criminal justice sphere while others focus more on the process of restorative justice. Bazemore and Umbreit (2003) outline four restorative conferencing models², whereas Wachtel and McCold (2001) aim to expand the relevance of restorative justice and illustrate ways to apply restorative practices in aspects of everyday life.

² **Victim-Offender Mediation (VOM)** – has a 20-year record of accomplishment in USA, Canada and Europe. Victim and offender meet in a safe and structured setting and engage in mediated discussion of the crime. Judges, probation officers, victim advocates, prosecutors, defence attorneys, and law enforcement may refer cases. **Community Reparative Boards** – also known as youth panels, neighbourhood boards, or community diversion boards have been in use in the USA since the 1920’s. They are composed of a small group of citizens who go through intense training and conduct face-to-face meetings with offenders ordered by court to participate in the process. The board develops a set of proposed sanctions, which they discuss with offender until an agreement is reached. The offender must document his or her progress in fulfilling the terms of the agreement. **Family Group Conferencing (FGC)** – based on centuries-old Maori traditions of dispute resolution. In its modern form FGC has been systematically institutionalized in New Zealand. It is used in the disposition of all but the most violent and serious delinquency cases. Affected parties are brought together with a trained facilitator to discuss how they and others have been harmed and how it might be repaired. **Circle Sentencing** – a particular rendition of circles, one that is a hybrid creation of traditional sanctioning and healing practices of aboriginal peoples of Canada and American Indians of the United States. Resurrected in 1991 by judges and community justice committees, it is a holistic reintegrative strategy that addresses the needs of all and identifies steps necessary in healing. It is a labour-intensive process that requires a substantial investment of citizen time

Restorative Justice in Civil Society

Sullivan and Tifft ask, “Can we expect our response to harms to be any different from how we live with and respond to others in everyday situations?” (2001:32).

Responses to harm are associated with how people treat each other in society; retributive cultures elicit retributive responses. According to Sullivan and Tifft, if the feeling in wider society is that forsaking retribution is not possible, then forgiveness as well is not possible. At present, cases of restorative justice take place within retributive or rehabilitative systems and sometimes meet with intense resistance. Applications of restorative justice based on undeveloped or weak conceptions of restorative principles and which lack clear and realistic goals may succumb to the pressure. Kay Pranis reminds us that it is normal to experience failures when practitioners are still in their infancy for understanding restorative justice³.

While caution should always be exercised, many are now willing to accept that restorative processes can apply to many areas of everyday life. Some proponents of restorative justice limit their focus to canned versions of restorative justice that attempt to make the values and principles of restorative justice universal and standardized. Yet restorative justice has variably been called a perspective, a paradigm shift, and philosophy or world view (Sharpe, 1998) because of its adaptability and extension far beyond policy implications. Adopting Wachtel and McCold’s view, the utility of restorative justice extends beyond the criminal justice system and “can significantly contribute to the grander project of enhancing the civility of society” (2001:114).

and effort and should not be used extensively as a response to first time offenders and minor crime (Bazemore & Umbreit, 2003).

³ In “A Healing River: An Invitation to Explore Restorative Justice” Produced by Moore, L. and edited by Douglas, C. (2004). Produced by HeartSpeak Productions in Mission, B.C.

Christie, who saw conflicts as stolen property, emphasised “deprofessionalisation” and the returning of conflicts to the citizens to whom they belong (1977:13). He called for social systems organized in ways that make conflicts both nurtured and visible. Visible conflicts are manageable. The current system of justice, however, tends to “define conflicts away” (1977:5). This represents missed opportunities for restorative justice in society.

An “Explosion” of Restorative Justice

As restorative justice gains popularity, it is most often viewed as a programme or a methodology rather than a philosophy (Achilles & Zehr, 2001) despite persuasive arguments that restorative justice is not a particular programme or blueprint (Zehr, 2002). Notwithstanding significant hurdles, restorative practices are gaining momentum and spreading globally. The enthusiasm that has led to the rapid expansion of restorative justice since the 1990’s is described as “an explosion of interest” in restorative justice (Cormier, 2002). The “multiple faces” of restorative justice can be explained by its appeal to different political parties, sectors of the public, and criminal justice professionals, as well as its congruence with aboriginal forms of justice (Roach, 2000). Van Ness and Heetderks Strong (2002) outline the ways in which restorative justice has become a worldwide movement through the efforts of practitioners, policy makers, researchers and governments. While they note that the number of restorative programmes is increasing dramatically, they caution avoiding an “add and stir” approach when incorporating restorative justice into old frameworks. Restorative justice programmes cannot simply be “plugged” into existing agendas but should instead reflect

community ownership (Achilles & Zehr, 2001:94). Walgrave explains how strong improvements introduce an ironic threat to restorative justice:

“Paradoxically, one could even say that the most serious threat to restorative justice is the enthusiasm with which police officers, magistrates and social workers insert mediation and community service as simple techniques into their traditional punitive or rehabilitative approaches. That is why further research on restorative principles and conscious implementation strategies are badly needed” (2003:260).

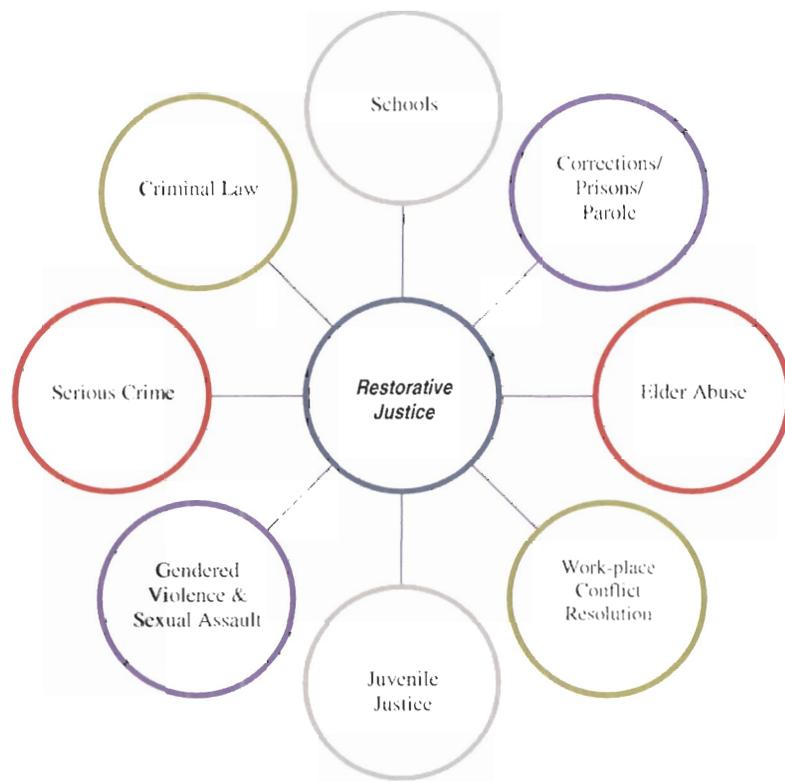
Pop-Ups, Cooptation and the Proliferation of Restorative Justice

To protect programme integrity, ongoing attention should be paid to activities conducted under the restorative justice label. Restorative justice evolved to its current level of popularity in part because there is a lack of clarity as to what restorative justice actually stands for. This definitional “elasticity” (Walklate, 2005) renders restorative justice open to manipulation or cooptation. The flexibility essential to restorative justice may be a double-edged sword, as restorative justice becomes an umbrella term for many different practices (Ouellette, 2004). A litmus test for how “restorative” a programme is might be the extent to which the victim, the offender, and their communities of care are directly involved (McCold & Wachtel, 2002).

A question, then, is whether and to what extent restorative justice principles can and should be applied in practice. Good ideas can lose credibility with poor implementation. Major social movements of the 1960’s, such as civil rights, women’s movement, victims’ movement and prisoners’ rights, had a major impact on the rise of informal justice in the 1970’s and 1980’s and restorative justice in the 1990’s (Curtis-Fawley & Daly, 2005). According to Zehr, restorative practices are “spreading beyond the criminal justice system to schools, to the workplace, and to religious institutions”

(2002:4). Restorative justice has also been explored in policies that address elder abuse (Groh, 2005), intimate partner violence (Cameron, 2006; Pennell & Burford, 2000) and serious crime (Gustafson, 2005) with a view to restoring balance and healing harms. Several areas where restorative justice has made noteworthy appearances are listed in the diagram below; each is addressed briefly.

Diagram 2: Some Applications of Restorative Justice in Civil Society



Elder Abuse

The Restorative Justice Approaches to Elder Abuse Project is an example of an innovative incident-driven project that uses circle processes where appropriate to address crimes of elder abuse (Groh, 2005). Based out of Waterloo, Ontario – the home of the world’s first Victim-Offender Reconciliation Programmes – the project has had positive

anecdotal feedback, though no formal evaluative results are available at this time. Groh says restorative justice applies to elder abuse because a restorative approach considers all abuse as a violation of people and relationships rather than a violation of law. The following aspects are considered in circle processes for elder abuse: speaking the truth (as this uncovers secrecy and lies in the damaged relationship between the abused person and his or her abuser), respect, the provision of equal voice, and an agreement to prevent further harm. Support for older adults as well as the person who has done harm is essential in restorative approaches to elder abuse.

Prison and Corrections

Prisons are very much like other institutions in society, or rather many other institutions are similar to prison. As such, the possibilities for restorative justice implementation are found in locating the positive areas of the institutional culture – those aspects that would facilitate restorative justice – and drawing upon these positive aspects that, no matter the institution, always exist. A recent addition to prison literature and restorative justice by Edgar and Newell (2006) addresses these possibilities.

Edgar and Newell's belief that restorative justice has the potential to humanize prisons, improve safety and enhance social order fuels their purpose to promote the growth of restorative processes in prisons. From the outset, the authors acknowledge deep tensions between restorative justice and prison culture, and declare that eliminating all punitive elements from responses to harmful behaviour is highly improbable in prisons. Nevertheless, they suggest that prisons provide tremendous opportunities for the use and development of restorative principles. They point to the restorative prisons in Belgium as exemplars, where changes in prison culture were initiated with the whole

prison staff training in restorative theories and practices. Restorative justice can be seen in a full range of processes, such as induction programmes for prisoners, sentence management and planning, handling complaints and requests, offending behaviour courses, staffing processes, and preparation for release.

Braswell and his colleagues suggest that the more patriarchal and warlike the institution, the more necessary the peacemaking perspective is, making the criminal justice system and corrections appropriate forums to consider peacemaking (2001). The vague and often controversial goals of correctional systems underscore the need for guiding principles such as those found in the peacemaking perspective. Peacemaking issues in corrections include opposition to capital punishment, limitations of solitary confinement, opportunities for rehabilitation and restorative justice processes, dignified and humane treatment, and a sense of personal safety and security from other inmates and staff.

Workplace Conflict Resolution

Fisher and Ury (1991) portray conflict as a constant resource for the growing industry of conflict resolution and mediation, and suggest a method for negotiation that attempts mutual gains. They assert that principled negotiation, developed at the Harvard Negotiation Project, can be used by anyone from executives and diplomats to vacationing couples trying to make a decision. People, they claim, “routinely engage in positional bargaining. Each side takes a position, argues for it, and makes concessions to reach a compromise” (1991:3). Fisher and Ury suggest avoiding bargaining over positions, and instead, moving from positions to interests. Upon closer examination, many shared and compatible interests (needs, desires, concerns and fears) lie beneath conflict.

Fisher and Ury propose four points for a straightforward negotiating method designed to produce wise, amicable outcomes (1991). First, separate the people from the problem. They suggest, “Figuratively if not literally, the participants should come to see themselves as working side by side, attacking the problem, not each other” (p.11). Second, focus on common interests, not divisive positions. Third, generate a list of a variety of possibilities before deciding what to do. Lastly, insist on using fair and objective criteria in an agreement. Negotiations do not deal with abstract representatives; they deal with people.

Fitzgerald’s recent contribution describes how circle processes can resolve internal corporate conflicts (2006). Other research also suggests that restorative sexual harassment programmes in the workplace may reduce sexual harassment (Parker, 1999) and that Braithwaite’s (2002) responsive regulation may provide a standard from which to begin.

Youth Justice

As noted by Elliott and Gordon (2005), the first modern renditions of restorative justice found expression in child welfare and youth justice. The late 1980’s sparked a movement of youth-focussed restorative justice initiatives, and since then restorative justice has had a ripple effect. Morris and Maxwell have produced seminal work in the development of restorative justice for juveniles (2003). The term “alternative sanctions” in our justice system has come to encompass a miscellany of practices and programmes, some of which could more accurately be described as “additional” rather than “alternative” sanctions, or alternative forms of treatment, and many of which may have nothing to do with restorative justice (Walgrave, 2003). Walgrave (2003) maintains that

a system of restorative justice can become a fully-fledged alternative in its own right to retributive and rehabilitative approaches in youth justice systems, but that restorative interventions must remain linked to the losses incurred by a crime. Restorative approaches, he claims, might otherwise be connected to the oft-cited drawbacks of pure rehabilitation.

At the end of the 1960's, juvenile justice systems were confronted by several major forms of criticism (Forst, 1995). Traditional notions of treating or re-educating young offenders were being challenged on the grounds of their dubious effectiveness, the neglect of victims' needs and interests, flimsy legal safeguards and the perceived need for harsher punishments for serious youth crime (Walgrave, 2005). Walgrave (2005) explores the potential of restorative justice in current efforts to address these concerns. Some conclusions made from the limited empirical evidence are that so far restorative actions have more positive effects on young offenders than traditional youth justice programmes, and that victims' interests and needs are better satisfied by dialoguing with offenders. Restorative justice is also seen to have the potential to respect legal safeguards more so than rehabilitative justice.

Family group conferencing (FGC) has been used in various ways in New Zealand, Australia, England and Wales, Canada and the United States (Hassall, 1996). New Zealand first introduced family group conferencing to the juvenile justice system in legislation that came into force in 1989, namely the Children, Young Persons and Their Families Act (Morris & Maxwell, 1998). The Act placed primary responsibility with extended families for making decisions about what was to be done with their children and young people who came into contact with the justice system (Hassall, 1996). Family

conferencing in the rural city of Wagga Wagga in New South Wales, Australia is a version of family conferencing influenced by the New Zealand youth justice system. In the Wagga Wagga model, which began in August 1991, conferences are organized by the police department as a response to young offending (Moore & O'Connell, 2003) and legislation proclaimed in 1994 officially set family conferencing into the Australian youth justice system (Wundersitz & Hetzel, 1996). Better links with education, community and state welfare agencies resulted, creating a support network that would make a more just response to juvenile offending possible. The impact of the youth justice scheme spread and caused local and district schools to rethink matters of discipline, education and social support.

The impact also spread to Canada. The provinces of Newfoundland and Labrador, Manitoba, and British Columbia have had the most success introducing FGC pilots (Immarigeon, 1996). Specific examples include Family Group Decision Making in Newfoundland and Labrador (Pennell & Burford, 1996) and FGC for Aboriginal young offenders and their families in Winnipeg (Longclaws, Galaway, & Barkwell, 1996). Influenced by international and local conferencing models, the Royal Canadian Mounted Police (RCMP) adopted FGC first in British Columbia and called it a community justice forum (CJF) (Chatterjee & Elliott, 2003). Since that time, CJFs have been used in other parts of the country for dealing with non-violent offences. Chatterjee and Elliott (2003) note that the RCMP prefers to view its role as that of training and supporting key community members to become trainers or CJF facilitators, and encouraging and helping communities to solve their own problems by utilizing CJFs. The implementation of the

Youth Criminal Justice Act in 2003 was significant to police discretion and restorative justice opportunities (Chatterjee & Elliott, 2003), as can be seen below.

Criminal Law

The purpose and principles of restorative justice in sentencing were introduced in the Criminal Code of Canada in 1996 (Cormier, 2002). The Youth Criminal Justice Act (YCJA), introduced in 2003, was enacted to overcome the criticisms of preceding legislation (the Young Offenders Act), such as a lack of attention to young peoples' rights and a positivistic focus on the personality of a young offender. Charbonneau (2005) questions whether procedures dictated by the nature of an offence, as opposed to the consequences of an offence, are congruent with a restorative justice model. He finds that certain measures of the YCJA make it likely that all violent and serious offences will proceed to court and that an adult sentence will be imposed on youths found guilty of murder, attempt to commit murder, manslaughter, or aggravated sexual assault. Charbonneau claims that the expected result, despite intentions to divert more young people to extra-judicial sanctions, will be increasing numbers of young people being subjected to measures that are more punitive than restorative.

Gendered Violence and Sexual Abuse

Most of the debates around the use of restorative justice as a promising means for responding to gendered violence⁴ can be found in feminist literature from the last decade (Curtis-Fawley & Daly, 2005). A study by Curtis-Fawley and Daly suggests that victim advocates have concerns and reservations about restorative justice but may in fact be

⁴ *Gendered violence* is an umbrella concept that, in the article cited, includes child sexual abuse, incest, sexual assault, rape, domestic violence, and family violence.

more receptive to restorative justice for gendered violence than once thought (2005). Their study highlights how informal processes like restorative justice have been criticized for risking revictimization of victims and appearing to be an unserious or soft option that is inadequate for the severity of gendered violence. As well, the problems inherent in domestic violence may be too entrenched to address through restorative means. Poorly implemented programmes also pose dangers to abused women (Cameron, 2006). Curtis-Fawley and Daly expound counter arguments that draw attention to the merits of restorative justice, for example that the violence of a situation can be condemned in meaningful ways for offenders and victims, and that an admission of offending is required thus minimizing the traumatic effects of denial (2005). Restorative justice offers options to victims who may not wish to formally prosecute a loved one. Lastly, the experiential process of restorative justice can validate a victim's experience (Curtis-Fawley, 2005; for more on the debate, see Grauwiler & Mills, 2004 and Strang & Braithwaite, 2002).

Some argue that because feminists and victim advocacy groups have so effectively blocked the application of restorative justice for gendered violence, there is a lack of evidence to confirm or discount the above claims (Cameron, 2006; Curtis-Fawley & Daly, 2005). There are studies, however, that present evidence supporting the use of restorative justice in sexual assault cases. The Community Holistic Circle Healing (CHCH) Process in Hollow Water First Nation is "one of Canada's best known Aboriginal justice programmes dealing with intimate violence" (Cameron, 2006:56). Founded on Aboriginal teachings and traditions, the programme addresses sexual abuse in a holistic manner (Cormier, 2002; Ross, 1996). Findings of an evaluative study on the

CHCH process include positive improvements in the health and wellness of the community, an increased sense of safety, and children staying in school longer. The study also found significant financial savings and low recidivism compared to the mainstream justice system.

An adaptation of the New Zealand family group conferencing model was brought to Canada, specifically to the province of Newfoundland & Labrador, in the form of the Family Group Decision Making Project (FGDM) (Pennell & Burford, 2000). Many agencies collaborated to develop a project philosophy that emphasized safety, accountability, community strength, and the capacity of the family group, made up of family, friends, and other close supports, to decide the steps needed to stop the harm. The project tested the capacity of FGDM to eliminate or reduce violence against children and adult family members. Pennell and Burford found mixed, yet mostly positive, results such as enhanced family utility, and increased safety for the families involved as well as reduced maltreatment of the children. Abuse toward mothers by troubled youths, however, continued. Sentencing circles (see Cameron, 2006) and, to a lesser extent, victim-offender mediation (Gustafson, 2005) also deal with cases of intimate violence cases in Canada.

Findings from Curtis-Fawley and Daly's (2005) study reveal a more positive attitude toward restorative justice by victim advocates for offences involving adolescent offenders and young victims. They also found that "intrafamilial sexual violence and child sexual abuse, rather than sexual or physical violence occurring between adults, may be better suited to restorative justice interventions than established criminal justice" (2005:629-30). Additionally, Hopkins and Koss (2005) argue that if restorative

responses are designed with feminist concepts in mind, restorative justice may hold hope for nonpenetration sex offences or acquaintance sexual assault.

