

**AN EXAMINATION INTO THE USE OF THE
RESTORATIVE JUSTICE MODEL AS AN ALTERNATIVE TO
EXPULSION FOR EXTREME BEHAVIOUR IN SCHOOLS**

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Abstract

This study explores the use of the Community Conferencing Process, from The Restorative Justice Model, as a tool for school administrators to employ when dealing with students whose behaviour has been highly disruptive or dangerous. Traditionally, such students have been disciplined by excluding them through suspension or expulsion. This paper offers evidence from three case studies, in an urban setting, where the use of a conferencing approach resulted not only in the restoration of peace and safety within the school but also in significant learning for those involved in the incidents and for their families. Moreover, all students concerned were able to maintain their places in their school following the conference in which they participated. The key concepts of Community Conferencing are discussed, including the importance of perpetrators owning responsibility for their actions, the subsequent offering of meaningful restitution to those most affected, and the opportunities for healing created for *all* participants by the process. In the end, the Community Conferencing Process is seen not as a silver bullet but as a potentially useful additional strategy for administrators to include in their overall school discipline plan.

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This paper is dedicated to my mother, Peggy, a learner among learners, whose courage in returning to university while in her 60's was truly inspirational, and to my father, Ben, a champion of the oppressed who taught me that right is worth the fight.

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Chapter 1

Introduction -- Where Am I?

I met my wife Sheila while we were both teachers at the same alternative school. We worked with adolescents whom the system had designated as 'severe emotional/behaviour' students. Now, years later, it is not uncommon for us to come across former pupils whose adult behaviours become worthy of mention in the media. Last summer while vacationing in B.C., we came across one such case in a newspaper we were reading. A young man I'll call Lewis, now 23, was wanted for breaking parole and for various other new (alleged) crimes. A picture of a rather intimidating, hard-looking man staring at the camera accompanied the article. Instantly, I recalled many years ago reading the contents of a file folder holding Lewis's cumulative school record with the Calgary Board of Education complete with a picture of him as an elementary pupil, 'cute as a button' and smiling away, apparently without a care in the world. Other memories of Lewis came flooding back to me: his skill later on in basketball when our paths crossed after he had reached high school, his sense of humour and ready smile, and his consistent great difficulty in settling down in class and in getting along with others. Lewis was expelled from two high schools and never gained entrance to the one I was working in. If he ever completed his diploma, I am not aware of it. There is no doubt that he was a very difficult student with whom to work--difficult, but not impossible. It is not unreasonable, I think, to link his lack of formal education to his current 'career' as a petty thief and 'B&E' artist. As I thought of these connections and remembered this striking, bright, athletic young man, I could not help but wonder about the role of 'the system' in his life. I do not excuse Lewis

for his behaviour. Clearly, in my mind at least, he holds some (most?) of the responsibility for his actions and ultimately for his failure to complete, minimally, his high school diploma. However, I also assign some of the responsibility to the school system in which he was a part (and in which I still *am* a part) for failing to find a way to work more successfully with him, culminating ultimately in a decision to expel him from school. At the time I last met him, I lacked the skills and knowledge to provide him with what he needed as well--I also failed him. I am not wont to 'second-guess' myself, but in matters such as these I have a strong sense that I could have done something else if I had *known to do* something else.

Lewis is now part of the increasing motivation I feel as a school administrator to search out other ways of dealing with extreme behaviour other than by exclusion and rejection. I believe there is a moral imperative facing educators today to do just this. This mandate is heightened for people in positions of leadership within schools. Lees (1995) argues for the promotion of 'social justice.' I feel what is meant here is that it is incumbent upon school administrators to find solutions to difficult discipline problems in order to allow participants to continue their education. If there is, as many educators believe, a causative relationship between income earned, quality of life, and level of formal education attained by an individual, then we must recognize that tossing students out of school and subsequently denying them their education is tantamount to consigning them to poverty for the rest of their lives. Therefore, morally and ethically, school administrators ought to do absolutely everything possible to keep kids in school and to help them to be as successful as possible. This does not mean that every student belongs in school or even that it is never the right decision to expel a student. I remember clearly one young man telling me long after I

