

Filling the Gap Between Conflict Resolution and Discipline: A Restorative Justice Approach

Schools are constantly looking for new ideas on how to decrease instances of discipline problems, such as bullying and violence, and how to increase a sense of community, the general idea being that an enhanced sense of community and responsibility will aid in the reduction of behavioral issues and increase the focus on education. However, commonly utilized, traditional disciplinary measures that focus on punishment, detention, suspension, expulsion, etc., clearly have not been able to put an end to discipline problems and violence in schools, nor do they help to create a cohesive school community.

School systems are faced with a need to decrease the number of expulsions and suspensions per year but are given few alternative outlets for addressing the increasing number of offenses committed by students. Some cases can be handled through mediation, but others, such as bullying, are not appropriate for the traditional mediation model, so they are handled with traditional discipline practices instead. In the current discipline system, students frequently become repeat offenders, never taking responsibility for or understanding the effects of their crimes. However, schools do not have to be stuck in an either/or situation with only two options of dealing with discipline issues. One real alternative is the use of restorative justice as a supplement to mediation and an alternative to traditional discipline.

Pilot Project

As part of our coursework as master's students at the Institute for Conflict Analysis and Resolution (ICAR) at George Mason University, we undertook a yearlong restorative justice project, which required the integration of both conflict theories and practice. We paired with the Fairfax County Public School System, the largest county in Northern Virginia, to create training materials and presentations on restorative justice. We ultimately partnered with Fairfax High School to help its existing peer mediation program develop a restorative justice component. We trained the program coordinators and the peer mediators in restorative justice principles and practices and helped the school begin to figure out the structural and procedural issues of implementing the new component into their current discipline system. We were encouraged to see that the peer mediators were excited to add a new set of tools to their conflict resolution repertoire and the administration could easily identify cases that fall in the gap between mediation-appropriate and traditional discipline.

What is Restorative Justice?

In a restorative justice model, the mediation model is adapted to a victim/offender situation. The objective of the process is to understand the effects of the offender's behavior on the victim and the community. The offender gets to express remorse and/or apologize. It gives both victims and offenders an opportunity to express their feelings and be heard, and through this conversation the parties have a chance to listen and to understand the motivations of the other. The goal is for them to develop a plan for how they will associate in the future and/or what type of restitution is needed. Unlike regular mediation, where the facilitators focus on a balanced agreement, the restorative justice process focuses more on identifying and understanding the harm, reconciliation/ restitution, and prevention of future occurrences. In fact, there is not always a written agreement.

How Does it Work?

First, the mediators meet with each party separately in what is called a pre-conference. The pre-conference is used to explain the process, gather information, and assess the readiness of the participants. When the offender is ready to acknowledge (take responsibility for) the behavior and

express remorse, and the victim feels confident enough to talk about the impact, then the two parties can be brought together. The conference situation is much like mediation where there is an opportunity for both the victim and the offender to explain their points of view, as well as to develop a plan for restitution.

Goals of Restorative Justice in Schools

- **School/Community Safety:** All individuals need the skills to make law-abiding choices in order to create an environment of harmony and mutual respect
- **Offender Accountability:** Offender's acknowledgement of his or her actions and decisions and acceptance of his or her obligations to the community and to those directly affected by those actions
- **Victim Opportunities:** Victim's opportunity to have feelings acknowledged, to have effects of harm recognized and explored, and to become an active participant in the process of reparation
- **Competency Development:** Offenders, as well as victims, ought to be better able to perform life skills valued by the community
- **Integration of Offender:** Both victims and offenders are valued members of the school community, and offenders should have the opportunity to re-enter the community without further shame and isolation so that they can become responsible members of the community, upholding its laws and values
- **Focus on Harm:** Misconduct is not just rule breaking, a violation of the institution, but it is a violation against people and relationships in the school and wider school community
- **Focus on Present and Future:** As nothing can be done to change the past, the process focuses on the repair of the current harm and the prevention of repeat offenses in the future
- **Focus on Restorative Social Discipline:** Through the process, parties confront and disapprove of wrongdoings while supporting and valuing the intrinsic worth of the wrongdoer

Implications for Schools

Restorative justice fills a gap between conflict resolution and traditional discipline. It addresses those cases where there is a clear right and wrong, which would normally be handled by some sort of discipline. Bullying, for example, is not appropriate for mediation because it would be unfair to ask the victim to compromise with the person who is harassing him. Instead, the offender is suspended or placed in detention and has no real understanding of the repercussions and consequences of his actions. However, taking a restorative justice approach would allow the offender to understand the implications of his actions, to be accountable for them, and to explore ways to make things right. Furthermore, the victim would get to be involved in the process.

In addition to bullying/ harassment, there are several other common behavioral issues in which restorative justice can be helpful: arson, assault, drug/alcohol use, fighting, interpersonal conflicts, tardiness, theft, truancy, and vandalism. Similar to mediation, restorative justice can be used formally and informally throughout the school and at almost any stage of a conflict. Informal techniques can range from affective statements and questions, to more moderate, small, impromptu conferences and class meetings, to the more formal, larger group meetings, to the very structured victim/offender mediation and family or community group conferences. These techniques can be used at all stages of a conflict: before there is escalation, at the peak of a conflict, or even after an incident has occurred, such as after suspension for reintegration.

Restorative justice processes can be used in conjunction with traditional discipline. Sometimes the offender is not ready to take responsibility until after the consequences have been imposed. At times, the fact that the offender is willing to accept responsibility and make restitution could act as a mitigating circumstance in the imposition of a penalty. It is important to keep in mind that punishment will not solve the problem, and often escalates the problem, creating repeat offenders.

Conflict resolvers can "expand the pie" of options by considering a restorative justice approach, which merges the engagement of traditional mediation with the desired accountability of traditional discipline.



Moriah Tuchman graduated in 1996 from the University of North Carolina, Chapel Hill with a degree in Education and went on to teach English at Chapel Hill High School in Chapel Hill, NC. In 2000 she entered the master's degree program at the Institute for Conflict Analysis and Resolution at George Mason University.



Elizabeth Lowrey received her master's degree at the Institute for Conflict Analysis and Resolution at George Mason University, where she was the training coordinator for the University Dispute Resolution Program. In 2003 she was the keynote speaker at the Fairfax County 11th Annual Northern Virginia Regional Student Mediation Conference.