Honesty and openness are key elements in healing the harms of sexual assault, a crime that most often includes lies, secrecy, shame and blame (Yantzi, 1998).

According to Yantzi, preventative work begins by looking at the whole system around sexual abuse; the picture is not complete if we consider only the victim's needs. He further suggests it is important to provide a balance between support and confrontation in restorative approaches to sexual offending. Supporting one who has offended without confrontation impedes change and growth in the offender. Confrontation without support makes establishing trust difficult and blocks truth telling about past events. A surplus of either confrontation or support poses challenges to restoration.

Serious Crime

David Gustafson (2005) articulates the nature of trauma and explores how facilitated dialogue can assist with healing and recovery in crimes of severe violence. Empirical evidence to date from a British Columbia-based non-profit organization suggests these programmes “will likely continue to proliferate, with significant implications for the fields of victimology, criminology, and the related, rapidly developing, field of trauma studies” (p. 193).

A second Canadian restorative justice venture for serious offending occurs in Ottawa, Ontario. Evaluative research was conducted of the Collaborative Justice Project (CJP) to determine whether programmes like CJP are successful in using restorative justice in cases of serious crime (Rugge & Cormier, 2005). Most applications of

restorative justice in Canada focus on less serious crimes, and where it is applied to cases of serious crime, it is usually restricted to the post-sentence stage. The CJP operates in parallel to the current criminal justice system. Entrance to the programme requires fulfilling four criteria: the crime is serious in nature (i.e. an offender faces a minimum of two years in prison for the offence); at least one victim desires to be involved in the CJP; the offender accepts responsibility for his or her actions by entering a guilty plea to the court; and the offender is willing to make amends for those harmful actions.

Using several measures to assess the satisfaction of victims, offenders and participating community members, Ruge and Cormier established that the programme is effective from the clients' point of view; specifically, 89 per cent of victims and 77 per cent of offenders stated that the programme met their needs. Anxiety about having a face-to-face meeting, not knowing what to expect, and the extreme emotional toll were cited by evaluation participants as being the most difficult aspects of the programme. Perhaps the most striking finding is that 95 per cent of victims and 88 per cent of offenders stated that they would choose a restorative justice approach over traditional criminal justice processes in the future. Findings such as these, while ongoing, provide strong support for the promise of restorative justice in cases of serious crime.

Schools

Since the time that Margaret Thorsborne ran the first school-based restorative justice conference in Queensland, Australia, the use of restorative justice conferencing in schools has been developed in many different countries across a range of behaviours (Cameron & Thorsborne, 2001). Restorative justice may work well in a definable community where there are ongoing relationships. Schools offer an exceptional space to

build community, and as open institutions clearly fit the description of a definable community.

The implication for restorative justice in schools is for schools to create safe spaces for positive relationships to grow and for interconnectedness to prevail. Violent recidivism that occurs in some schools may be associated with a weak sense of community. The kinds of changes in schools that are conducive to diminishing harmful behaviour will incorporate community-building techniques that will make such negative actions difficult to perform. To paraphrase Tittle (1980), to the extent that people are deterred by fear, the fear that is relevant is the loss of status or respect by acquaintances or the community as a whole (as cited in Braithwaite, 2002). The very relationships and sense of connectedness that are central to restorative justice may result in an inhibition of violence in the school setting through a fear of jeopardizing relationships that have become important (Spratt, Jenkins, & Doob, 2005). Following this line of reasoning, a meeting between those harmed and those causing harm in the school setting along with other essential supporters could present a greater deterrent to future misbehaviour than traditional punishment. However, “time and circumstance limit what can be achieved in meetings,” therefore restorative work must somehow continue outside of these meetings (Roche, 2003:34).

The creation of a safe space for difficult conversations may make it possible for young people to overcome the barriers of denial, secrecy and shame in abuse situations at school. Howard Zehr states, “[Restorative justice] is a kind of coherent value system that gives us a vision of the good, how we want to be together” (in Coben & Harley, 2004:268). If people, regardless of their trauma, need a safe space in which to process it,

we can accept the possibilities of a restorative justice approach to bullying and violence in schools.

Conclusion

The examples cited in this chapter of restorative justice in wider society do not form an exhaustive list, but cover the prominent areas of practice. Restorative justice is a living concept, growing and planting roots in many areas of civil life. Not yet universally understood, restorative justice has certainly made changes in the way families, businesses, schools and the criminal justice system consider justice. As restorative justice evolves and continues to gain credence as a theory and process, new applications will likely appear. The next chapter turns to a more thorough discussion of restorative justice in one of society's key institutions for the education of democratic citizens – schools.

CHAPTER THREE: RESTORATIVE JUSTICE IN SCHOOLS

“Be the change you want to see in the world.” – Gandhi

Introduction

Chapter Two explored some of the most notable areas where restorative justice has been introduced in some way into civil society. This chapter proceeds from a cursory glance at restorative justice in wider society to a deeper look at restorative justice in school communities. Asking about the effectiveness of school restorative justice programmes may be premature if schools have not fully fleshed out the role of restorative justice in that environment. The goal here is to explore the role and place for restorative justice in the educational setting. Despite the intuitive appeal of restorative justice, it is imperative to explore the readiness of schools to accept it. Given that the educational environment has traditionally been retributive in regards to discipline, what is the capacity for restorative justice to be reflected there?

This question is explored first by introducing some of the relevant literature around school culture and climate, the ethic of care, and a section on moral and citizenship education as it applies to restorative justice. The discussion includes points of view on the multitude of school programmes emerging vis-à-vis numerous anti-bullying and positive climate policies. From here, the focus narrows to ways of introducing restorative justice in schools and the various factors to be considered.

School Climate & Culture

In acknowledging the shortcomings of the word “community,” perhaps we can accept for the moment that community is a descriptor of a group of people unified by a common purpose, interest or place. For McCold and Wachtel (2003) there is no community without a perception of connectedness among a group of people. The term “school community” will be used to refer to the affiliation of all the people who have membership in a school. Where a sense of community does not exist, individuals are bound to each other by little and may deny the obligation to conduct oneself in a responsible manner. Some organizational patterns encourage social distance – the kind of distance that prevents us from knowing our neighbours (Christie, 2004). There is power in distance that is used in justifying questionable acts (Christie, 1977; Noddings, 1992). Social distance makes it easier to place people outside our moral community, and “once we have placed them there, we can do things to them that would be unthinkable if they were members of the community” (Noddings, 1992:116).

One view is that schools function today as educational factories that aim to produce top quality students fit for the demands of an increasingly competitive working world. Many feel the primary objectives of schooling are cognitive (Noddings, 1992). School curriculum is often geared towards achieving excellence in exams while the need for safe and caring spaces is minimized. As a result, “finding spaces for caring is becoming increasingly difficult as administrators, teachers, and students are pushed towards preordained goals set by distant bureaucrats” (Cassidy & Bates, 2005:1) and “we end up searching for – inventing – quality time” (Noddings, 1992:8). Part of a restorative

school culture would allow flexibility in the curriculum and provide needs-based (instead of deserts-based) learning (Sullivan & Tifft, 2001).⁵

Valerie Braithwaite asserts there are two types of value systems present in society: harmony and security (2000). Within the security value system, people value the protection of one's own interests, financial soundness, authority, ambition and competition. In contrast, the harmony value system brings together societal and personal values, the sharing of resources, and values mutual respect and cooperation. Schools harness practices that speak to both security and harmony values. For example, school strategies that encourage collective responsibility and shared decision-making reflect a harmony value system while emphasis on cognitive learning as a basis for lucrative employment and future financial success fall within a security framework.

Concerns about taunting, bullying, violence and, at the extreme end of the spectrum school shootings, have increased while perceptions of safety have decreased. Many children go to school filled with tremendous trepidation about the torment that their day may bring. Some may even choose to abandon school altogether. The continuance and growth of bullying behaviour and violence may have much to do with conditions of the school environment and culture that allow for it. MacDonald found that students often feel that the school climate cultivates a culture of violence through a lack of empathy and caring towards students (1999). She states,

“Violent behaviours in schools can be attributed to a combination of societal causes that are not always under the direct control of our educational institutions. At the same time, school violence cannot be viewed as just another societal problem that enters a school in the form of

⁵ For a deeper analysis of creating positive school climate, see Cohen (2001); Hopkins (2004); Malicky, Shapiro, & Mazurek (1999); Suckling & Temple (2001); and Van Gorp (2002).

isolated outbursts from 'dysfunctional' youth. Central to any discourse on school violence is an examination of the role that school culture, practices, policies, and staff behaviour play in influencing such student behaviour" (1999:93).

Restorative programmes generally are based on restorative principles and values, but are nested inside broader cultures reflecting retribution and punishment. Above all, this constitutes the greatest challenge for restorative justice. Inside of schools, curriculum, classroom management and instruction illustrate movements guided by an ideology of control (Noddings, 1992). Consequently, school discipline procedures are often retributive. Collie and colleagues (1999) found that power and control present themselves as main themes in stories of school discipline, but argue that the storyline is getting old. There may be problems with a purely punitive approach: "A culture impregnated with high moral expectations of its citizens, publicly expressed, will deliver superior crime control compared with a culture which sees control as achievable by inflicting pain on its bad apples" (Braithwaite, 2002:10). Even children who are bullied do not see the punishment of the bully as an effective long-term strategy (Berguno et al., 2004). Punishment, defined by Kohn as "any reliance on power to make something unpleasant happen to a child as a way of trying to alter that child's behaviour," teaches children to behave well only to avoid punishment (1999:167). On the other hand, a focus on building and repairing relationships, rather than on managing and controlling behaviour (Hopkins, 2004), or more specifically, on people being internally driven by "good" values (Zehr, as cited in Coben & Harley, 2004; Zehr, 1990) may better serve the needs of people. Fopiano and Haynes (2001) believe that school experiences in which the social and emotional as well as the cognitive development of young people is cultivated will go a long way to mitigate the harms some children suffer outside of

school. Additionally, the guidance and support many young people receive at home will be augmented in a nurturing school environment. In summary, “multiple needs can be addressed through the enhancement of school climate” (2001:49).

Outrage over school violence and the pressing need to “do something” has led to the adoption of one-size-fits-all zero tolerance policies. Describing this trend, Karp and Breslin (2001) note that the past decade has been characterized by a retrenchment of authoritative control in school disciplinary policies. There is mounting evidence that zero tolerance policies, which aim to exclude students who cause problems through automatic suspensions or expulsions, could be counterproductive. From a policy perspective, findings suggest that zero tolerance policies have been linked to weakening school bonds (Sprott et al., 2005), the possibility of emotional harm (Skiba & Paterson, 1999), excessive enforcement efforts (Stinchcomb, Bazemore, & Riestenberg, 2006), and increasing delinquency as an oppositional response to coercive controls (Karp & Breslin, 2001). Further indication of the inadequacy of suspension is that parents often do not support the decision to suspend (MacDonald, 1999).

Coloroso takes the stance that “zero tolerance” anti-bullying policies equal “zero thinking” policies (2002). The message to administrators is that mandatory suspension or expulsion in all scenarios is required, leaving little flexibility for creative approaches or collaborative solutions to the issues at hand. Left with the choice between “all or nothing,” administrators are presented options that have resulted in “a reckless and punitive approach that has an overtone of vindictiveness” (p. 184).

In restorative fashion, it is necessary to give voice to those most affected by zero tolerance policies, negative school climate and “anti” programmes – the students. In

asking students what they would do about bullying, fighting and back-talking if allowed to be a principal for a day, O’Dea and Loewen (1999) found the majority of students interviewed would involve parents in the process. The students did not feel that suspension was very effective for behaviours like bullying. The authors feel that studies like this one call for reconsideration of the effectiveness and appropriateness of suspension as a model of punishment.

In Edmonton, Alberta, it was found that junior high school students felt that perceptions of ineffective consequences for perpetrators, a lack of teacher awareness of incidents, and a perceived lack of teacher concern for victims were factors which exert pressure on students to normalize violence and not to report it (MacDonald, 1999). Similarly, results from an unpublished 2005 Safe School Social Responsibility Survey for Secondary Students (SSSRS) in Burnaby, British Columbia,⁶ showed that almost one half, or 44 percent, of the students surveyed disagree or were undecided that their teachers cared about them.

The restorative justice pattern of thought puts relationships between people at the heart of issues. Elementary school-aged children are particularly influenced by relationships with caring adults (Fopiano & Haynes, 2001). The depth of the teacher-student relationship is the single most important factor that will contribute to a teacher’s ability to help any child (Mugno & Rosenblitt, 2001). The relationships children have with their peers also significantly contribute to their sense of belonging, social importance, self-esteem and connectedness (Fopiano & Haynes, 2001). Students need to

⁶ The Institute for Safe Schools of BC is committed to developing and disseminating research to support the use of evidence-based practices for the development of safe schools. In 2005 a survey was conducted in the Burnaby School District to gather data in relation to social responsibility efforts. For more information, visit the Institute’s website: <http://www.iss-bc.ca/>.

feel connected not only to their peers, but to the larger school community (Fopiano & Haynes, 2001; Macklem, 2003). The SSSRS notes that school connectedness is linked to multiple dimensions, including the way a youth feels respected, valued, integrated and nurtured in school. There is a sense that it is acceptable to have caring relationships in school, but building relationships in classrooms and hallways is sometimes seen as irrelevant. Noddings (1992) points out that in contemporary schools, teachers and students do not know each other well enough to develop relations of care and trust. This phenomenon can be extrapolated to students not even knowing each other well enough, at least not in the ways that matter to ensuring collective safety and well-being.

Bullying

Bullying is widely cited in the literature as a serious problem facing school communities. Problems and warning signs associated with school bullying are depression, often leading to anger and festering resentment (Erickson, 2001), a lack of interest in school, a drop in grades, acting out of character, arriving home with damaged or missing personal items, or physiological manifestations in the form of stomach-aches, headaches, insomnia or panic attacks (Coloroso, 2002).

Events such as crime, violence and bullying do not happen in isolation (Coloroso, 2002; Pranis, Stuart, & Wedge, 2003). The “iceberg” rule, or 80/20 rule, of crime can easily be applied to the phenomenon of bullying (Griffiths & Hatch Cunningham, 2003). The rule views bullying – the top 20 percent of the iceberg – as a combination of visible symptoms of much larger social issues. The other 80 percent of the iceberg usually remains submerged. The invisible 80 percent should concern parents and educators the most, for it represents the underlying causes or conditions, fears and perceptions that

manifest in aggression and other negative behaviours in children. In addressing school bullying, communities ought to consider not only the visible acts of bullying but also the social, psychological, and familial contexts in which they arise.

It may help to adopt Coloroso's viewpoint that the terms "bully," "bullied" and "bystander" only describe a role a person is in at a given time, because the roles can and do change (2002). Coloroso reminds us that it is these *roles* that need to be abandoned, not the children. Given the cyclical nature of bully, bullied and bystander roles, it becomes clear that schools need to shift away from pathologizing approaches and deal with root causes holistically (Twemlow et al., 2001).

There is much debate about the definition of bullying. The Ministry of Education and the Ministry of Attorney General launched the B.C. Safe Schools Initiative in 1997 to address issues of student safety in B.C.'s schools and communities (Ministry of Education, 1998). The categories of bullying behaviours and the examples set out for the Initiative are helpful⁷. Three broad behavioural categories of bullying are identified: physical aggression, verbal aggression, and social alienation. The third category of bullying – social alienation – is the most pervasive and is most often deployed by girls (Coloroso, 2002). Only recently acknowledged as bullying, social alienation, also known as relational bullying, encompasses gossiping, embarrassing others, inciting hatred, scapegoatism, malicious rumour spreading and exclusion from social groups. It could be

⁷ In April of 1998, new funding to expand the Safe Schools Initiative was announced to develop violence prevention programs, help raise awareness about safety issues, and address factors that can lead to violence in B.C. schools. *Focus on Bullying: A Prevention Program for Elementary School Communities* was the first resource developed in phase two of the Safe Schools Initiative. Several additional resources for elementary and secondary schools were introduced in 1999.

argued that the feelings of shame, worthlessness and isolation that inevitably come from being excluded from social groups make this category of bullying the most damaging.

Research in Australia has identified school bullying as a risk factor associated with antisocial and criminal behaviour (National Crime Prevention, 1999, as cited in Morrison, 2002). The Columbine Review Commission also points to the increased recognition that victimization by bullies has become a precursor of school violence (Erickson, 2001). In 1995, Tremblay and Craig said early intervention has been advocated as the best way to break this cycle (as cited in Morrison, 2002). Though bullying behaviours are not necessarily criminal, from a restorative justice perspective, bullying produces *harm*. Prior discussion about crime in the literature, then, can be applied to bullying since the effects of crime on a victim are similar to those of bullying on a target, and may be as severe. According to Herman, “psychological trauma is an affliction of the powerless” and leaves a lasting impression, like an imprint on the mind (1997:33). Trauma in childhood results when the child is exposed to situations she cannot control or understand, like bullying (Namka, 2001). Bullying assumes asymmetrical coercive power relationships (Twemlow et al., 2001). Children and adolescents, who are relatively powerless in comparison to adults, are particularly susceptible to harm (Herman, 1997).

Macklem states, “Teachers’ attitudes and behaviours are crucial variables in exacerbating or deterring bullying behaviours” (2003:26). Specific negative school climate factors cited as being most closely associated with bullying behaviours include:

- ◆ Modelling of bullying behaviours by staff
- ◆ Ignoring and/or reinforcing bullying
- ◆ Accepting bullying behaviour as normal and expected behaviour

In these ways, well-intentioned school staff may actually be strengthening the very values that are condemned while establishing an anti-bullying stance. Macklem contends that any changes or culture shifts must permeate all facets of the school environment, from the conduct policies, available resources, communication channels, support services, and morale. This is one aspect that those who have written about restorative justice and schools seem to agree on.

Anti-Bullying, Peer Mediation and Other School Programmes

In a time when sensitivity around bullying and violence is high, it is necessary to look closely at the ways by which people and programmes are addressing these issues.⁸ *Second Step*, for example, is a violence-prevention curriculum that has been created to “reduce impulsive and aggressive behaviour” (Beland, 1992:1). Some researchers (Eccles & Appleton, 2002; Weissberg & Greenberg, 1998) have found that school-based prevention programmes are most beneficial when they simultaneously enhance students’ assets as well as improve the quality of the environment in which students are educated. Cohen (2001) has found it is most useful for schools to implement comprehensive programmes that address a wide range of social emotional competencies and not just one, such as *Second Step’s* focus on only violence prevention. Braithwaite adds that programmes fail to deal with youth problems such as hatred for school, truancy and bullying when they treat young people as isolated individuals without paying respect to the intricate connections young people share with others (2002). A holistic approach

⁸ In the wake of the shooting at Montreal’s Dawson College on September 13, 2006, people were left wondering how to prevent school shootings. In the media, it was said, “In a number of school violence cases, the attacker had been a victim of bullying, experiencing harassment and torment. Many school boards across Canada already have anti-bullying programs and policies” (CBC News, 2006).

becomes an integral facet of school life, and a programme is less likely to fall victim to the latest in a series of educational fads that come and go in schools.

Parents and teachers have long punished children by enticing them with rewards. Some maintain that rewards and punishments are fraught with problems (Breton & Lehman, 2001). As Kohn strongly advises, “rewards and punishments are worthless at best, and destructive at worst, for helping children develop such values and skills” as self-reliance, responsibility, critical thinking, and caring (1999:161). If this is true, contemporary school philosophies and corresponding discipline practices may be based on faulty behavioural premises. In C.A.P.S.U.L.E., a programme developed in the American Midwest, “several rewards are developed for each class when the class succeeds in keeping fighting and conflict out of the classroom or school,” along with many other forms of reinforcement, such as, “patches, buttons, magnets, and stickers depicting various aspects of the bully-victim-bystander relationship” (Twemlow et al., 2001:171).