had recommended that he be expelled from our school and placed in another, that expelling him was “what [he] needed to finally smarten up and change [his] behaviour” (personal communication, 1999). He went on to tell me that he thought I had actually given him too many chances and should have kicked him out sooner. (This young man, incidentally, did indeed manage to complete his diploma in the school in which he had been placed following his expulsion from our program.) Even the most effective plan created to help a young person learn from their mistakes will be useless if you fail to get that student (and in some cases the parents as well) to come in to discuss it. In cases where there clearly is no willingness to accept responsibility nor an openness to make change, expulsion can and does make sense. I also feel strongly that one can reach the point with a young person where the decision to leave school is absolutely a sound one. Usually this path opens up as a result of a discernable, demonstrated lack of commitment evidenced by a chronic lack of attendance and/or a failure to hand in assignments as well as a refusal to take advantage of resources that could help resolve matters. Despite the best efforts of committed and caring parents and dedicated school staff, some young people are simply not ready to complete their education on the same timeline as the majority of their peers. For these students, going to work for a while can be exactly what they need to find the focus and motivation to return to school and continue their education. However, it is important to distinguish between leaving school because you are interested in checking out what the work world has to offer versus leaving school after an expulsion has perhaps helped to convince you that you will never be a successful member of a school community. Prior to becoming an assistant principal, I wrote a reflective paper explaining my decision in pursuing this new direction in my

career. For many years I had been a special education teacher working primarily with ‘at-risk’ adolescent students. From there, it was a relatively easy transition to a position as a guidance counsellor at a high-needs vocational high school. In my position as a guidance counsellor, I encountered, on a regular basis, situations where students would come into conflict with each other or with staff members. Often, this conflict would cause them to make some pretty poor choices and many of them ended up out of school as a result--often permanently. Many times I thought that there must be better ways to help students resolve these dilemmas without ‘losing the kid.’ As a counsellor I was afforded opportunities for input, but the decision to expel or not to expel was essentially out of my hands. And so, after a time I declared to myself that if I could become an administrator, I would try ‘to make a difference’ in this regard. As the proverb goes, “Be careful what you wish for!”

I became a high school assistant principal 5 years later, and I still believe it is possible to make that difference. However, now I have a far greater understanding of the limitations of the job. For example, once a student has been suspended from school, a ‘10-day clock’ begins ticking. According to Alberta Learning’s interpretation of the *School Act* (Government of Alberta, 2003), that student’s local Board of Education has 10 school days to either reinstate that student or find him or her another school program to attend. This means that any intervention one may wish to try as a strategy to solve a problem and to avoid expelling the student has to be done very quickly. Before even getting to the decision about whether or not to expel, however, the beleaguered administrator must contend with numerous other factors. Figure 1 represents these important (potential) sources of influence.