Peer mediation brings trained student facilitators together with an adult and the parties involved in a school conflict together in a face-to-face encounter. By having a peer guide the conversation and allow both sides to share their story, in the presence of an adult, students may feel more at ease. Perhaps in part because peer mediation is often set against the prevailing content and results-oriented school culture, “so many peer mediation schemes in schools seem to fold within the first couple of years” (Cremin, 2002:138). There is also a risk that peer mediation programmes will be co-opted by some students and used against peers who are seen as “undesirables” (Field & Olafson, 1999:191).

Holden (2003) sees peer mediation and other systems where children take a central role as contributing to education for citizenship because young people are learning responsibility and conflict resolution through experience. Cremin (2002) found that the main elements of successful peer mediation according to a group of teachers interviewed are: student empowerment; a whole school approach; resources; support of mediators; choice; rewards and incentives; and social skills training for all students.

Most people feel anger when they have been subjected to harm, and often a desire emerges to inflict “counter-harm” on those who have hurt them (Sullivan & Tifft, 2001). Daly (2000) is concerned about the reliance on expressions of remorse in restorative conferences. The fear is that if desired signs of remorse are not seen that conference participants may go too far to elicit them. This may be a point to consider if more schools introduce restorative conferencing as a way of dealing with conflict. Making amends for wrongdoing is an obligation (Zehr, 2002). However, any conflict resolution programme that has as its basis retribution may fail to foster a child’s recovery, and as Herman suggests, “Giving up the fantasy of revenge does not mean giving up the quest for justice; on the contrary, it begins the process of joining with others to hold the perpetrator accountable” (1997:187).

Accountability, it should be noted, is not limited only to wrongdoers taking responsibility for their actions. Perhaps as a result of “blind faith,” Roche makes the critique that proponents of restorative justice sometimes neglect the importance of ensuring sufficient procedural safeguards in programmes, “including the point that programmes themselves be accountable” (2003:19). Creating more restorative environments might shrink the gap between what restorative justice programmes ought to

do and what they will actually accomplish. Following this line of thought, Roche further argues that “accountability is vital to narrowing the gap between promise and performance in restorative justice” (2003:3). Fostering community spirit is a way to create accountability among citizens, inside and outside of institutions.

Vision and Leadership

It is imperative that all schools clarify a vision. Having a vision matters in schools because “a vision that reflects the needs and purposes of the surrounding community not only improves education, it rebuilds the relationship between the school and its public” (Lashway, 1997). Visions also ought to be purposeful. By focussing on the kind of leadership that defines the school as a purposeful community, the school becomes a place where people care for each other and help each other, and where leadership acts are motivated by a desire to serve better purposes (Sergiovanni, 1994). Sergiovanni states that both leaders and followers must share these purposes; the idea is that they are developed together. Thus, leaders lead by following, by serving, and by “inviting others to share in the burdens of leadership” (p. 203).

According to Sergiovanni, “It is easier to feel comfortable with the idea that schools should become communities of learners than that they should become communities of leaders” (1994:169). This runs counter to the “strong” and “direct” laws of leadership many have come to accept. Progressive leaders, however, do not act individually. What the community believes in and wants to accomplish matters most. Leadership, then, is redefined from power *over* events and people to leadership as power *to* accomplish shared goals (*ibid*).

From a restorative justice point of view, relationships and community building are worthwhile areas to focus energies and for many reasons – greater accountability, enhanced solidarity, and stronger public support – would contribute to creating positive school culture. The fulfilment of such a goal necessitates collaborating and sharing a vision with educational leaders, whom Chiang calls the “culture builders” of the school (2003). There is an opportunity for energetic, visionary school principals to accept the challenge. These leaders “establish and legitimate the messages sent within the school community” (Morrison, Blood, & Thorsborne, 2005:340).

Administrators are not the only leaders in the school environment. Students and teachers, counsellors, youth services workers and school liaison officers may also possess those qualities that exemplify genuine leadership. In the words of Noddings, adults in the school system “should not be allowed to avoid their responsibilities as moral educators by claiming that they are not prepared for this work. All decent adults are, or should be, prepared for this work” (1992:69).

An Ethic of Care

Transformation and healing in the form of restorative justice is to criminal justice as an ethic of care is to education. Nel Noddings’ well-known contributions on the ethic of care in education expand on the writings of Gilligan who argued that feminist philosophers focus on the ethic of care in moral development over an ethic of justice (Gilligan, 1982). Noddings concentrates on finding spaces for caring in instructional arrangements (Noddings, 1992). Our institutions themselves are too powerful, authoritative and strong, making our communities weak (McKnight, 1995). McKnight argues, “As citizens have seen the professionalized service commodity invade their

communities, they have grown doubtful of their common capacity to care, and so it is that we have become a *careless society*” (1995, emphasis added). Caring, Noddings asserts, is rarely placed at the centre of policies and practices (1992). She states, “There is a challenge to care in schools. The structures of current schooling work against care, and at the same time, the need for care is perhaps greater than ever” (p. 20).

Cassidy & Bates (2005) conducted a study that examined Whytecliff School in West Vancouver which intentionally embodies Noddings’ ethic of care. Through the inclusion of students’ voices, and those of the administrators and teachers, the researchers reflect upon what caring means in the lives of severely troubled youth. By focusing on the centrality of relationships, showing empathy, adapting the curriculum and using non-confrontational, non-reactive responses to aggressive outbursts, the staff at Whytecliff have gained students’ respect and trust. The study unveils how the school’s restorative approach differs from the students’ prior educational experiences.

Caring is cultivated in schools and elsewhere when responsible adults model care, dialogue with young people in meaningful ways, confirm and applaud caring, and provide opportunities to practice care (Cassidy & Bates, 2005; Noddings, 1992). A common complaint of teachers is that young people do not listen, but ironically, the young people themselves feel that teachers are not listening to them (Hopkins, 2004). Adult modelling has come to light as a crucial variable in efforts to instil lessons about how to be in the world.

The four main components of moral education from the perspective of an ethic of care are modelling, dialogue, practice, and confirmation (Noddings, 1992). True dialogue, as “a genuine quest for something undetermined at the beginning” has to

proceed without the conclusion in mind (p. 23). Inside school walls, dialogue is vital to the formulation and maintenance of relationships and especially to the holistic resolution of conflict. The third main component, practice, is what will carry on the positive effects of restorative work in the school. Practice leads to confirmation – the fourth main component in moral education. It is confirmation that allows us to see wrongdoers not as “others” but as people who are more than the harmful act they committed.

Education for Morality and Citizenship

Theory and research in education clearly articulate the importance of healthy relationships for all members of a school community. Cameron and Thorsborne argue that restorative justice has much to offer in this regard (2001). Related in some ways to the philosophy of restorative justice is education for citizenship. Some say that moral education is a primary goal of restorative justice and this is so because restorative justice improves the capacity for people to resolve their own conflicts, bring closure to events, reduce fear, and reduce recidivism by healing the community (Schweigert, 1999). A subset of moral education, citizenship education, in its broadest sense, is concerned with issues of right and wrong, rights and responsibilities, fairness, rules and laws, power and authority, equality and difference, communities and identities, democracy, conflict, and cooperation (Lambert, 2003). It has been said that understanding and finding solutions to today’s social problems can begin with a grounding in the history of moral education (Grigg & Martin, 1995). Piety, as a respect for things beyond oneself, seems to be a lost value. Piety and virtue were common goals pursued by colonial educators but are avoided in most schools today. Grigg and Martin explain that today’s schools are secular and as such do not encourage the pursuit of spiritual goals, creating a reluctance that may

be the root of many of society's problems (1995). Every conflict, however, can be transformed as an occasion for moral education (Schweigert, 1999).

In 2002, citizenship education became a statutory part of the National Curriculum in England and Wales. Until that point, only fragmented initiatives existed in schools with little national backup (Chamberlin, 2003; Holden, 2003). Iterations of its introduction were spurred by fears of the lack of morality of citizens and a perceived breakdown of community involvement (Holden, 2003; Tomlinson, 1997) – fears that are not unique to Europe alone. The new threat to a resurgence of interest in citizenship education, however, is not extremism but apathy and cynicism (Chamberlin, 2003).

There is good reason to believe that citizenship education may effect positive change. Benefits of citizenship education include teaching students to consider the views of others, to work together to solve common problems, to take responsibility for their decisions, and as Schimmel (1997) sees it, to understand the importance of rules and laws. Some schools have achieved a “moral community, in which all are valued and can make a contribution” (Tomlinson, 1997:242).

Where parallels between citizenship education and restorative justice can be made is in the “potentially uncomfortable rethinking” that follows a “significant pedagogical shift” in teaching, similar to the paradigm shift in the reconsideration of justice (Lambert, 2003:20-22). Teachers are challenged to put themselves on more equal footing with students, facilitating discussion-based classrooms rather than instructionally based ones.

Teachers fear a loss of control because of increased student participation through fostering democratic values in classroom practice. Scholars of classroom discipline point out, however, that teachers who involve students in collaborative rule making will find

these fears unfounded. Moreover, “students respect self-made rules much more than the same rules made by adults” (Schimmel, 1997:3). Schimmel contends that in systems that encourage student participation and respond to their views, students are more likely to become effective citizens and responsible supporters of constitutional democracy.

Moral and citizenship education as discussed in the literature are mostly fixed on teaching rules of behaviour as opposed to creating possibilities for care and respect to be modelled and practiced. Tomlinson (1997) points out that values come from lived human experience. Charney and Kriete argue that young people learn by practicing and talking about social skills, and that this learning is enhanced “by supportive relationships with teachers in classrooms where the students feel safe” (2001:77). Sears and Perry agree that schools are currently set up to teach about democracy, not practice it (2000). As per Hopkins, “even without organizational changes, such skills, developed and used across the school community, can contribute to a warmer, more supportive environment” (2004:74). For instance, lessons taught in the classroom could be interpreted, questioned, and even respectfully challenged if it is not congruent with what students know to be true, just as legislation or policy might be challenged in a real democracy. The goal in collaborative decision-making is not always “wilful compliance” (Schimmel, 1997) when young people disagree with the rules and decisions of authorities.

The perspective of Holden (2003) is that social and moral education should go beyond teaching right and wrong behaviour. On the one hand, curriculum is an important vehicle for teaching about social and moral responsibility, community involvement, and political literacy (Chamberlin, 2003), as “a curriculum without humanity only contributes to inhumanity” (Tomlinson, 1997:244). On the other hand, there is a curriculum – the

“hidden curriculum” – that takes place outside of formal academic curriculum (Charney & Kriete, 2001; Fopiano & Haynes, 2001). The hidden or informal curriculum typically incorporates improving interpersonal skills through non-academic teaching and has long been recognized by educators and psychologists as perhaps the most significant curriculum.

Introducing Restorative Justice in Schools

In the late 1970’s and early 1980’s, peace education emerged in schools. From the mid-eighties to the early 1990’s peer mediation and circles began surfacing. Following an emphasis on emotional intelligence in the mid-1990’s, people in the early 2000’s shared concern over street crime and violence (Hopkins, 2004). However, the origin of restorative justice in schools is often traced to the first Community Conference in a Queensland, Australia high school in 1994. Findings of studies of restorative justice in Queensland schools include high participant satisfaction, low recidivism rates, increased perceptions of safety by victims, reinforcement of school values and changed thinking about behaviour management (Cameron & Thorsborne, 2001). Since that time, the practice of restorative justice in schools in Australia, England and Wales, the United States, and Canada (i.e., Calhoun, 2000)⁹ attests to the growing belief in the value of and

⁹ Calgary Community Conferencing formed in 1998 and the Calgary Board of Education became a partner in June 1999. There were 19 school conferences in the reporting period of one year (May 1999-2000). Fourteen schools participated and of the 19 conferences that occurred, three-quarters involved junior high. Assaults accounted for the highest proportion of incidents for which conferences were held. Referrals came mostly from school administrators. All conferences entail intensive pre-Conference preparation including phone calls and in-person visits. The young persons responsible for the harm caused and his or her supporters develop restoration agreements. There is a great deal of variety in the items to be completed, such as taking the victim out for a meal, burying weapons with the victim, making a verbal apology to the school, agreeing to not tell rumours, and so on. Half of all the young persons responsible for the harm caused were 13 or 14 years old. Close to half of all students who participated in Conferences still received a school suspension for some period of time (Calhoun, 2000).

necessity for a restorative philosophy in school ethos. Despite the alignment of some school philosophies with what we might call restorative justice philosophy, Cameron and Thorsborne contend that it is still rare for misconduct to be viewed from a harm-to-relationships perspective (2001).

In most cases, the form of restorative justice implemented in schools is a variation of conferencing that brings affected parties together to dialogue about incidents of serious misconduct or harm. Restorative justice may also be used to attend to problems not addressed by poorly planned in-school drug and alcohol programmes (Karp & Breslin, 2001) as there is no such thing as a victimless crime when viewed through a restorative lens. Restorative justice has been used in primary and secondary schools as a response to conflict, bullying, and disciplinary violations as an alternative to more traditional methods of intervention. Nevertheless, why should we use restorative justice in schools? According to Morrison, Blood and Thorsborne, “the school system provides a solid foundation on which to build, as it is a central institution in the development and education of all citizens” (2005:336). These authors also feel restorative justice is important for unearthing factors (such as boredom) behind typical school problems, problems that are often misdiagnosed and resolved through punishment if not viewed through a relational lens.

Much More Than a Conference

The keys to a successful restorative process are preparation, planning, patience and ongoing support and commitment (Hopkins, 2004; Pranis et al., 2003). Some studies, however, have highlighted tensions between existing philosophies and practices around school discipline and new interventions such as restorative conferencing (see, for

example, Cameron & Thorsborne, 2001; Karp & Breslin, 2001). It is felt that the inclusion of restorative justice approaches could be highly beneficial in establishing transformative cultures, but for these tensions.

What has also been discovered is that “*the use of conferencing itself is not enough* to achieve the sorts of positive changes to school behaviour management policy and practice that was hoped for in the early studies” (Morrison et al., 2005:337, emphasis added). In conducting a review of relevant literature, the perception has emerged that schools have agendas indifferent to teaching about peacemaking and overcoming life problems. Changing practices in a piecemeal fashion, however, such as by adding a restorative-based peer mediation programme does not amount to making the whole school restorative. Wachtel and McCold go so far as to say that “if systems are not inherently restorative, they cannot hope to effect change through an occasional restorative intervention” (2001:129). Where a commitment to restorative values has been reached, a school community may move to consider regular Circles as a part of day-to-day operations. Without them, Hopkins feels maintaining the ethos vital to successful restorative work will be difficult (2004).

Applying Restorative Justice Values and Principles

The Honourable Myra A. Freeman of Nova Scotia has said, “There is ever-increasing recognition that peace in the classroom will lead to a more peaceful school, a more peaceful community, and, ultimately, a more peaceful world” (Van Gorp, 2002: foreword). To understand how restorative justice can be useful in a school setting, one needs to review the main principles and values of restorative justice and apply them in an educational setting. Some of the most important principles to resolving conflict include a

call to act on our personal values, the inclusion of all “stakeholders,” affording equal voice to all participants, a chance to participate directly as yourself, flexibility of the process, and a holistic approach (Zehr, 2002).

Operating from these basic principles fosters the use and development of key values, all of which are independent yet reinforce one another. Pranis, Stuart and Wedge found that no matter where in the world they introduce peacemaking circles, “people from every culture, walk of life and religious perspective identify the same core values to guide their interactions” (2003:33). The ten most frequently named values are: respect, honesty, trust, humility, sharing, inclusivity, empathy, courage, forgiveness and love. Together, these values “enhance our capacity to delve into the sources of conflict and to develop solutions that maximize all interests” (p. 46).

Restorative practices can be adapted to suit the context they will serve. Applications of restorative action are by no means limited to the criminal justice system, as schools become important places for restorative practices (Zehr, 2002). How restorative justice will be used is for the school community to decide based on communicated values. Braithwaite suggests creating institutional spaces where victims can forgive and offenders can apologize, but where neither is demanded or expected (Braithwaite, 2002).

Restorative Justice as a Means to Reduce School Violence

Reducing school violence is a two-pronged approach that includes efforts toward increasing prosocial behaviours and implementing effective responses to delinquent behaviours (MacDonald, 1999). Recent work with restorative justice in schools gives

educators permission to envision the kinds of cultures in schools that look to restorative justice as a first response and the best defence in conflict situations. Moreover, an auspicious domino effect may be anticipated: “A school community run along restorative lines may need fewer restorative interventions to repair harm” (Hopkins, 2004:44). Wachtel and McCold (2001) also note that the more informal restorative justice practices are relied upon in every day life, the less the need for formal restorative rituals. Finally, challenges may become more manageable as a shift in culture is embedded (Morrison et al., 2005). Thus for restorative justice to be the preferred response in schools, it has to first become a normal, accepted way of thinking.

In the past, schools have tried finding solutions to bullying and other insidious behaviour problems at school with varying degrees of success. Methods of intercession have ranged from communitarian approaches to conservative ones. The former variety values compassion through rehabilitation while the latter emphasizes accountability through punishment (Morrison, 2002). Some processes value both compassion and accountability equally. Restorative justice is about holding individuals accountable for their actions within a system of encouragement and support with an eye to reintegrating (or integrating for the first time) the individual into the broader community (Braithwaite, 2002; Morrison, 2002; Zehr, 2002). It is possible to acknowledge intricate and often traumatic human experiences and expressions thereof without validating one’s harmful actions; this is the guiding force of restorative justice. Still, within the school walls teachers and administrators should be aware of the sort of informal justice they are delivering. Roche cautions that, “for all its promise of promoting healing and harmony, restorative justice can deliver a justice as cruel and vengeful as any” (2003:1). Just as

restorative justice meetings may be places for reconciliation, amends and healing – the best qualities in people – they may also present opportunities for blame, hostility, domination, stigmatization and demoralization. Above all, a balance is needed:

“An important safeguard against the subversion and co-optation of restorative justice is an ongoing emphasis on principles and values (Zehr, 1990). This will mean that as it moves from the visionary stages to the implementation stage, the movement as a whole will need to find ways to balance attention to practice with attention to principles” (Achilles & Zehr, 2001:95).

Possibilities for Implementation

There is no shortage of implementation schemes available for schools to improve their culture and climate. One forward-thinking programme, the Responsible Citizenship Program (RCP) in Australia, seeks to incorporate a range of related processes for maintaining healthy relationships including community building, conflict resolution and shame management (Morrison, 2002). Operating on restorative principles, the programme begins with a community building process and each other component is introduced successively after the foundation is set. The strength in this model serves as an example of how others may foster responsible citizenship in their school through engagement with restorative justice.

Another programme designed for the sustainability of restorative justice in schools is proposed by Cameron and Thorsborne (2001). The six proposed guidelines include restorative processes for dealing with conflicts between staff members, and the need to expose teachers in training to restorative practices so they can build upon their skills and bring an understanding of the importance of relationships to pedagogy to their

classrooms. The very first guideline they propose is to have professional development in restorative justice philosophy and practices for all staff.

Morrison (2005) advocates an adaptation of Braithwaite's (2002) ideas of responsive regulation and restorative justice as an alternative to regulatory formalism in schools. In regulatory formalism, responses to problems are predetermined and mandated through codes of conduct (i.e. zero tolerance policies). Responsive regulation outlines how schools can be responsive to behaviour and restorative to relationships (Morrison et al., 2005). It is viewed as a pyramid model of responses that would begin with informal whole-school preventative efforts at the base and scale up through secondary and tertiary levels of intervention at the peak, where threat of formal sanctions is highest. Movement upwards through this gradient depends on the concerns of the school community and the extent to which harmful behaviour is affecting its members. The model is based on Braithwaite's hypothesis that "restorative justice works best with a spectre of punishment in the background, threatening in the background but never threatened in the foreground" (2002:35). That the threat of punishment should always form the backcloth stems from the pessimistic expectation that "restorative justice will often fail" (Braithwaite, 2002:42). For Roche (2003), formal justice should be an option, not a certainty. Of fundamental importance to Roche is that the person who caused the harm "not be punished for electing not to attend a restorative justice meeting" or be coerced into attending by threat of more serious punishment (p. 85).

It would be ideal that the course of action to be taken in any school conflict situation be neither pre-conceived nor imposed from without, but collaboratively agreed upon by all involved. Fopiano and Haynes (2001) describe the ways a team of

professionals in many schools provide relief and make recommendations for courses of action for students. A collaborative approach satisfies the inclusivity principle of restorative justice; if these professionals are present to guide and support students and not make judgments of them, the process may satisfy other restorative principles as well. As Zehr suggests, parents have a role but it is supportive rather than central (1990).

In most cases of restorative justice programming, some form of follow-up is expected. On the issue of measurement and evaluation, however, Roche sums up a common point of view:

“Many restorative justice advocates agree that outcomes should be monitored, but argue participant satisfaction and not proportionality or consistency should be the appropriate measure, as proportionality and consistency belong to a punishment paradigm that restorative justice disavows” (2003:38).

Rethinking Safety

A review of literature on the reform of school culture reveals that many who desire to make changes write about the need to make schools safe (Bucher & Manning, 2005; Cassidy & Bates, 2005; Fopiano & Haynes, 2001; Mugno & Rosenblitt, 2001). Most schools have a physical or product-based conception of safety (Bucher & Manning, 2005) but there are many ways to feel safe, including psychologically, emotionally and intellectually. Examples include feeling safe to be upset, to ask for help, to show concern and being safe from ridicule or overreaction (Cassidy & Bates, 2005). The Columbine Review Commission Report says that equipment such as metal detectors and video surveillance serves only to forestall school violence and offer only “transient solutions to specific problems” at schools (Erickson, 2001:xviii).

With safety being a fundamental need of all people, restorative justice practitioners often talk about creating safe spaces to resolve conflict. Restorative justice philosophy tells us this is a shared responsibility. In the words of Pranis, this responsibility rests squarely on the shoulders of adults because “the adults are responsible for the world these kids are growing up in.”¹⁰ Additionally, Pranis feels it is critical to bring restorative justice into schools so that young people know it is possible to feel safe. The emphasis placed by restorative justice on the role of community reiterates that healing cannot occur in isolation (Herman, 1997; Sullivan & Tifft, 2001). Individualistic options such as counselling, community work, “time-out”, and detention are practices of exclusion (Morrison, 2001). Encounter programmes, as restorative conferencing is sometimes called, are most effective when they are motivated equally by concern for those who have been harmed and those who have caused the harm (Van Ness & Heetderks Strong, 2002).

The next chapter presents the research design and results of a study that takes a look at restorative justice in a specific school district. Personal interviews were conducted in the Burnaby School District, British Columbia, to find out how these themes from the literature are reflected in a school district known for its restorative justice connection.

¹⁰ In “A Healing River: An Invitation to Explore Restorative Justice” Produced by Moore, L. and edited by Douglas, C. (2004). Produced by HeartSpeak Productions in Mission, B.C.

CHAPTER FOUR: RESEARCH DESIGN

Research Questions and Strategy

The purpose of the present study is to address the reflection of restorative justice values and principles in school culture using the phenomenological tradition of inquiry (Creswell, 1998). Phenomenological inquiry often refers to the process of “understanding the ‘constructs’ people use in everyday life to make sense of their world” (Snape & Spencer, 2003:12). The thesis addresses the following broad research question: *What is the practical and conceptual role for restorative justice in an educational setting?* This question is addressed by asking three more research questions. First, how do the adults in the Burnaby School District *conceive* of restorative justice and its impact on harmful student behaviour and school climate? Second, to what *extent* is restorative justice reflected in the District through policy but, mainly, through practice, and to what extent are these aspects congruent? Lastly, what *conditions* need to exist for restorative justice to be reflected in schools?

In an attempt to address the questions above, a qualitative research study was conducted in Burnaby School District (herein after the District) which gathered the perceptions of different groups of adults within the District about efforts to build capacity for restorative justice. The District has incorporated restorative justice in schools since the conception of the Peacemaker’s Project in 2002. The project, which was meant to involve young people in building responses for conflict resolution in the schools, consisted of training in the values, principles and beliefs of restorative justice.

The goal of the research was to seek meaning in the lived experiences of individuals about restorative justice in the school setting. While the research can be classified as phenomenological (Creswell, 1998), it also has elements of a case study and of grounded theory; it is an examination of a case bound by place and time, and adds to the development of a theory or perspective (restorative justice) that is yet underdeveloped. As a mixture of all three, this study represents a form of research that has an evolving, inductive nature. The presence of restorative justice in contemporary institutions is a complex issue deserving of a method capable of capturing intricacies, uncovering any inconsistencies, and helping to find “natural” solutions (Marshall & Rossman, 1995). To capture the aforementioned complexities, the researcher chose a multi-method qualitative research strategy. Information was gathered primarily through interviews, observations and document analysis. Several major documents proved important to this study, including the Burnaby School District Policy Statement and Administrative Regulations & Procedures, the BC Safe Schools legislation, the 2005 Safe School Social Responsibility Survey for Secondary Students, and the BC Performance Standards (social responsibility scales).

The Peacemaker Project

The District received funding from the University College of the Fraser Valley’s Fraser Children and Family Development Fund to address issues of school conflict using restorative principles. A set of strategies and approaches, collectively named the Peacemaker Project, was developed in 2002 to promote safe and caring schools that build on the principles of restorative justice. A goal of the Peacemaker Project was to make an

effort to decrease the reliance on school disciplinary processes and the courts to resolve youth conflict and crime.¹¹

After an initial threat or risk assessment, the parties involved in a school conflict are invited to mediation with one trained grade 10-12 student mediator and an adult youth service worker to dialogue about the issues. Following the principles of restorative justice, mediation ensues until a contract, written or verbal, is created. Having a peer mediation programme meant that young people in the schools were intervening, which was thought to make engagement in dialogue about bullying or other harmful behaviour easier for students.

There was no prescription for how the learned tools were to be used inside the schools; those receiving training were expected to take their new knowledge and skills back to their schools where they would collectively decide what the Peacemaker project would look like. Consequently, the Peacemaker Project looks different in every school. The project attempts to exemplify localized, grass-roots ownership that involves youth in building responses and types of options that best fit the culture of each school.¹²

¹¹ Information gathered through personal communication with a participant on November 14, 2005.

¹² A district manager explains that three of the high schools are undergoing changes to their initiatives, and that generally the District is still in the middle of a programme shift (personal communication, March 16, 2005).

Gaining Access and Participant Selection

Twenty-two participants in all took part in the research.¹³ Participants were chosen through theoretical sampling (Creswell, 1998), whereby the participants are chosen because they know something about the phenomenon under study. This strategy is alternatively known as responsive interviewing (Rubin & Rubin, 2005). As noted by Morrison and her colleagues (2005), Finley (2004) asserts that capturing the voice of teachers is important, “as they are often an underutilized source of information and inspiration” (p. 346).

Five high schools were randomly drawn in the presence of the district liaison, as well as two alternates. All interviews were conducted at these five schools. As such, the school principals and Youth Services Workers formed a purposive sample (Palys, 2003) since there is only one of each per school. The researcher was invited to a bi-weekly meeting of the Youth Services Workers where the group was told about the goal of the research. The administrators of the schools were asked to participate in the research study, and later, were asked for their help in informing respective teaching staff of the study. As there would be too many teachers in the study to contact personally, any person wishing *not* to participate in the study was asked to contact the district. A phone number was provided. That person’s name could then be removed from the teacher’s list, ensuring they would not be called upon to participate.

¹³ Gaining access to a school district to conduct research is often a monumental challenge. Gratitude is extended to two people who facilitated the process: the senior thesis supervisor, and her contact in the district that became a liaison. There was frequent contact between the liaison and the researcher who shared several face-to-face conversations about the reasons for the research and the best approaches to gain access. Upon receipt of official ethics approval from both Simon Fraser University and the Burnaby School District, a plan was outlined to interview a Youth Services Worker, the principal, and two teachers from each of the five randomly selected high schools, as well as a manager in the District and one other person with instrumental knowledge of the Peacemaker Project. This final person was interviewed for background information about the creation of the Project and was not asked the same series of questions as the other participants.

To select a sample of teachers through simple random sampling (Palys, 2003), names on alphabetical teacher lists for each school were numbered. Individual numbers were then randomly drawn, and the number pulled corresponded to a name on the list. Of all the possible teachers on the lists, two names were drawn per school. Two alternate names were also drawn for each school as backup. Eight teachers declined to participate. Confidentiality was assured to all participants. Individual schools are likewise not identified anywhere in the process. Each participant signed an informed consent form before the interview proceeded, consistent with Simon Fraser University's ethical requirements for research with human subjects. Forms were adapted to include the expressed consent to have the interview tape-recorded. Participants were given opportunities to refuse this option, though all agreed.

The in-depth interviews portion of the research strategy intended to highlight the voices of individuals involved in merging theory and practice of restorative principles in an educational setting. Although young people in the schools may have had an exceptionally compelling perspective, this thesis focuses on the perceptions of adults, a strategy that endorses the views of Kay Pranis. Pranis asserts that, "the adults are responsible for the world these kids are growing up in."¹⁴

Data Collection

Data collection strategies included hand-written interview notes, observations, audio-taped in-depth interviews, transcriptions of conversations, and an examination of documents. Each method "reveals slightly different facets of the same symbolic reality"

¹⁴ In "A Healing River: An Invitation to Explore Restorative Justice" Produced by Moore, L. and edited by Douglas, C. (2004). Produced by HeartSpeak Productions in Mission, B.C.

(Berg, 1989:4). Berg views each method as a separate line of sight. Having many lines of sight converging on the same point gives a richer, substantive array of symbols and theoretical concepts. The use of multiple methods is frequently called *triangulation*. Triangulation “can greatly strengthen a study’s usefulness for other settings” (Marshall & Rossman, 1995:144). The researcher digitally recorded field notes at each of the schools to capture the essence of the environment. This information served only to enhance the researcher’s overall awareness of school culture and climate and has not been included for analysis here.

Interviews took place during school days at the school or office where the participant worked. Most interviews lasted approximately one hour, although the shortest lasted only a half an hour. Several ran an hour and a half or longer. Following the advice of Rubin and Rubin (2005) for building in temporal and psychological space around an interview, only one interview was undertaken in a day. Immediately afterward, the interviewer transcribed verbatim with the use of a dictaphone. Six hundred pages of typed transcription formed the bulk of the data.

A comprehensive review of the literature revealed key themes that in turn informed the interview questions asked. For example, reading Hopkins (2004) led the researcher to wonder whether the restorative processes the District used were reserved only for students. Literature on ‘zero-tolerance’ (Skiba & Paterson, 1999; Spratt et al., 2005; Stinchcomb et al., 2006) prompted interview questions about current responses to escalating conflict. Further, Cassidy and Bates’ (2005) discussion on ways of feeling safe made the researcher curious about how the participants conceived of safety. The interview schedule for teachers appears in Appendix A. Slightly different versions were

used with Youth Services Workers and administrators to account for obvious differences in duties. Words appearing in *italics* in the interview questions are terms that are used in various District documents.

The interviews were semi-structured. Certain general topics were predetermined, though as indicated by Rubin and Rubin (2005), allowing the conversational partner to direct the conversation to matters they know about and feel are important often yields higher quality interviews. Therefore, it was important for the researcher to check her own biases and take notice of areas identified by participants as significant. This would be congruent with an evolving, inductive research approach following the notion of open-mindedness.

Interviews were coded to correspond to the school and participant. A separate master list was saved on a removable storage drive with all of the codes. All names were removed from the typed transcripts, and the cassette tapes were kept separate, with codes, but no names, printed on them.

The breakdown for the twenty-two participants interviewed for the study is as follows:

Table 1: Basic Information about Research Participants

Profession	Participant Age Range	Gender	Duration
<ul style="list-style-type: none"> ▪ 2 District persons, ▪ 5 Youth Services Workers, ▪ 5 principals, ▪ 8 teachers, ▪ 2 teachers-turned-counsellors. 	This ranged from 20 months to 39 years at the time of the interviews.	There were 11 male and 11 female participants.	This was approximately 30 hours.

Extra sources of data helped the researcher to relate to the research site and sample, and ultimately helped inform the interview questions as well as the final argument. These sources consist of the Burnaby School District Policy Statement and the entire set of Administrative Regulations & Procedures; the BC Safe Schools Strategy which in 2003 called for safe, caring and orderly schools; the 2005 Safe School Social Responsibility Survey for Secondary Students (by the Institute for Safe Schools of BC); and the BC Performance Standards for schools (social responsibility). The District is constrained by these policies, which set the tone for the conditions educators work in, and outline rules of conduct and infraction ramifications. Such documents, enforceable in the school community, add to the atmosphere in which the adults and young people of the school community continuously interact. School climate is therefore partially established within the terms of these documents. Many of these documents are available to the public online.

Some advantages and disadvantages to the specific research methods of this study are summarized in the table below (adapted from Marshall & Rossman, 1995; Palys, 2003).

Table 2: A Summary of Advantages and Disadvantages of Conducting Interviews and Document Review

INTERVIEWS		DOCUMENT REVIEW	
Advantages	Disadvantages	Advantages	Disadvantages
High rates of participation	Participants may feel less anonymity	Allows for comparison to interview data	Not a comprehensive document
People generally like being asked their opinion	Requires a lot of time and energy (and sometimes money)	Useful, whether supporting or detracting evidence	Full intent behind creation of policies is unknown
Chances to clarify questions	Will not amass standardized data sets	Policies are current and in place	Subject to subjective interpretation
Humanizes the process	May reveal researcher bias	Accessible information	Impersonal
Obtain large amounts of contextual data quickly	Not easily quantifiable or amenable to statistical analysis	Data and categories for analysis are easy to manipulate	Highly dependent on the strength of original research question
Data is collected in a natural setting	Data are open to misinterpretation due to cultural differences	Easy and efficient to manage	May not provide for flexibility in the formulation of a hypothesis

Analysis

Interview questions were designed with the analysis in mind (Rubin & Rubin, 2005). Certain themes, such as safety, inclusivity, the adoption of a whole school culture of peace, the importance of student-teacher relationships and the role of adult modelling presented themselves more frequently in the literature and became important themes for questions and analysis. Concepts and themes across interviews emerged as each interview was carefully recorded, transcribed and reviewed, notes were made, and

recurrent ideas were noted. A qualitative data analysis strategy of preparing transcripts allowed meanings and implications to be extracted from the material (Rubin & Rubin, 2005). As categories formed, previous transcripts were reviewed to scan for information corresponding to the themes.

Although it was unknown at the outset, this research was conducted in areas that the participants defined as high poverty areas. Schools in the district have a reputation of challenging students coming from low-income housing, meaning that teachers and administrators are inspired to teach in these areas for altruistic reasons. Consequently, as a participant later stated, the students appreciate all that they receive. This information placed participant responses within a social context that revealed a great deal about daily life for some in the Burnaby District.

The verbatim responses of the participants are included in the analysis as much as possible. All of the words typed in “quotes” are the actual words of the teachers, principals, counsellors, Youth Services Workers and district personnel interviewed. The most significant ideas about restorative justice in educational circles come from those working within the system.

The next Chapter begins with a discussion of the relevance of restorative justice to different problematic behaviours in the District. The Chapter deals with the policies and regulations of the District in regards to these behaviours, and contrasts this information with participant responses about the appropriateness of the responses in practice. From there, the question of how restorative justice fits into the current cultural context is explored.

CHAPTER FIVE: EXPLORING RESTORATIVE JUSTICE IN BURNABY SCHOOL DISTRICT

Introduction

The end goal of understanding the role and place for restorative justice in education is not arrived at in a linear fashion. It requires first piecing together and learning about school policies, practices, ethos and culture. The questions posed to participants in this study about problematic behaviours, appropriate forms of intervention, relationships, conflict resolution and District policies were meant to uncover aspects of school climate in the Burnaby School District. It is only from this starting point that a discussion about the fit of restorative justice in the District can take place. This chapter is the first of two that organizes the data. It presents an analysis of restorative justice as it applies to specific problem behaviours, theoretical and actual interventions, and a discussion of their school practices and their beliefs about restorative justice.

Problem Behaviours in the District and Restorative Justice

As a starting point in the interviews, it was important to establish what sorts of behaviours the participants in the schools saw as problematic. Much of what was mentioned, such as general classroom safety issues, might be thought of as predictable; other responses, however, deserve added consideration. Participants stated that the types of behaviours they identified as problematic “run the whole gamut” and cover “a wide range,” though not all behaviours are found in every school. Below is a combined list of participant responses,

- Violence and fights (although overt violence was said to be rare)
- Weapons
- Drugs

- Theft (students robbing from each other)
- Intruders at the school (a significant problem for some schools)
- Issues with student's home life
- Name-calling, rumours, gossip and other forms of social alienation
- Anger issues (one participant described some of her male students as having "explosive anger")
- Notions of suicide
- Self-harm such as "cutting" – a serious visible symptom of deep emotional issues (one teacher commented, "I kind of find out who the cutter girls are. It comes out in their writing; it comes out in their photography and their artwork.")
- Eating disorders
- Gang activity

The district level sees the most severe student conflicts, which have included bomb threats, sexually intrusive behaviour, drug selling and weapons use. When the list of problematic behaviours is examined with an eye to the value or impossibility of using restorative justice interventions, certain behaviours stand out as more receptive to restorative practices. Within the criminal justice system, the willingness of both the victim and offender, as well as an admission of responsibility on the part of the offender, are often the key criteria for entrance into most restorative programmes. While some restorative justice programmes may rule out the use of conferences for offences such as domestic violence or murder, in many cases, the severity of the offence is not a limiting condition. As such, restorative justice appeals to a wide range of cases for various criminal offences by youth. In South Australia, for example, a statutory-based conferencing scheme handles serious cases of sexual assault, violent crimes and property offences (Daly, 2003). Research from England supports conferencing for youth charged with more serious patterns of offending, including violent offending (Hackler, 2004). Morris and Maxwell (2003) agree that restorative justice processes should be aimed at more serious offences, given the resources and amount of healing that is needed in those crimes, and that restorative processes are most appropriate for repeat offenders. From

this perspective, violent, serious, and repetitive misbehaviour that occurs in the school district would fall within the purview of a well-conceived restorative justice programme.

In the words of one participant, “There are many things happening in our school to prevent problematic behaviour from arising.” Due to the metamorphic nature of bullying, however, it is incredibly difficult to detect and prevent. One-third (or 7 out of 21) participants currently working in the District specifically stated bullying as a cause for concern in their school. As bullying is a term open to many possible interpretations, the participants were requested to clarify their responses. While bullying takes many forms, including the increased use of the internet for “cyber-bullying” which then carries into the school, physical bullying is observed the least. One participant explains:

“The bullying that I see is not so much physical. It’s more... it’s manipulation, intimidation and castigation... it’s all those ‘ation’ words! The bullying that I perceive are more social nuances; it’s pressure that’s exerted due to popularity or unpopularity or in-group/out-group identification. That’s the kind of bullying I see. I don’t doubt that the other type of bullying – the physical bullying – is taking place; it’s just...it’s never in front of us. We could deal with that. That’s overt – we could do something. That’s not what we see” [sic].

According to most accepted definitions, bullying behaviour is serious and occurs repeatedly and over time with intent to inflict injury or discomfort (Olweus, 2003).

Valerie Braithwaite (2000) argues that the inclusiveness of community in restorative processes makes restorative justice a meaningful and viable response for dealing with school bullying. Ahmed and Braithwaite emphasize the connection of relationships to bullying and state, “because relational difficulties loom large in the vast majority of accounts of bullying behaviour, restorative justice is an intuitively appealing kind of intervention to recommend for such cases” (2006:348).

Other forms of behaviour participants find problematic include a lack of respect, inappropriate comments and “talking-back,” such as when a student says, “You’re not my teacher.” With regard to disrespectful behaviour, one participant stated that students “lack self-control,” while another claimed, “they’ve forgotten or society in general has forgotten concepts like honour and duty, and just what would be an honourable thing to do.” Noteworthy is how many people interviewed cited “non-compliance,” defined by a participant as “when a student is asked to do something by a teacher, by an administrator – somebody in a position of authority – and the student does not comply with the request” as objectionable behaviour. To the participants, this may mean a student has “gone over expectations” and is “not cooperating,” although *cooperation* implies teamwork. By reprimanding a student for disobedience, the message is one of obligatory obedience, reinforcing certain power dynamics that are generally present in schools anyway and highlighting them as necessary and important. To handle a similar problem – absenteeism – schools have autodial systems: automated software programmes that will telephone home to inform parents that their child is missing from school that day.

Chmelynski (2005) finds that schools in St. Paul, Minnesota using regular classroom circles have seen more positive relationships develop among staff and students. Restorative practices that hold students accountable for their behaviours while emphasizing respectful relationships address and reduce issues such as back-talking, physical altercations and disrespect. What is interesting about the Minnesota approach is that a school for students recovering from chemical addiction was selected in 2002 to pilot-test a restorative justice programme thus indicating that drug-dependency may not be beyond the scope of restorative justice as is often thought. Boulton and Mirsky (2006)

add a British perspective and found that circles at the end of every school day greatly reduced property damage such as broken windows (resulting from angry outbursts by young males), disruptive classroom behaviours and non-attendance. Restorative practices turned into a restorative ethos in Oxfordshire, England, even amongst young males with serious emotional and behavioural difficulties. Other research from England shows how restorative approaches are being used in primary and secondary schools to manage behaviour in classrooms, deal with significant problems such as bullying, theft, damage and school ground disputes, and even to resolve conflict between the school and families (Robb, 2005).

The above research suggests that many of the problematic behaviours cited by Burnaby educators – violence, fights, weapons, drugs, theft, anger issues and social alienation – might well fall within the range of capabilities of restorative justice. Relationships, which are integral to restorative justice, sometimes suffer in the Burnaby School District. Emotional issues and “issues of students not belonging, feeling isolated, and sitting in the hall with no one else around,” as one participant described, may contribute to depression in some students. “There are a lot of depressed kids around here. Like really crazy, crazy depressed,” reports one participant.

Morrison maintains that restorative justice is applicable to “a range of harmful behaviours in schools” without specifying which behaviours (2002:3). On the other hand, learning disabilities, medical conditions and clinical diagnoses that may contribute to behavioural issues generally fall beyond this range. For example, participants stated that some students are diagnosed with ADHD, depression, schizophrenia, Tourette’s

syndrome and Fetal Alcohol Spectrum Disorder. These conditions may be dealt with more effectively through means other than restorative justice.

Although most participants noted that incidents of violence are rare, many feel that drug use is increasing. Karp and Breslin (2001) explore restorative justice practices in school communities in relation to substance abuse treatment and find no particular distinction between the way schools handle substance abuse problems and other types of offences. Most teachers and administrators still adhere to traditional disciplinary measures, such as zero tolerance policies, when addressing substance abuse. Through a restorative lens, drug and alcohol abuse are “symptomatic of youth alienation, oppositional youth subcultures, and weak community controls” and are reducible through restorative practices directed at “changing student culture and strengthening the social ties of youth to conventional people and institutions” (p. 250).

An administrator in the Burnaby School District spoke about the “disturbing trend” of directionless youth “just floating around the neighbourhood, not making wise choices.” Overwhelmingly, the participants gave accounts of problems that come from home or the greater community that follow the students into school. The students were compared metaphorically to wounded animals when one participant stated, “I’m lucky to have a nice big back yard, so I seem to have a gathering of wounded birds and squirrels back there that seem to be taking over the back deck.” Schools gaining confidence in restorative practices might consider inviting parents to dialogue sessions where they can learn about and give input into restorative justice and its potential positive effects.

School Interventions

Disconnection between policy and practice is common in society's institutions. Is this the case in the Burnaby School District? First, do the policies actually reflect the intent to create and maintain a safe and positive school? Second, are the daily interactions between school community members reflective of the written policies? In addition to consciously shaping a restorative school ethos, a commitment to restorative justice on all levels and at all stages of escalating conflict may be vital to the realization of a truly restorative school community. As suggested in Chapter Three and emphasized again here, consistency in vision, policy, and practice seems to be the most mindful approach to ensuring cohesion in a school community. The Burnaby School District Policy Statement and the Administrative Regulations and Procedures serve as formal guidelines for discipline enforcement and rules of conduct while setting a general tone for schools. What steps are set out in these policies and regulations? What do they do to address problem behaviours in the schools?

In regards to community relations and public information, policy 2.05.00 acknowledges the importance of public involvement in education. In the spirit of open communication with citizens, such a policy makes a positive statement about the intent of the District to encourage community involvement. Indeed, it is the reason researchers are able to learn from and contribute to educational decisions. It is encouraging also to see a District articulate a "Positive School Climate" policy. The District Code of Conduct – interestingly worded – states that members of the school community are expected to treat others with respect and courtesy and to conduct themselves in a manner worthy of the respect of others to promote a safe and positive school climate. Conflict is to be resolved

in a non-violent and responsible manner. Many of the District's policies read much the same in that they cite the protection and well-being of the members of the school community as paramount.

It is what the District lists as appropriate forms of intervention that poses an interesting contrast. Student suspensions exist as an omnipresent option in the repertoire of possible responses. When a student is in breach of the District Code of Conduct, the school should attempt to resolve issues at the school level. If this cannot be achieved, the principal or vice principal may suspend a student. Within five school days of a suspension, policy stipulates that the school will make every effort to provide parents and students with opportunities to meet with school personnel to resolve suspension issues. After this time, the Student Retention Committee, a committee designed to facilitate the retention of suspended students, will become involved. While parents or guardians may be consulted, the committee plans a course of action and communicates the decision to the school and parents. Where the breach involves violence, intimidation or weapons and the principal considers the offence to be of exceptional severity, the principal may seek authorization to make a referral to the Student Conduct Review Committee.

Subsequent sections of the Administrative Regulations and Procedures document outline an action plan in instances of weapons use or possession, violence and intimidation, propagandist or prejudicial conduct and the like. In most cases where a student acts in a way that adversely affects school climate, the student is permitted to provide a written or verbal statement to the principal. The policies do not state that every effort will be made to provide opportunities to dialogue about the issues at hand. In the case of weapon possession, policy deems that the Board shall choose the appropriate

course of action, without mentioning whether or not parents or guardians, or the students themselves have a voice in the decision.

According to the District's policy on violence and intimidation, parents or guardians are notified *in writing* of the disposition that has been arranged for their child. Policy 5.10.02 states that when an act of violent or aggressive behaviour is carried out by a mentally challenged or psychologically disturbed student, a letter is sent home to the parent or guardian to document the terms of the agreement (which they must agree to and sign) that the child is to remain home until problem resolution. If the parent denies the request to keep the child at home until resolution, the principal will suspend the student anyway under authority of the School Act.

In fact, upon a review of all the District's policies and regulations, it is evident that the District is attempting to infuse peaceful measures into an overwhelmingly adversarial and hierarchical political framework. The steps outlined to resolve any serious issue in the District inevitably involve reporting the incident to a higher authority, documenting all actions in writing and disseminating paperwork, keeping detailed records of all actions taken, engaging in a process of formal decision-making by a Board or Committee, and informing police when necessary. According to written policy, parental involvement beyond an initial phone call often is not invited until several steps into the process, and even then is largely limited to a written or verbal statement. One participant from the study claims that the process mimics the criminal justice system:

“Actually the school has a minimal voice. That committee, none of which have to live with the consequences of that behaviour, [are] the ones that decide what should happen. They haven't been affected by it directly. They've been affected by it vicariously because it's their job to sit on the committee. That's the extent, so that's a huge part of the problem.”

In practice, restorative responses to conflict in the sample of schools from Burnaby range from informal (“hallway conferences,” impromptu meetings with teachers and administration) to formal (peer mediation, full restorative justice conferences) as they involve more people, planning and time. The more formal responses do not seem common but according to participants have at different times taken place. Educators have adapted their responses to conflict situations in creative ways, and “under each different administrative team it’s always a different response.” Overall, teachers do not send students to the principal’s office often. To do so, they say, feels punitive. Perhaps this is because “once a problem is passed to a third party, punishment is often the typical response, as ownership for the problem has begun to erode and with this, effective responses” (Morrison, 2005:349). Sending students to the office, however, remains a last resort for many exasperated teachers. As one participant said, “I would be surprised to find five to ten teachers who use a similar approach to any discipline situation whatsoever, other than send them to the office.”

Teachers discussed what their involvement would look like in situations where a student of theirs was disciplined by the administration. One teacher said, “I’m concerned. They’re a student of mine. I want to know.” Often the teacher will accompany the student to the office, or alternatively, meet with him or her in the office after the class has finished. In the view of one participant, “that’s what a teacher should do.” Moreover, whenever a teacher reported “reacting” to student behaviour it was always with a sense of remorse and accompanied by an acknowledgement that it is not the way they would like to act. Yet, under their responsibilities to other students and pressing time constraints, they say sometimes it is the only way to respond. Teachers,

counsellors, Youth Services Workers and even the school nurse handle many of the issues that arise so that the busy administration does not have to. Some less complicated issues may be resolved with a “hallway conference,” a five-minute conversation with a student or students just outside of the class when a situation requires immediate attention. As one participant puts it, “We tend to use a more educational based model rather than a punitive model.”

One method of information gathering is providing students who have transgressed with a form to fill out, “which asks the student to indicate what the situation was that brought them to the office, [and] if there were any witnesses or people that should be spoken to as well to help us get the background information.” The form is intended to give a student time to calm down and become more rational, and serves as a discussion point to move forward from. Worthy of mention is the part of the form that “asks the students to reflect on how they could have avoided this or how to solve the problem,” which may have the effect of placing onus on the student to avoid or solve the problem without first discussing what happened and having his or her story heard.

The most common strategy used in any of the schools is to involve the Youth Services Worker, and perhaps to a lesser extent, the School Liaison Officer. The District trusts and relies heavily upon the Youth Services Workers; for example, drug issues usually go to Youth Services Worker first.¹⁵ Teachers may be keenly aware of family dynamics that affect student behaviour yet may feel it is not their place to interfere. Often a Youth Services Worker will step in to help with these matters.

¹⁵ It may not actually be the case that the Youth Services Worker is referred to before the School Liaison Officer. Participants in the study, however, mentioned the Youth Services Worker most often.

Another of the current responses, one that closely reflects restorative justice principles, is to hold a meeting with the student and any combination of significant adults, including a vice principal, parent, counsellor, or school liaison officer. In instances of harmful behaviour, one participant said of their school there is “probably communication with parents... In most cases there is.” Some schools encourage keeping parents involved as much as possible to promote transparency: “They all [counselling department] have contact with parents very often.”

There is also suspension.¹⁶ Suspension can be important when the goal is to make an immediate impact and send a message about misbehaviour. The decision to suspend gives the illusion of control, one participant said. Where it is least effective, according to interviewees, is with drug use or non-attendance. Suspension might offer a rare opportunity for students, teachers, parents and others to sit and discuss problems. Paradoxically, it becomes a punitive means to a restorative end. One administrator, in describing such a meeting, said, “I will tend to direct questions to the student” as a sign of respect, and may ask, “How can I support you? How can your parents support you?”

The majority of the time solutions to conflict situations are sought “in-house.” Most educators, however, seek the support of the District when conflict reaches the severe end of the spectrum. To summarize the information gathered at the District level, steps are taken with students and their families to ensure the safety of all involved, including others in the school setting, using restorative means wherever possible. Professionals at the district level employ collaborative measures to ensure all stakeholder voices are heard, offer support to the schools, and ensure that schools are doing all they

¹⁶ Most participants saw the use of suspension on a decline. One participant felt, however, that suspension is on the rise. Actual rates of suspension were not examined in this study.

can on their level before a situation is “brought up” to the district level because at that point it is visible to the community. The goal is to utilize as many resources as necessary to help the student address what they have done and to take responsibility for their life choices. This allows a young person to experience supported accountability.

MacDonald suggests teachers ask themselves, “What are we modelling by uttering threats for misbehaviour?” (1999:94). More often than not participants in this study conveyed a dislike for suspension. Participants remarked,

“We punish kids by isolating them from relationship instead of dealing with the actual incident in relationship. They lose their friends, they lose the contacts they have with positive teachers, with any positive person as punishment, which I don’t think works. We disconnect kids where we should be connecting them. It’s in disconnect that we create unsafety or the perception of unsafety but that’s what we often do, we move to disconnect all the time” [sic].

“I think we do a disservice to students to have them go away. It’s not that we think they’re fixed when they come back.”

Each school has a unique way of dealing with unacceptable student behaviours. Largely, participants confirmed in various ways that positive intervention work takes place at their school. Some of the affirmative responses include,

“I think this school is very good, myself.”

“Yeah, I believe so. I think so. Our intervention isn’t consequence-driven first; it’s more of information gathering and then trying to find appropriate ways of dealing with the situation.”

“I think so, yes. We have an excellent Youth Services Worker here and he gets himself involved very quickly and the counselling department here is absolutely amazing.”

“I think we do an excellent job of interventions... it’s based more on the social justice model or the restorative justice model.”

To the participants, a focus on proactive work is essential and occurs in conjunction with integrated responses to conflict. In their view, proactive work includes talking with youth about what concerns they have, “working with groups of kids on peer responsibilities for keeping the school safe,” having peer tutors and fostering trusting relationships so that adults are able to intervene before something serious happens. Building strong relationships between staff and students is critical because, as one participant claims, “There’s no point in making a federal case out of absolutely everything.”¹⁷ Through reflection, one participant commented, “I think probably it starts in the classroom.” At one point it seemed all or most of the high schools in the District had peer-led groups of student mediators or some other version of the Peacemaker Project; however, it is unclear from the interviews if any of the five schools in this study have maintained peer mediation. Those interviewed did not know if the peer mediation approaches that were once in place were still occurring; most doubted they were.

Collaboration is a strategy supported by restorative justice and has been a factor in the overall success in Burnaby schools. In describing one school’s approach to problem solving, a participant said,

“We definitely use a team approach and that team has a tremendous communication base to it. The success of the team is based on communication. So whenever we have an issue, we all get involved. We all talk about it. We all provide input... We take painstaking time in getting statements so that we really – and talk to the kids – so that we really do feel that we understand what the issue is, so that we have all the details.”

¹⁷ Something that the researcher was not able to look at closely in this study is whether intervention strategies changed from department to department within the schools. It seems that some teachers, by the nature of the subjects they teach, may have fewer opportunities for one-on-one interaction with students, which may affect the types of relationships formed.

Such clear communication is accredited to “a revolution in the district,” states one participant. All of the Youth Services Workers said it is important to “communicate and be on the same page with what’s going on,” and other participants frequently attested to the approachability and dedication of the Youth Services Workers. This contrasts with the opinion of a district person who was uncertain about current conflict interventions given the district’s detachment from the schools: “Sometimes it’s not inclusive enough, would be my concern. We don’t witness it, so we have to base all our information on reports.”

Not all participants stated favourable opinions towards the current forms of intervention in their schools. To put it plainly, it was noted by a participant that, “when dealing with the serious issues here, there isn’t the capacity and the experience or the will to respond effectively, so it’s troubling.” Participants occasionally expressed that not enough attention is given to certain “infractions.” Teachers specifically wanted to see something more happen; their frustration over existing conflict resolution methods was clear. To illustrate, a participant with relatively little time assigned at one school sustained a physical injury inflicted unintentionally by a student. The vice principal decided the resolution without input from the teacher. Feeling “a little ticked,” the participant said, “the principal considered the matter closed at the time. I didn’t see that there was anything I could do.”

The district offers a number of special programmes for youth experiencing problems, for instance a programme created for grade seven and eight students who are unable to continue in their current school because of a lack of response to multiple interventions. The students are placed “in a full day integrated programme which is very

unusual because most behavioural programmes are segregated.” One participant, while acknowledging special programmes are necessary for students who had been kicked out of school before, expressed the concerns of the “NIMBY syndrome” (“Not in My Back Yard”). She felt that putting drug dealers in programmes “definitely is going to change the tone of the school because there are suddenly available drugs” – arguably, more than there might be otherwise.

School district policies can be very abstract, especially when left unattended for some time. Burnaby District’s policies on weapons and multiculturalism, for example, have not been revised since 1993 and 1985, respectively. In an attempt to understand district policies through the eyes of those working under them, participants were asked if the current responses harmful behaviour were consistent with the District’s Policy Statement. It became clear throughout the interviews that the participants were generally unfamiliar with what the district policies said, as indicated by statements like, “If I knew what the policies were...” This apparent uncertainty made it difficult for participants to express views on the congruence of intended and actual practice, admitting, “I don’t know. I honestly can’t answer that.” Other comments in relation to the District Policy Statement echoed the following: “Oh, I don’t know what the District Policy Statement is off the top of my head. I’m sure it was given to me in one of my packages somewhere along the line. Now I’m curious as to what it is.”

What participants did know about the policies was that they “seem to be quite vague” and “generic.” Even one of the administrators expressed ambivalence: “I mean we’re to provide a safe and secure learning environment for all students – the policy is very broad, is very general.” In speaking with a long-time teacher-turned-counsellor, the

view on policy was that policy is more precise the more severe an infraction of the rules; for example, “If it’s very severe the steps are, you must do this.” Consequently, some identify following the “zero-tolerance” policy around weapons offences, violence, fighting, and the use of drugs without compromise because of safety concerns. These instances are phoned in automatically to the Assistant Superintendent. One study in the United States found that 96 percent of school administrators surveyed went to automatic suspension for weapons violations (Sheley, 2000, as cited in Stinchcomb, 2006). As might be expected, administrations in Burnaby are keen on these policies, although one participant said, for better or for worse, the zero-tolerance policy is not enforced. If it is enforced, an intervention with the student must occur; students do not have the choice to do nothing.

Speaking about the alignment of policy and practice between the District and the schools, one administrator stated plainly that school staff do employ collaborative team approaches to problem solving, but that these are not the steps written in the District Policy Statement. For cases involving weapons, intimidation or violence (for example, cases where collaboration and consultation with all relevant stakeholders may make the most sense), policy states, “when a disposition has been arranged, the parents of the student and the initiating principal or vice principal will be notified in writing.” At the highest level, students and parents are not always active participants in the decision-making process regarding outcomes for students. Another participant goes further, stating that not all schools work through conflicts collaboratively: “I’d like to say every school does it that way but they don’t.” In contrast, there were participants who felt their school interventions were “very consistent with District policy.” From the perspective of most

administrators, every effort is made to accommodate the learning and personal well-being of a student until the school exhausts all possibilities.

Participants tend to view Burnaby District as more retentive than other districts. The District has built on its philosophy and capacity for retaining “difficult” students and working with them through conflict and healing. As several participants stated,

“The word ‘retention’ is critical. It’s not the ‘Student Elimination Committee.’”

“We don’t necessarily think, ‘Let’s get rid of the kid’ whereas historically maybe that’s how people would deal with things. Person gets moved out pretty quickly if it’s... you know it’s very punitive right away and we’re trying to get more proactive.”

“We can throw him out of school but he’s still going to be my next door neighbour one day or somebody’s next door neighbour.”

“The District has a policy of keeping kids and not getting rid of them.”

A great degree of confusion among the participants emerged over discipline procedures at the district level. Participants rarely knew the proper names of the two major district committees that deal with extremely severe misconduct cases (Student Retention Committee and Student Conduct Review Committee). One counsellor, who was once a teacher, grappled with the origins of the confusion:

“Discipline in the District, when it comes to placing students, was really unclear to me. It was like an old boys network and admittedly what was happening in Burnaby ... is just that people were, just because people are busy and trying to get stuff done, calling who they knew. And I don’t think calling who you know in the District is helpful because then the counsellor’s calling someone and then a vice principal’s calling someone and there’s no law and order to the whole process and it’s all over the place.”

A participant noted that at the district level, different processes are available. The options include doing a threat assessment, and holding a modified meeting or a full intervention meeting that involves parents and the student to arrive at a satisfactory conclusion. On several occasions this “has resulted in a restorative justice referral,” and sometimes “counselling or individual plans are put in place.” The participant further explained the need to respect the uniqueness of each case:

“Each case is assessed on an individual basis, so even though we have our blanket policy saying we will respond if you bring a weapon in school, what we try to do is then look at each case: Why did it happen? What are the underlying factors? You know we look at the whole picture. We don’t just look at the fact that the kid brought a weapon.”

Delving further into what beliefs and assumptions are important behind such efforts, the participant said,

“We know people who harm have been harmed ...So if we’re digging it’s because we think the best thing we can do to address the issue is address all different parts, not just one.”

A separate question posed to all participants was, “How often do you think about the written rules and policies when dealing with young people who may be experiencing problems?” Over half (62%) of the participants rarely think about the policies when dealing with a situation. One participant replied, “I think about them when I’m breaking them. And I think about what a fine line we’re expected to walk professionally.” Another person remarked, “It’s always there... in the back of your mind.” Participants also pointed out that forming closer relationships with students has the effect of guiding them away from rote policy to deal with student situations. This supports the viewpoint that relationships and the interconnectedness of people are paramount for healing harms (Zehr, 2002). Only a couple of participants said they thought of policy every day. One

participant's opinion was that, "The expectations are reasonable and I don't think they're so conservative that I disagree with any of them." The teachers regularly spoke of the rules collectively agreed upon in their individual classrooms as having precedence over what is written in school or district policies. A repeated message was that policy is not appropriate for all people in all situations. In the words of one administrator, "You know... do we follow the written rules and regulations by verse? No. Because every situation is so unique, you can't write a policy for every situation. It's impossible."

Exploring the Supportive Cultural Context of Burnaby's Schools and the Fit of Restorative Justice

In the hallways, during class, on school property and even after school, demonstrations of care are plentiful in the Burnaby School District. To the various adult members of the school community, caring is,

- Implementing food programmes and keeping a steady supply of nutritious food items for students. Many of the students arrive at school hungry having come from areas known for their relative poverty
- Buying or collecting clothes for students
- Loaning students bus money
- Getting to know students individually
- Being visible and available to students, which includes adult involvement in extra-curricular student activities ("you don't get paid for it so there has to be some altruistic reason why you would do it") and volunteering extra time (for example, coaching, supervising school dances, attending 30 hour famines, and being involved in students' graduation)
- Continuing ESL programmes and supporting struggling students in after-school homework programmes
- Being transparent and straightforward with students as a sign of respect and reflecting the importance of being honest
- Encouraging all school community members to care for the environment

The 2005 Safe School Social Responsibility Survey for Secondary Students (SSSRS) in Burnaby School District revealed that what the students saw as caring behaviour was adults having a sense of humour, making connections in class, and making exceptions to the rules. The same survey corroborated the point of view of one participant that, “students feel that staff don’t really care about them.” Almost half, or 44 percent, of students surveyed in 2005 disagreed or were undecided about the statement that teachers cared about them.

Part of the District’s framework for safe and caring schools calls for treating others with respect and courtesy. When asked how young people in the schools are encouraged to treat others with respect and courtesy, some participants directed the researcher to the first page of the student agenda planner, which displays the District Code of Conduct and outlines student expectations. Written reminders of the behavioural management policies appear in posters on the walls, as they might in any school. A Youth Services Worker noted that young people also learn the values of respect and courtesy punitively, that is, when it is not given and teachers consequently reprimand students.

At the same time, a focus in the district on social responsibility may be responsible for prompting a gradual shift toward teaching values and principles through modelling. At the very least, there is an awareness of the essence of modelling good behaviour, and the consensus is that if students can see and experience care, those internalized lessons will be reflected. The view of one participant captures the spirit of a great deal of education literature on the subject of values education; she states, “I also think that we have opportunity to do other things as we have a captive audience. What

opportunities do we have to work with these kids, to create experiences for them that makes them better people, that teaches values and virtues, not just subjects?”

According to Fopiano and Haynes (2001:47), “Social and emotional abilities are more readily acquired and mastered in a supportive school context where adults model healthy behaviours and strategies.” Despite this, it was obvious the adults in the school community think more about resolving conflicts between students than other adults. After a moment, one participant said, “Solve conflict with adults? Good question!” By nature of their job, teachers are more skilled at handling student conflicts, saying, “It comes more naturally with kids.” With the lens turned toward their own behaviour, the participants mused over what adult modelling and conflict resolution looked like in their school,

“It doesn’t seem to be too good.”

“I emphasize basic human courtesy in my classroom but I don’t always get it. I’m not positive I always give it.”

“One of the things in creating a better environment for students is to create a better one for ourselves as well.”

Participants discussed adults hiding behind policies in conflict situations. The most serious cases are heard in the presence of an administrator and union representative from the Burnaby Teachers’ Association (BTA) and everything goes on record. The BTA policy states that when conflict between teachers does occur, they must speak first with the person who offended them. Students are rarely able to witness this process between adults because adults often solve conflict behind closed doors, or as participants also revealed, not at all. Of course, serious conflict does not occur every day. Even still, some participants claim that conflicts that do arise are never dealt with or are avoided.

One participant understood the attitude to be, “We’ve got our professional relationship but let’s not deal with each other on a personal level.” At the same time there is recognition that adults have to show young people how to deal in the adult world; “They’re not going to have an ethic of care and what that looks like with their friends because that’s not being shown to them in the adult world.” As indicated by one participant, “The atmosphere isn’t set up for dealing with these kinds of things. It’s at the end of the day when people are tired. It’s at the morning when people are tired. It’s at lunch when people are tired. So there’s really no time for it.”

This is not to say that the school community members do not get along with each other. Participants generally believed that all the members of their school community get along very well (16 out of 21). School size, staff attitudes, and the District support all contribute to the overall “family-feel” of the schools. Six participants agreed, “There’s a sense of community here;” others stated their school is a comfortable place to work where “staff relations are friendly and upbeat.” Therefore, despite room for improvement in appropriate adult modelling and conflict resolution practices, the atmosphere in Burnaby’s schools is positive.

Participants’ Thoughts on Restorative Justice and Perceptions of its Presence in Their Schools

Does a positive school environment mean that a school is ripe for building and refining a restorative justice-based ethos? Throughout the interviews, participants spoke in general terms about caring, adult modelling, safety, and school climate, as these topics were the focus of different questions they were asked. When asked specifically about what restorative justice means to them, however, participants used words that described

the *process* of restorative justice more often than they used words that described restorative justice as a set of *values* (Table 3). In other words, participants tend to view restorative justice in the process conception (Braithwaite & Strang, 2001). Articles in the literature that discuss restorative justice in schools tend to focus on the various models of restorative justice, such as conferencing, for responding to inappropriate behaviour. As an example, Morrison, Blood and Thorsborne state, “restorative justice conferencing can be a highly effective process for responding to inappropriate behaviour of a serious nature in schools” (2005:337). Beyond a few special articles that discuss the need to “focus on the integration of restorative philosophy, practices and principles into the wider school culture,” (p. 337) little is mentioned about the supportive cultural context of schools as it relates to restorative justice. Morrison and her colleagues state that “restorative practice also needs to be proactive, immersing the school community in a pedagogy that values relationships and a curriculum that values social and emotional learning” (p. 338).

The Table below provides a snapshot of the sentiments stated by participants. For the purposes of this study, participant responses are of interest insofar as they shed light on the difficulties of actualizing a school culture that includes restorative justice. The Table allows us to see the connection between the definition participants assigned to restorative justice and their perception of whether their school incorporates that model. All of the descriptors displayed are exactly as participants stated them.

Table 3: An Overview of Participant Responses Concerning Their Definition of Restorative Justice and Whether Their School Has It

Code	Has this school adopted restorative justice?		What comes to mind when you hear the term "restorative justice"?			time in the district			
	school	participant	yes, as a programme	yes, unofficially or in culture	no		process conception descriptors	values conception descriptors	unsure
SI					no	involve people in processes; peers helping peers; responsibility; decision-making; give something back; I want to see some remorse restitution, alternative punishment; making up for what you've done; righting past wrongs as punishment	make amends		
		T3S1	✓						35 years
		T4S1	✓				human endeavor; make it right; reflective	feel I need to learn more	3 years
		A1S1	✓			bringing people together; opportunity to talk; conversation	to restore		7.5 years
S2		Y1S1	✓			bringing people together; opportunity to talk; conversation			unknown
		T5S2		✓		payback; transgressor; fair recompense; apologize	social responsibility; respect		18 years
		T6S2	✓			committee of students to deal with conflicts; programme; peer group; doubt group exists anymore	reflects community; restores the person who's been done wrong		12 years
		A3S2	✓			training; being heard; needs met; involving people; peer mediation			3 years
		Y2S2	✓			giving people that are affected a voice in the outcome; mediation; stakeholders; process	sensitivity towards people; empathy		unknown
S3		T1S3	✓			giving power back to the offender; a chance for both parties to discuss what's happening; a chance to voice feelings			2 years
		T2S3	✓			restitution	alternative way of bringing justice about	what is restorative justice? Is that restitution? I'm still a learner	20 months
		A4S3	✓			it's not our daily practice	restoring people to a respectful position; accountability for behaviour		9 years
		Y3S3	✓			meaningful resolution; restitution-based work with kids; mediated; restitution skills	what kind of person do you want to be; interactions with kids		unknown

Code	Has this school adopted restorative justice?		What comes to mind when you hear the term "restorative justice"?				time in the district
	yes, as a programme	yes, unofficially or in culture	no	process conception descriptors	values conception descriptors	unsure	
S4			no	mediation; having all parties work together; brainstorming solutions	small little steps; vocabulary		
	T9S4		✓				4 years
	T10S4		✓	in a session work out difficulties; on the way back in after a suspension	come to an understanding of where each other is coming from; create a culture Respect		15 years
	A2S4		✓	rectify the problem; find out why it happened; appropriate consequences			35 years
	Y4S4		✓	conflict resolution; training in Australian model; framework	harm reduction; peace		unknown
S5			no	resolving wrongs; options in terms of resolving the wrong done; not necessarily meant to punish	there has to be a culture of it and it's only sort of beginning	it's not something I've ever totally understood	
	T7S5		✓				5 years
	T8S5		✓	resolving things without punishment; circle; bringing people together; a chance to talk	keeping self-respect; justice without the punishment aspect		39 years
	A5S5		✓	working together with a facilitator; realize impact; rectify a situation; apology or letter; strategy	daily use and vocabulary		5 years
	Y5S5		✓	repairing; eight week training session for students	respect; belief; philosophy; frame of mind; everybody talking the same language; not only conferencing		unknown
District	M1AS	✓	opportunities for kids to address what has happened to them at school; creating space	more meaningful than current justice system; addressing the harm; underlying principles drive actions			11 years
Other	no code		(interviewed for background information about Peacemaker Project only)	(interviewed for background information about Peacemaker Project only)			unknown

Most participants, if they have heard of it at all, view restorative justice in the process conception Braithwaite has outlined (2001). For those interviewed, it is a process whereby affected parties come together in a face-to-face session with a mediator to share thoughts about the effects of wrongdoing and work out a resolution. Key features most frequently named include mediation, restitution, process, facilitator, discussion, apology, and finding a solution. A couple of participants recognized the importance of “pre-conferencing,” or the preparatory work that ought to come before mediation. Meeting with the parties of a conflict separately, perhaps many times, may douse the anger and negate the need to move on to a full conference. One participant declared, “Sometimes the *feeling* of a process can really impact in a huge way.” A couple of participants were new to restorative justice. One simply said, “What’s restorative justice?” To understand the complexity of a concept like restorative justice is to appreciate comments like, “It’s not something I’ve ever totally understood.” Encouragingly, a few participants (4 out of 21) stated a desire to learn more.

Few participants instinctively saw restorative justice as a set of values or as a philosophy to guide day-by-day associations. In fact, only about one quarter, or approximately 24 percent, specifically stated that restorative justice is either a set of values or a philosophy. This was difficult to determine precisely, however, as participant responses were often lengthy and indistinct. This however suggests that educators in the District generally do not associate restorative justice with the other areas of every day school life previously mentioned (caring, adult modelling, safety, decision-making and school climate). Most, with variations, felt restorative justice is some kind of “alternative way of bringing justice about.” Table 3, however, lists other ways participants described

restorative justice, including harm reduction, peace, make things right, hearing the voices of people affected, and finding meaningful resolutions to conflicts. A couple of participants remarked that restorative justice does not come without reflection. For some, restorative justice means restoring people to a respectful position, seeing others as human, coming out stronger and ultimately feeling comfortable in the direction you are going. One participant commented that restorative justice is “only a piece of the puzzle,” while another reminds us that restorative justice goes by many names – “It’s a lot like that social responsibility.”

One participant understands restorative justice as occurring “on the way back in after the problem because you don’t always get the opportunity to do the restorative part if they have to go,” for instance, if a student is suspended. The participant adds there is something missing in that process: “I think what’s missing is being able to have them come back perhaps feeling like they’re not a bad person, you know, and that things happen and having them come back so that they can be successful.” This matches the viewpoint of another participant that part of restorative justice is having respect for oneself again. The literature states that restorative justice techniques used upon re-entry to school can be effective tools in helping prevent a recurrence of the original behaviour (Karp & Breslin, 2001).

It is evident that while restorative justice has branched out to many areas of society, the connection between restorative justice and criminal justice still holds strong. Some participants know restorative justice as an “alternative punishment.” The notion that it is “justice without the punishment aspect,” as one participant saw it, is not

universally accepted. One participant replied, “I’m thinking it’s payback.” On the other hand, another person said of restorative justice,

“When I think of it I often think of it as much more meaningful than the current justice system and it’s much more meaningful because the people are real, the harm is with people who’ve been harmed and it’s not in some court room removed from everything, protected by people who weren’t involved.”

Among the reasons for why restorative processes “work” is “the reality of the process” (Gustafson, 2005:216). As the participant above has identified, interchanges take place between the actual people involved, which makes the benefits of restorative justice “exponential,” according to another participant.

There is no straightforward consensus as to whether Burnaby District has adopted restorative justice (Table 3). Surprisingly, two-thirds of the respondents reported that their school has not adopted restorative justice in the way they defined it. There is a dramatic discrepancy, and in some instances even within the same school, where one participant may say there is restorative justice and others in the school say there is not. After the inception of the Peacemaker Project in the District, all the schools were to put into practice some form of restorative justice. It is interesting that the participant representing the District stated the schools currently have active restorative justice programmes, yet only two other respondents (one teacher and one Youth Services Worker) agreed. There has been training in the Australian Model of restorative justice (Transformative Justice Australia, or TJA) and through Community Justice Initiatives (CJI) in Langley, British Columbia for all Youth Services Workers and some administrators. The administrators are supposed to be the most familiar with restorative practices and restitution. However, four out of the five administrators (denoted by

highlighted participant codes starting in “A”) replied in the negative when asked if their school adopted restorative justice. The length of time in the District for these administrators ranges from three to 35 years. The researcher was also informed that turnover in administration has been high in the schools, making it exceptionally difficult to maintain momentum. Schools S3 and S4 gave unanimous negative responses while participants from school S5 see restorative justice existing informally in their school life. Four participants in the study said that restorative justice is present in the school and happens unofficially. It is important to note that the sample sizes in this study are too small to yield generalizable results.

From among the reasons why a model of restorative justice has not been adopted or has not lasted in the schools, a number stand out as more commonly named than others do:

- It has not been adopted in a formal way
- There is not a comprehensive model of it that participants can see
- “There isn’t an entire school culture of it.”
- It is not talked about
- It is too soon, but implementation is forthcoming
- “I don’t think we’re looking at that model.”
- There are difficulties with measurement

Other participants replied in the negative, mostly because they were not certain if the student mediation process they considered an adoption of restorative justice still exists. At one time, several of the schools in the District ran peer-led mediation programmes. As one participant declared, “I don’t know if the programme, if that peer group, is still running. I doubt it is.”

While the majority of participants (14 out of 21) stated that no formal model of restorative justice exists in their school, some spoke about the nuances of restorative justice. This tendency is seen in the following comments:

“I don’t think there’s a policy of restorative justice. I think the restorative justice model in the school is an unspoken understanding between all the staff members in our dealings with the students.”

“A lot of that goes on regardless of what you call it. It is already happening.”

There is also a perception that schools are moving in that direction,

“We talk about it. We try and keep each other on track with learning how to use it well and using it in daily practice.”

“We have tried to take steps to encourage teachers to become more actively involved with students in terms of actually talking and listening.”

What matters to one participant most is “that the concept and the underlying principles are what drive your actions, not the actual model.” It might not matter if it is a scripted conference-style encounter or more informal, as long as restorative justice values and principles inform the process. Above all, “it’s using the language and understanding the principles behind that.”

In conclusion, the data gathered from interviews and discussed above have three main inferences for restorative justice. First, there are many problems and barriers to overcome on the road to creating restorative school culture. Second, it is evident that, overall, people view restorative justice as a process, particularly mediation or conferencing. For many reasons, it is unknown that restorative justice is applicable as a philosophy, set of values, or way of life. At the same time, as has been pointed out, restorative justice goes by other names and faces and may already exist. This is apparent

in the wide disagreement among educators on whether restorative justice exists in the schools. Third, a large segment of the public, and still many educators, are unfamiliar with restorative justice. It could be they have never heard of the term before, or that its meaning is elusive. In a study by Karp and Breslin it was noted that, “certain teachers and administrators employ restorative practices informally but that a majority of school personnel are largely unfamiliar with the philosophy of restoration” (2001:267). The next chapter addresses all three points and is devoted to a discussion of what participants say are the most significant hurdles for restorative justice, as well as ways of overcoming them.

CHAPTER SIX: LESSONS LEARNED FROM THE BURNABY EXPERIENCE

Introduction

Empowering schools to be restorative requires paying close attention to the results of trials of restorative justice in that environment. This Chapter draws upon an analysis of the findings of interviews with the participants about building better strategies for restorative justice implementation while acknowledging the challenges. In the first section, the barriers to a restorative justice school ethos are presented, as the participants see them. The second section reflects upon the practical advice of the participants about ways of moving forward. The data include ideas about how to incorporate restorative justice into what currently exists in the schools, what new changes to make, how to make those changes, and what not to do. The final section touches on the potential for a whole school introduction of restorative justice in Burnaby District.

What Are the Barriers (Actual or Potential)?

Briefly, participants saw no shortage of actual or potential barriers to having a school culture and climate reflecting restorative justice. “Time” was by far the greatest barrier participants named for restorative justice. This includes time for training, to develop all aspects of restorative justice, to see meaningful change in the school’s attitude toward punishment, which typically takes between one and three years (Karp & Breslin, 2001), and to repair specific harms through restorative means. One participant declared, “Including community takes time. One of the huge values of restorative justice to me is

that it's inclusive and to do that, you have to be thoughtful about who's impacted and you have to be thoughtful in how you approach people." In addition, teachers are responsible for and accountable to many students, not only those experiencing trouble. The sadness of one teacher sums it up:

"I do know I've taken restorative justice courses and whatnot at conferences and in the end it is good to have this whole sit down and talk with the victim and victimizer, you know, mediator role... but I don't know where this time comes from. Right? Like that would be wicked but I don't know where that time comes from."

A related problem that occurs in many schools is programme overload.

Participants consider having too many educational "add-ons" ineffective: "Educators have been through so many pendulum swings, so many gimmicky new putting-your-name-on-something ideas that they're reluctant." This situation may also lead to burnout over training. The word "workshop" is received with a similar revulsion as "programme." There are competing interests in the sense that "we're doing all of this, and we're trying to get rid of drugs in the schools, and we're trying to make sure that everyone is challenged academically – all those other things compete with [restorative justice] for time and energy." One respondent was of the opinion that restorative justice runs the risk of being overused, saying, "I think restorative justice is something that works well for a big incident. I think if you used it for every little battle it would be over-used and not really valued because [you make] a big thing of it. Anything used too much loses its effectiveness." It would appear that restorative justice has a long way to go to separate itself from the programme stigma currently attached to it.

There is often difficulty in communicating restorative justice's intuitive appeal. A new idea has to make sense for people to try it. Suspension, for example, makes the most

amount of sense to the greatest amount of people – at least they know what suspension means. As one participant attests, “The punitive way can normally give direct results – good or bad.” In the words of one respondent, “[Restitution] seems to be the approach that they’re going but it is not accepted on the staff overall. Not at all.” [Sic] Participants say that other staff, including administrators, may not support or promote restorative justice. Participants remarked,

“I don’t think people know what it is; yeah, people don’t know. A lot of people don’t know there’s another way.”

“I think it’s something that is not as familiar to people that they can’t necessarily grasp, whereas literacy is a little more obvious as to what we’re doing with it.”

“I don’t know how many people would actually be able to incorporate it into the way they’ve been teaching. Personally, I think a lot of people could. They would take bits and pieces of it; some people would just embrace the whole thing. Other people would try a few little things here and there and, but I don’t think people are really aware of it. It’s a whole different way of thinking.”

“Age” is cited as a barrier in that “Older teachers [are] stuck in their ways, not willing to learn anything new.” One participant stated, “Policy prevents us... because it doesn’t take into account all the variables that are part of the human condition,” while another agrees, “different scenarios require a different solution.” One person went so far as to say, “Unfortunately I believe in the current political climate it would not be fostered because it’s about rules before people.”

A few participants feared manipulation or abuse of the restorative system would become an issue. Young people are bright and they understand “how to play the system and get away with things.” They say what they know teachers or principals want to hear. Other methods students have found to “abuse the system” have been to use peer

mediation as a “‘get out of class’ excuse” which causes some participants to question the maturity of young people for peer mediation. Additionally, students only want to take part in the “glory work” of mediation, but not in the necessary front work of building relationships and community through dialogue.

Participants articulated several other barriers, including the following:

- Restorative justice itself has boundaries
- Implementing a collaborative system implies giving up power
- Various resource issues
- A lack of funding for speakers and workshops
- Restorative justice does not bring in money for the school
- It is too soon for new schools
- Little long-term support
- By one account, a school tried restorative justice and it did not work
- “Getting all those people together is complicated.”
- “Are all parties willing to meet?”
- High turnover and broken relationships means there is no capacity, experience or will to deal with serious conflict.

A final barrier noted by participants is a lack of inclusivity in current conflict resolution practices. Oddly enough, restorative justice could potentially increase inclusivity among school community members. Several teachers whose students had at one time been involved in situations requiring the attention of the administration or the District stated that they were not asked for their input during disciplinary measures, despite perhaps knowing the most about the student. One teacher remembers an incident that went to the Student Conduct Review Committee: “They wanted to keep it very quiet in the school when it happened and I only even found out the actual story from other students, so admin didn’t come and tell me even what had happened.” In addition, one teacher said they are not afforded information about their students who experience problems, claiming, “There is no follow-up, there is no feedback. I’ve always wanted a

little bit more feedback. As teachers once it's out of our hands essentially...at that point we don't tend to get a lot of information back."

Where Do We Go From Here?

The researcher sought suggestions about what might be done differently if the schools had the entire process to do over again. The responses to this question, in combination with the preceding data, go a long way to unearthing possible solutions to a major restorative justice challenge: what conditions need to exist for restorative justice to be reflected in school culture? Participants proposed a myriad of ideas. While they easily pointed out reasons other people might see a change in a restorative direction as difficult or undesirable, or why others are unfamiliar with restorative justice, no participant reported being personally opposed to restorative justice initiatives.

To begin infusing restorative justice into schools, participants suggest recognizing and elaborating upon what the school community is already doing. Ways to accomplish this are to build relationships, "focus on the positives" and reassure educators that they are knowledgeable and skilful. As one participant advises, "You don't say we're going to a whole new system and we're throwing out [everything] because that never works. You work it subtly." The principles of restorative justice are not completely novel to most educators. Illustrating this point, participants said, "I think we've always tried to do some of that anyway" [sic] and, "I think we've taken the first step in our training." Other participants suggested that layering restorative justice into different aspects of school life is the solution. For example, it was said that restorative justice would complement social responsibility – a framework of standards and expectations for voluntary use in BC schools – in enhancing the social climate of the school. Participants also noted,

“There are ways that it’s layered into all kinds of conversations: conversations around anti-racism, conversations around drugs and alcohol stuff. There are components of it that sneak into our conversations when we’re planning but it’s not as clear as our policies for example.”

“We’re interested in having all department areas, not just English, teaching literacy and building literacy components into the core curriculum. Now wouldn’t it be nice if restorative justice was attached to that?”

An assertion repeated in several interviews is finding people “in the know,” and working with groups of like-minded people to achieve common goals. Several participants advised, “Pick your champions well. Find people that get it. Each teacher will have a group of teachers that they will have impact on.” The type of champions imagined would be, “Staff members that are leaders and are respected, and have the ability to influence...They have to have an understanding of the vision.” Primarily, the Youth Services Workers are hailed as leaders, as can be seen in comments like, “Our Youth Services Worker, I just have so much confidence in him,” and, “I trust our Youth Services Worker implicitly.” The Youth Services Workers, however, cannot do this work alone, participants noted.

Some participants thought the next step would be to create an excitement and a general awareness using a whole staff introduction to restorative justice. Many participants pointed to the perceived need to have buy-in from all school community members. They said everybody should use similar vocabulary and language, although some people noted even starting conversations about restorative justice can be difficult.

Getting educators to give attention to new ideas seems to be an art of persuasion through evidence. Several participants proposed that receiving examples, even anecdotal, of positive results of restorative justice and then talking about the philosophy would be

effective. One person who has had a great deal of restorative justice training said, “I didn’t get it until I could observe it and see it ... once you start to work with it you experience it and then it gives you an alternative to what we have that people are frustrated with. But I think it also has to come with education around the philosophy and the values.” Educators reported needing proof, examples of successes and messes, scenarios, visuals, and current research because, “We talk in anecdotes,” one teacher stated. Students who have gone through an in-school restorative process could give presentations about their experiences, one participant recommended. This method would help educators visualize restorative justice in practice. Others mentioned that forming committees on restorative justice and continuing with workshops and restitution training would be helpful. Schools may bring in motivational speakers who have expertise in the field, but a caution was raised that outside speakers cannot take over the process, as excitement for restorative justice ought to be generated at the grassroots.

On the issue of staff turnover – a pervasive issue in most of this study’s selected schools – participants suggested framing interviews with potential candidates in a way that informs them about the vision of the school and invites the candidate to see where they are on that spectrum. If the job description is couched in a restorative framework, continuity of preceding restorative work is partly ensured. Yet, the proactive work can begin even earlier. Participants who gave it thought tended to agree that restorative justice training ought to begin in teacher’s college. A recurrent theme in moral/citizenship education literature is that teacher education should prepare new teachers to teach morals and life skills (Grigg & Martin, 1995; Halstead & Taylor, 2000; Lambert, 2003). Schools need well-trained teachers confident in pedagogic approaches

that not only engage and motivate students, but also allow safe spaces to address and resolve a wide variety of issues. Meanwhile, veteran teachers “will need to be encouraged to build on the good work they already do” (Holden, 2003:27). Several participants had an opinion about the issue:

“I used to be told in teaching school to have this authority position. I have no belief in an authority position at all anymore.”

“I don’t know how much is being taught let’s say to student teachers. I mean you should be having classes in that.”

“It’s not built into any other education systems. We don’t teach it at teacher’s college and we don’t teach it at university.”

Participants also had ideas on how to initiate the above changes in their schools.

It is about an adherence to standards, not rules. One participant said changes in school culture ought to reflect “how we should feel on a daily basis.” Another participant offers words of advice,

“The research definitely shows that it’s an attitude; it’s the way you deal with problems. Not just in the office, I’m talking about in the classroom and in the hallways... But it’s something we need to proceed with at a pace that staff can get on board. If you back them against a wall and they don’t want to do that then you’ve probably lost them for four or five years.”

Administrators tended to agree, stating you have to give staff time to realize the benefits of what they are doing. Not only this, but allow “people to see the benefits of it without challenging their philosophies too much.” Another respondent draws on restorative values, saying, “I don’t think you force people to learn it. If it’s not in people’s natural belief systems, it’s not very restorative to try and convince someone that their beliefs are wrong!”

In addition, expanding the circle of involvement requires invitation, not coercion. Participants indicated, “When people try it and it works, they’ll use it again” and others will be curious for themselves. Partly, this involves moving past the sole notion of “conferencing.” Participants who were comfortable with restorative justice stated,

“I think people who are restorative still only think conferencing; you know it’s got to come to this big forum all the time, whereas really, I’ve been doing restorative stuff every day.”

“I think that restorative justice is not just about a conference. It starts with the moment you think, ‘I wonder how this has impacted this community.’”

Participants put forth ideas about devoting professional development efforts, staff meeting time, planning and discussion time, and creating outlines for long-term maintenance plans for restorative justice. A number of participants raised the point that, “If you don’t keep it in the forefront, if you don’t keep talking about it, you lose it.”

Another participant states that teachers should

“Advocate for that a couple minutes at each staff meeting, or a couple meetings at each Pro D day or perhaps putting something in the Bulletin around restorative justice each day and chipping away at it. You know I’m bigger on that than really just hammering away at it because if you want it to be used every day then let’s use it everyday.”

Regardless of the quality of the attempt, if a new strategy is tried in the school and fails, it is not likely to return to that school any time soon. Several respondents conceded that maintaining the momentum of a new initiative is a major challenge,

“I don’t know if you can.”

“If something isn’t done pretty soon after somebody gives some ideas, it gets dropped. Over 90% of the information is generally lost. It’s interesting, but it’s lost.”

“I think the hard part would be sustaining the momentum... and by sustaining the momentum it’s continuing to offer opportunities for networking and for practice for people at all of the different stages. Keeping the vocabulary open, keeping the discussion open, while continuing to train people who’ve just heard about it for the first time, and maintaining people who have done it for [years].”

Part of the momentum problem is the blow to morale that grumblings from colleagues can create. The lack of enthusiasm others feel toward a new initiative may cause some teachers to hide their techniques. This again raises the argument of whether the whole school must be on board. Participants suggested that enough people are needed to make a noticeable change and create motion. It would be beneficial, they noted, if everyone understands what is going on even if they are not committed to the ideas, “especially younger teachers who haven’t been in the district long.” An analogy offered by an administrator highlighted years of experience in dealing with new initiatives,

“In the school we have [so many] staff. We’ve got [many] teachers. I’m not going to get all ... teachers on board. So I use the analogy like I’m a power boat operator and I come up with a good idea and I want to get a bunch of staff out there, so I have got ten people lined up with skies and ten ropes behind that power boat. I hit the throttle and a number of those people come out of the water and they’re skiing, and I’ve got the other ones still back in the sand with their heels dug in and they’re just holding on to the boat trying to slow it down. And you know what? I just cut the rope. I’ve learned early on in administration that it’s okay to move forward with an initiative on a broken front. And so you get the people that buy in and then move. I give 90% of my energy to the positive people and 10% of my energy to the negative people. And that’s how to move initiatives through a school.”

The advice here is to focus energies where they will be best received. Restorative justice practitioners would say that the opinions of sceptics should be given a voice as well.

Ideally, these voices would be incorporated into the larger dialogue. Some other observations participants had were,

“It isn’t one of the ‘hot topics’ right now.”

“I don’t consciously think about restorative justice anymore. I mean four years ago I did because I did some workshops on it and I really liked the idea of it but I don’t consciously think of restorative justice anymore. It’s almost a buzz word that’s almost died off a bit; it’s not as ‘hip’ or something.”

Participants also communicated a number of methods that do not work. For example, if an administrator claims, “We’re going to do that!” it meets with resistance. It was also said that you could only hear a message from the principal so many times; people on the “ground” need to be talking about restorative justice and using appropriate vocabulary. Moreover, it was stated that, “One time doesn’t work.” Elaborating on this point, a participant said, “You can’t say our whole school’s going to do it; next year we’re going to have three lessons and then we’re all going to be restorative. It’s a whole philosophy and a change of thinking.”

What Is The Potential For Restorative Justice in the District?

The general mood around the potential for restorative justice in these schools is best described as hopeful. As one participant remarked, there is “great potential” for restorative justice because “it just has real potential for changing people.” Another stated, “From what I’ve seen from this school, I think this is a prime candidate for it.”¹⁸

Still another said,

¹⁸ There is a question of how to deal with unforeseen trauma and emotional issues that might reasonably emerge if a successful restorative school culture is created. As it stands, administrators can only deal with

“I think restorative justice suits education perfectly. I think with all the issues that go on in schools that it can play a huge role. And I think it plays a bigger role – and we’re talking about restorative justice, but – communicating with people and coming to solutions and recommendations that are now involving students and listening to them and staff.”

One participant was less optimistic, simply stating, “I don’t know if we’re any closer or not...It’s achievable.” School environments could reflect restorative justice, participants suggested, save for the barriers already mentioned, such as dependence on administrative leadership and support. Unfortunately, perhaps, “It’s a slow direction.”

For those who felt strongly that restorative justice “needs to be the gospel,” therein lays a challenge: “How do you make that shift?” In terms of the future, one administrator had a straightforward plan: “I have a goal for next year. The goal that I have is that I would like to bring even three strategies from restorative justice into the daily use and vocabulary of every teacher in this school.” Such plans, however, were rare. Some participants stress the need for more dialogue in the schools around differences and acceptance; for others, there is a high level of acceptance and integration already. The word “tolerance” can still be heard in educator vocabulary. Some people catch themselves using it and renege, like this participant: “I don’t like to use the word ‘tolerant.’ We’re inclusive. Tolerant means to me that you accept something even though you don’t agree with it. I want to know about everybody and what you are celebrating.” Revealingly, very few participants knew of any dialogue about the possibilities for restorative justice going into the future at their school.

situations symptomatically because “we’re a school” and not a counselling centre. This is one area requiring essential further study.

From the vantage point of one participant in the District, an area they are comfortable doing restorative justice is with peer-to-peer conflict, especially in instances where the victim and offender have been separated and are being brought back together. “I think we feel okay with that,” the participant stated, although “certain violent situations we won’t approach [it] because we think the kids aren’t capable or we think that we don’t have a handle on how it would really help in certain situations.” Another participant added, “We don’t have all the tools.”

Responding to the question, “Why is the District attempting to move forward along restorative lines?” one participant replied, “It’s funny that you ask that, because I was thinking, ‘Well what happened to restorative justice?’” A few of the reasons specified for this initiative to go forward were that restorative justice is practical, it has benefits, it is better to be proactive instead of reactive, and it fits with the District philosophy. Another view is that, “there was a lot of hype in the media a number of years ago about violence in the schools and [the District] was under a lot of pressure to address that.” In addition, “parents want to know what our plans are and what we were going to do.”

This District is far more receptive to restorative ideas than other districts, according to most participants. On the other hand, several were unsure about what was happening within the District:

“I think they tried other things and no way really works.”

“Oh I have no idea. I don’t know anything about what the District is doing in that regard.”

“I think this District is a very settled district and I think that in general the schools are doing really well and I think that makes us ripe for something like this.”

Partial Implementation or Whole-School Approach?

There are inevitable and important debates about the merits of different restorative justice implementation strategies. Whole-school awareness and education is perhaps the most effectual and desirable approach to restorative justice implementation. The participants in this study brainstormed inspiring ideas for introducing restorative justice and perpetuating it in lasting ways in schools, overcoming the programme stigma attached to so many “buzz” initiatives. At the same time, *mandatory* blanket training and infusion of restorative justice, not surprisingly, is unpopular with educators. Many participants recognize that a “critical mass” of people needs to get involved with the idea, and suggestions were voiced to carefully choose leaders, “go-to people,” or “champions” – those with the ability to inspire others to follow. Staff who have already demonstrated experience in problem solving may make good candidates (Cameron & Thorsborne, 2001).

The literature points in the direction of having as many people informed about an initiative as possible, and having a significant buy-in at all levels of an organization. It is unfortunate that the term “whole-school approach” has become disenfranchised in recent years. According to Cremin, however, “Despite the over-use of the phrase, it is nevertheless the case that initiatives do need the support of the whole school community in order to achieve success” (2002:142). The title of Hopkins’ (2004) book, *Just Schools: a Whole School Approach to Restorative Justice* is equally unambiguous about intentions for implementing restorative justice, as is Morrison’s forthcoming work, *Restoring Safe*

School Communities: A Whole School Response to Bullying, Violence and Alienation (in press). Karp and Breslin feel that if training and implementation are not comprehensive that the tension between retribution and restoration will be a significant obstacle (2001). The consistency of responses by staff, at least, will increase if the majority of teachers and administrators are familiar with the same concepts (Stinchcomb et al., 2006). The difficulties in this approach are said to be maintaining both momentum and colleague support, as the service may crumble from a lack of either. The key, states Cremin, is to have restorative processes amount to more than “tokenism” if the process is hoped to last for years, such as when participants in the current study suggested expanding definitions past restorative justice conferencing. Cremin concedes this is not an easy option but there must be a firm commitment to empower young people (2002). Additionally, whole-school approaches “require a complex and thorough process of clarifying values, professional development, curriculum and organizational development,” meaning the success of all-inclusive implementation has everything to do with the readiness of the school taking it on (Robb, 2005).

A contrasting theory is that changes in attitudes of teachers do not need to change prior to the implementation of new initiatives, and that teacher responsiveness will change upon seeing the positive results of new policy (Macklem, 2003). While this may hold true for some school communities, what is apparent is that there needs to be a clear indication from the majority of people involved on the issue of bringing restorative justice values into a school community to uphold both the ideals and the strategies agreed upon. In the end, the appropriateness of restorative justice for a school community will be for individual schools to decide. Many educators, for example, desire more

information about restorative justice and examples of what it could realistically look like. Ideas such as this, and presumably many more, could be discussed in circles. As Braithwaite suggests, holding circles about matters that ordinary people care about can teach them strategies for democratic living (2000). Indeed, “conferences and circles can salvage some not insignificant participatory democracy in the twenty-first century” (p. 3).

Collaboration, Not Coercion

At the same time that decisions about the breadth of implementation are debated, a separate but equally important consideration is that participation in restorative programmes will likely suffer if the programme itself is forced or imposed. In like manner, imposing the answers to problems sought within those programmes does not allow those best suited to find the solutions – the stakeholders – opportunities to explore underlying issues and to repair harm done. The decision to have restorative justice in the school, and what the guidelines are, has to come from within the school community for it to be most meaningful.

It also seems clear that restorative justice cannot be done solely on a reactionary basis, but that a restorative philosophy comprehensively integrated into school life is essential. Noddings (1992) contends that the school system is strained because it knows only one way to do things: to add courses and routinized services like anti-bullying programmes. The best way to instil values and principles is by developing strong relationships with and between students. It follows that the ideas need to be embedded into the school culture and practiced daily rather than “tacked on” through curriculum (Cohen, 2001; see also Greenberg et al., 2003; Tomlinson, 1997). Concepts like “compliance” would be the result of entering freely into a social contract out of which

people are morally obligated to fulfil responsibilities they have agreed to (Schweigert, 1999). Compliance, in this view, “is an outcome of understanding and sense of community, and is not an end in itself” (Cameron & Thorsborne, 2001:181).

The last chapter of this thesis adds to the ongoing discussion around restorative justice in schools, in light of the themes that have emerged. The chapter compares the current study to that of major restorative justice authors to demonstrate an addition to the body of knowledge. Also included are recommendations for future research and exploration. Finally, the author links the analysis back to the broader issues of restorative justice in schools and in wider society.

CHAPTER SEVEN: FUTURE DIRECTIONS

“Never doubt that a small group of thoughtful, committed citizens can change the world: indeed, it’s the only thing that ever has.” – Margaret Mead

The vast majority of teachers “do this job because they are interested in and they care about kids,” one teacher said, intimating that a tremendous amount of restorative work happens in the District on a daily basis.¹⁹ The favourable attitudes of those interviewed reflect that while they may not always choose the words “restorative justice” to describe dealings between school community members, there are signs of collaboration, caring, respect and empathy everywhere.

Burnaby District has the reputation of practicing restorative justice for a long time. Perhaps in the way described above, it has; in many ways, the schools are proficient at prevention and employing restorative strategies to establish the safe and caring environment the District policies outline. There was, on the other hand, very little recognition overall of planned and deliberate implementation of restorative justice in any form in the schools. The present study took place four years since the inception of the initial Peacemaker Project. Despite good intentions in 2002, it took four years or less for the notion of restorative justice to deteriorate in an environment that generally supports it but where it is no longer recognized as such. The reasons given offer insight to the barriers, actual or perceived, that may impede the infusion of restorative justice in school

¹⁹ A participant who agreed to an interview on a day when things could not have been worse in the District extended a humbling display of restorative justice. In the face of madness, time was made where there was none to share personal insights about restorative justice in the District.

culture, such as a lack of awareness about restorative justice or a lack of time for implementation. Other districts will benefit from considering the advice and testimonials of those in Burnaby District before venturing down a restorative path. Hopkins states that, “schools curious to explore new initiatives benefit from speaking to those... who have already started on the same road” (2004:11).

Increasing the Intersection of the Three P’s: Policy, Practice and Principles

It would appear the considerations for bringing restorative justice to any institution are similar. Whether the setting is a prison, a school, or a corporation, parallels exist in the fundamental steps required for a culture shift. The first step is to begin where energy exists and respond to the awareness of the need for change. Through training, dialogue and information sharing, those interested should establish a familiarity with restorative philosophy that in the end will inform the upcoming policy, climate and attitude changes. Then community members will envision the ideal result of an institution borne of a restorative dream, and work toward that ideal to design operational applications of restorative justice for every day use and future actions.

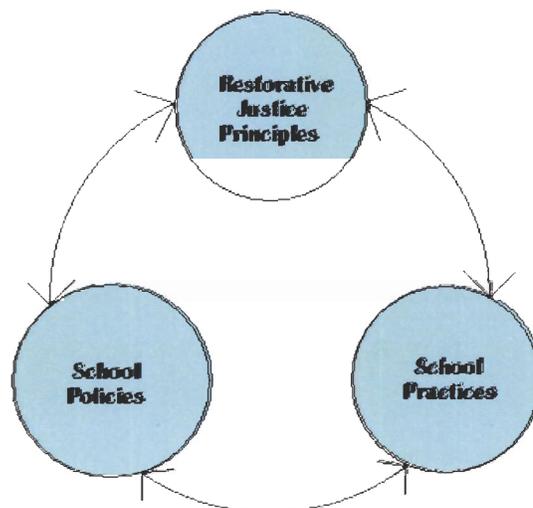
When we attempt to isolate the conditions necessary to make restorative justice a reality, the importance of social-structural conditions that exist within a given community cannot be overemphasized. Current educational arrangements may prevent the continuation of benefits from restorative work. On the word of Noddings,

“If the practice is assimilated to the present structures of schooling, it may lose transformative powers. *It* may be transformed – that is, distorted. ... So as long as our schools are organized hierarchically with emphasis on rewards and penalties, it will be very difficult to provide the kind of experience envisioned” (1992: 25).

Achilles and Zehr express similar concern, claiming that when restorative justice is fitted to a retributive mould, its principles may be misused and contorted (2001). Sullivan and Tift observe that neighbourhoods, institutions and other social arrangements are often “structured in such a way as to contribute to much of the violence whose effects are being attended to in the restorative justice process” (2001: 88-89). Thus we can speak with enthusiasm about the reintegrative potential of restorative justice processes but should ask at the same time – reintegration into what?

In schools aspiring to be restoratively based, there ideally would be reciprocal alignment between three major elements: the written and unwritten policies that inform the practices and culture, the practices or day-to-day interactions themselves and the restorative justice values that are meant to inform the first two. Schematically, the relationship can be viewed this way:

Diagram 3: The Reciprocal Alignment of School Policies, School Practices and Restorative Justice Principles



With all three elements being independent yet reinforcing one another, the overall structure of the vision is weakened if one of the elements is lacking or is inharmonious with the others. The best result would be the eventual overlap of the spheres until restorative justice is evenly diffused throughout the educational environment. Whether or not this is a completely attainable goal will be determined through regular dialogue of all the parties concerned. The attempt would be to discover the capacity for restorative justice in the school and to find ways to move toward a congruent configuration of all three spheres.

The confusion that sometimes occurs when a process is built with one set of values but is operated with another often results in a breakdown of institutional machinery. According to Sullivan and Tift, “We see many people who speak a rhetoric of reintegration (restoration) but who have deep-seated ideological or psychological misgivings about sharing in making such a process work” (2001: 77). If a school community makes the decision to implement restorative initiatives, it ought to be run with corresponding restorative values. Zehr suggests that schools should choose an overriding goal and be clear about the implications of this decision for other goals and operations (1990). Hopkins points out that “using restorative interventions to repair harm in a school community that does not embrace restorative values will have a limited effect on those involved” (2004: 44). The messages delivered to students by teachers and administrators ought to be consistent also (MacDonald, 1999).

The Relationship between Restorative School Life and Democracy

How promising is the potential for restorative justice in institutional frameworks? Literature and studies, including this one to some extent, imply that restorative justice

may fail if offered to a community that is unprepared for its offering. Using prisons as an example, Edgar and Newell make the argument that prisons need to be safe and healthy inside, otherwise offenders may not be truly free to focus on the restorative work of putting right the damage they have caused others (2006).

The school is an environment governed by rules for interaction in a manner similar to those of wider society. On the other hand, our institutions do not always model the expectations we have of individuals in civilized society. We assume schools are places of democratic learning. Democracy is learned best through active democratic participation. Restorative justice, however, is generally seen as a specific programme for certain people to use at a given time; it is not widely accepted or understood as a philosophy to guide all interactions. This suggests that only a relatively small portion of people within a school community are keenly participating in their own harm reduction through restorative means, and fewer are consciously incorporating restorative strategies into their daily interactions with others. Consequently, schools may not be modelling democratic living if they do not explore restorative justice in the same manner.

Morrison (2001) enquired if our school systems can play a role in the maintenance of a civil society. Her response is affirmative; through the adoption of restorative practices, a participatory learning framework is set wherein societal bonds can be reconstituted and strengthened, thereby building our capacity to sustain a civil society. Others concur that restorative justice can enhance the civility of society (Wachtel & McCold, 2001). For McKnight, “it is the ability of citizens to *care* that creates strong communities and able democracies” (1995: viiii, emphasis added).

As has been stated, democratic learning makes the most sense when facilitated in a lively democratic environment. Yet as Halstead and Taylor point out, “To date, schools do not seem to have been successful in inducting young people into civic virtues and democratic practices” (2000:2). For more on this point, it is useful to consult ideas by Braithwaite on democracy, community and problem solving (2000). It is going to take more than what we currently practice to move past non-participatory democracy. Punitive criminal justice has taught us passive responsibility. Where democratic learning and living occur is on the other end of the spectrum with active responsibility, which includes taking responsibility. There is strong evidence to support the use of circles and conferences as more democratically satisfying means, Braithwaite asserts. Altogether, he proposes that we need to go further:

“We need to do more than motivate people to participate in circles that address problems of living that directly affect their personal relationships. The extra step to democratic citizenship is taken when the citizen moves from participating in a restorative justice conference to being active in some way in the social movement for restorative justice” (2000:4).

Widening the Circle of Knowledge

This thesis presents the results of detailed interviews with educators about the “fit” of restorative justice in a sampling of Burnaby District’s schools. The study inquires about the realistic expectations for restorative justice in the school setting through an examination of school policies and practices, increasing our knowledge of the role of restorative justice in formal education for raising a responsible democratic citizenry. Morrison (2001; 2006; Morrison, Blood, & Thorsborne, 2005) has made the point that school systems do hold an important role in the maintenance of a civil society, and that the adoption of restorative justice practices is central to that role. This

partnership works because, as Morrison (2006) states, people empowered through restorative justice practice add to the multiplicity of voices that will ultimately foster “healthy deliberative democracies” (p. 373).

Numerous other restorative justice programmes applied to date to criminal offending (Maxwell, 2005; Vanfraechem, 2005; Walgrave, 2005), bullying in schools (Morrison, 2003; 2005; Ritchie & O'Connell, 2001), drug and alcohol abuse by young people (Karp & Breslin, 2001), business regulatory domains (Braithwaite, 2002) and beyond (Wachtel & McCold, 2001) have shown highly positive results for measures such as safety and participant satisfaction. A large portion of those types of studies is an assessment of the effectiveness of restorative justice in certain settings after programme implementation, attempting to understand the outcomes of having such a process. Largely unaddressed is the question of the role and place of restoration and relationships in the broader institutional culture. The contributions of education professionals in the District to the body of knowledge on restorative justice enhance our understanding not only of the barriers of infusing the philosophy, but also of the necessary conditions for a culture shift towards a restorative foundation.

While the results of this research cannot be extrapolated to all high schools or even to other parts of British Columbia, the results tend to suggest that certain conditions, presented together, would make some schools more receptive to the cultivation of a restorative whole-school culture. The acceptance of restorative justice would depend on: a) the readiness of staff to receive it; b) conscious decisions to learn the meanings, applications and language of restorative justice; c) commitment to the values and principles in all aspects of school life; d) the realization that adults must model the virtues

to which they subscribe; e) sharing a clearly articulated vision; and, f) time and long-term resources devoted to restorative justice during implementation and all subsequent processes.

Colleagues would compare this work against Morrison's progression over time, most notably from 2001 onward, and her numerous publications as a world expert on restorative justice in schools. In 2001, Morrison stated that the nature of our social relationships sustains our capacity to live as responsible citizens. Schools were no longer seen only as institutions for core business, but the business of building responsible citizenship. In 2005, Morrison, individually and with her colleagues, proposed Braithwaite's (2002) responsive regulation pyramid model in schools, thereby layering restorative justice into the school culture in successive stages to deal with escalating conflict. The Responsible Citizenship Program (RCP) in Australian schools that Morrison (2002) reviewed focuses on creating the culture shift required for the use of restorative justice conferencing in schools and examined the "broader institutional barriers that currently limit the use of restorative justice in schools" (p. 3). Morrison, Blood and Thorsborne (2005) also made a point in regards to the necessary culture shift schools need to make, stating, "the key challenge for schools is addressing the culture change required to make the shift from traditional discipline... to restorative discipline" (p. 335).

The current study also accompanies Karp and Breslin's (2001) analysis of a restorative justice school programme. The authors conclude:

"Three areas stand out as especially problematic for implementation. Restorative justice programs simply take a lot of time, particularly in contrast to traditional sanctions. Restorative justice programs face

resistance from the outside, for example, from school district superintendents and juvenile justice professionals. And these programs face resistance from within; this new philosophy is difficult to fully grasp and embrace” (p. 269).

The current research coincides with these authors’ findings that time and internal resistance form two significant obstacles. Pressure from outside the school, however, was not mentioned very often as a factor in this study. In its place, a lack of awareness about restorative justice is an area in need of greater attention. Daly (2003) has made a similar claim that, “For restorative justice, one reason why we should expect to see gaps in theory and practice is that most people do not fully understand the idea” (p. 2). In addition, Ritchie and O’Connell have found a challenge in “having teachers understand the implications of adopting a restorative justice framework” (2001:157). They also found that, similar to this research, teachers had “little consciousness that they themselves needed to ‘model’ behaviours which reflected their agreed ideals” (p. 157).

Noted researchers in the field raise issues about the importance of culture change within school communities, challenging traditional mindsets, and rethinking behaviour problems. Where the present research departs from what has come before is with the inclusion of moral and citizenship education as key factors in restorative justice for democratic living. Accountable leadership and a shared vision are also named here as important ingredients to the overall purpose of a restorative school environment. While the research in Burnaby District did not measure, implement or evaluate a programme, it adds to the body of literature by including the voices of educators who have experience with the new paradigm by allowing them the opportunity to express freely their views. This author picks up from where others left such questions as, “How ready is the school community to work with the principles of restorative justice?” (Morrison, 2001: 205).

Ultimately, the goal has been to increase our knowledge of the role and place for restorative justice in schools via an examination of how it fits with current policies and practices. Previously, studies like this one were lacking in British Columbia and Canada.

Recommendations for Future Action and Research

A proactive approach to restorative justice would focus on the development of healthy relationships across school communities, including a pedagogy that values relationships (Morrison et al., 2005). As such, proactive work about restorative justice values and principles absolutely should begin in teachers' college. This way, a greater number of teachers could effect a greater change in their new schools. The benefits of restorative justice will be diffused over time. Restorative justice training for all new teachers tops the list of future priorities. At the same time, increased restorative justice education for current administrators is suggested.

Restorative justice is not only for students, teachers and principals, but also for parents and guardians, and even the wider community. Institutionalizing a dialogue between school community members and members of the broader community would reveal collaborative solutions to dissolve the barriers identified in this study. Burnaby District would benefit from including circles for parents in their restorative justice action plan. Further expansion and evaluation of some of the restorative parenting workshops that schools have developed (see Morrison et al., 2005) would be valuable as well.

Other Districts and schools that adopt restorative justice practices have an outline for implementation. Burnaby School District may benefit from having such a programme that focuses on making the cultural shift by gradually incorporating several key

strategies. Building singular programmes on restorative justice, however, is not the only recommendation to make. Ultimately, it is about continuing the dialogue about building on what works in our schools and rethinking what improvements restorative justice values and principles bring. It is about making sure our schools are the institutions that many authors claim are the ideal places for fostering democracy and, in the end, a civil society.

In regards to future research, the next step will be to examine restorative justice in elementary schools. Restorative justice work ought to begin much earlier than high school. Research also should be conducted to explore whether an adult model of restorative justice for conflict resolution in the schools would work similar to the youth model. As evinced by the current study, many adults in the school community may not be modelling the values they articulate to students. While internal conflict amongst staff is rare, restorative justice may be considered as an option first when it does occur. It seems obvious as well that future research would incorporate the voices of key stakeholders missing from the current study – the students. Qualitative studies with youth in school are needed to round out our knowledge on the use of restorative justice practice in schools, both as a process and as a wider philosophy.

Lastly, a word about evaluation is needed. Presser and Van Voorhis (2002) suggest a model of evaluation that is more congruent with restorative justice values than traditional methods. The authors offer and operationalize two new primary outcome measures for restorative justice programmes and interventions, those being restoration (further conceptualized as reparation and social well-being) and offender change. Mindful of the unique characteristics and challenges of restorative justice, they anticipate

that “the products of evaluation will look much different than traditional reports” (p. 181). Bradshaw and Roseborough (2005) remind us that restorative justice programmes can be justified if they meet the needs of victims, offenders, and community members. This means that while outcome variables such as reduced recidivism of bullying incidents in schools may be important, they are by no means the only variables to consider. With this in mind, the Conflict Resolution Network Canada website has a restorative justice schools directory that serves as a convenient list for researchers. The purpose of the database is to archive Canadian schools that have chosen to respond restoratively to conflict. It is available to any researcher interested in performing a comprehensive evaluation.

Conclusion

There are many complex and interwoven factors to consider simultaneously when looking at fostering restorative justice-based school cultures. The environment must be ready to receive restorative justice to avoid subverting the principles and values. Further research is essential for discovering the conceptual and theoretical fit of restorative justice into society’s various institutions and in every day life. Schools are empowered to be the training ground for inclusive democratic living for the rest of society.

Generally, schools in British Columbia are responding to current research and theorizing, and are implementing initiatives such as social responsibility. Social responsibility is a guideline that serves as a template for the kinds of relationships that are now being encouraged in schools. Respect is frequently discussed with students – respect that goes to relationships with people, to the building itself, and to learning – and is becoming a predominant part of the vocabulary. Social responsibility has become

important enough that research is being conducted within Burnaby District to observe the progress being made in that area. Restorative justice, however, is unique in its own right and deserves special attention for the many potential benefits it can deliver.

Noddings states that a lack of democracy equals apathy and alienation, which in turn does little to develop the capacity to care (1995). Care, she asserts, must be taken seriously as a major purpose of schools. In light of the research, it seems there is indeed a role and purpose for restorative justice in schools. To re-quote one participant, “restorative justice suits education perfectly.” Developments to date have been encouraging, and at the same time, “we are just beginning an evolutionary process in transforming the way in which teachers, students, and parents relate to one another” (Ritchie & O’Connell, 2001: 158). Our challenge is to make the world a safe place for young people, and all people, to act on their values.

APPENDIX A: INTERVIEW QUESTIONS - TEACHERS

- ♦ What are the sorts of **problematic behaviours** you have to respond to here?
- ♦ When students transgress, do you feel the school undertakes *appropriate forms of intervention*?
- ♦ What are the **current responses** to these behaviours?
- ♦ What is/is that the process for how serious conflict is to be resolved as set out by the **District's Policy Statement**?
- ♦ When misbehaviour comes to your attention, what sorts of **questions** do you tend to ask about the situation?
- ♦ If one of your students is disciplined by the administration, what is the extent of your **involvement** in that?
- ♦ When dealing with young people, how often do you **think** about written policies and regulations?
- Overall, how do members of this school community **get along**?
- What kinds of **relationships** are encouraged between all the members of this school community?
- How is conflict resolved between **adults** in the school community typically?
- Similarly, how is conflict generally resolved between **teachers** and parents?
- If teachers had issues to sort out with **administrators**, what steps might they take?
- What are some of the ways **caring** is modelled in your school environment?
- In what ways are young people encouraged to **treat others** with *respect and courtesy*?
- In what ways do you make yourself **available** to young people who have problems?
- ❖ How are **decisions** arrived at in your classroom?
- ❖ There are many aspects of school where a positive climate can be developed, both inside and outside of the classroom. Where do you see yourself as being most effective as a **leader** in building a *safe and caring school*?
- ❖ What do you think of when you think of **safety**?
- ❖ Do you feel safe in your school?

- What comes to mind when you hear “restorative justice”?
- Has this school adopted restorative justice? (What does it look like?)

IF YES:

- ◆ In what ways do the restorative justice initiatives make the school a safer place?
- ◆ What values does the restorative justice process reflect? Could you provide examples?
- ◆ Are there times outside of peer mediation that outside community members are invited into the school?
- ◆ How sufficient is the current culture and climate of this school at supporting, upholding, and maintaining the restorative work done here?
- ◆ Who supports you in your restorative work?
- ◆ If peer mediation fails, or if a situation is not referred to peer mediation, what are the “back-up” actions?
- ◆ If the school had the whole process to do over again, what could be done differently?

IF NO:

- ◆ Has your school come together to dialogue about the possibilities for restorative justice here? Are there plans to?
- ◆ Is it something you believe is worth pursuing?
- ◆ If so, how do you see restorative justice being applied here?
- ◆ How might you initiate movements towards a rest. approach?
- ◆ What would be the strongest barriers to your vision of RJ?
- ◆ How important is it to you to live restoratively, whatever that means to you?
- ◆ What is the potential for restorative justice to “stick” here?
- ◆ Why do you think the District is attempting to move forward along restorative lines?
- ◆ Is there anything else you would like me to know about the role of restorative justice in the creation of safe and caring schools?

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