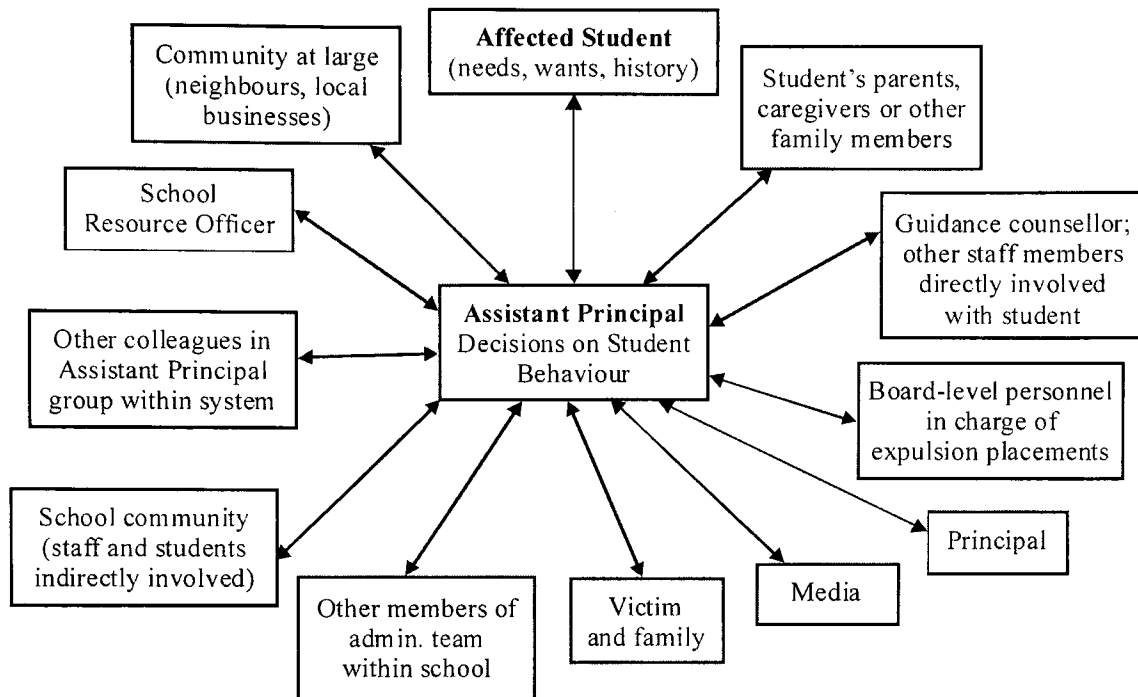


Figure 1

System Map of Potential Influences on Decision Making Around Student Discipline

Apparently, deciding what to do with the culprits involved in severe behaviour incidents is not so ‘cut-and-dry.’ In our school system, current practice *seems* to be that most severe behaviours result in expulsion from school and subsequent placement in an alternate program for the offending parties. Occasionally, students are afforded opportunities to return to their school the following semester if, for example, in the case of substance abuse, they have successfully completed a treatment program. For incidents involving extreme violence, harassment, bullying or intimidation, weapons possession, or drug trafficking, the consequence is invariably the loss of the student’s placement at their school. Conventional wisdom is that the offending students must be taught a lesson and that the only way they can learn is through the crisis (punishment) brought on by expulsion. Similarly, students in the school must learn from the example being set for them what they should and should not do at school. In addition, other ‘publics’ must be

considered. Staff members need to know there is a functional discipline policy that supports them and maintains law and order in the school. Parents need to have confidence that school administrators are keeping their children safe from harm. This line of thinking appears to be alive and well in almost all of the groups shown on the systems map. In and of itself, I have no problem with this orientation. Law and order *does* need to be maintained in a school. Kids *do* need to be and feel safe. Students who commit acts of violence or who otherwise threaten this safety and order *do* need to learn from their actions. Both staff members and parents must have faith that their school leaders are preserving a safe, secure environment conducive to teaching and learning. I believe *all* of this. What I have difficulty accepting, though, is that in situations involving severe conflict the only way to achieve these ends is by expelling the offenders. Over the last 4-5 years or so, there seems to be evidence that we are heading as a system in a new direction with regard to discipline practice and policy.

Originally, this new direction seemed to be a result of a peak in the suspension rate where, for 2 years in a row, 1995-97, more than 1150 students were suspended from their home schools to the suspension desk. The following year, 1997-98, this rate was virtually cut in half as a result of a system focus to affect the number of suspensions (Calgary Board of Education [CBE], 1998a). Some of the initiatives appeared to be no more than smoke and mirrors. One policy changed the way in which suspensions from grades 1-7 were dealt with so that they disappeared from the overall system statistics. Another policy change saw a large number of suspensions resolved by simply sending the student back into the same school from which they had come despite the recommendations of the administrators there. I recall myself being in attendance at a principals' meeting 4 years ago where there was a great deal of anger voiced about this

latter practice. The overall perception was that schools were being asked to deal with difficult behaviours without being properly supported at the system level. There was recognition of this shortly afterwards when, in January 1998, the Board introduced a program called 'INFOSKILL.' INFOSKILL sought to interrupt and correct disruptive behaviour and offer some badly needed support to schools by:

- ◆ Providing students, parents, and schools with an alternative to formal suspension.
- ◆ Giving students the opportunity to evaluate what factors contribute to as well as prevent their school success.
- ◆ Having students acknowledge their responsibility and formulate a success plan to use in their school.
- ◆ Establishing mentor-student relationships to provide ongoing support for students in their schools. (CBE, 1998b)

While well intentioned, this venture didn't enjoy a long life, likely due in part to a perceived lack of change in the long-term behaviour of its participants. Because Alberta Learning mandates that suspensions must be resolved within 5 school days (and expulsions within 10), INFOSKILL had only 4 days to complete their work. Schools became disenchanted with the service and it was discontinued about 18 months later. By that time, however, there did seem to be clear recognition on the part of the Board that reducing the rates of suspensions and expulsions would not happen without meaningful supports in place. A Calgary Board of Education pilot project called 'Community Conferencing' in conjunction with City of Calgary Youth Probation, Mennonite Central Committee, and the John Howard Society began in the 1999-2000 school year. The initial mandate for the pilot was for junior high referrals only, but in the 2000-2001 school year, Community Conferencing moved beyond the pilot project phase and was extended to

include senior high and elementary schools. This welcome addition to the Student Response Team (a multidisciplinary group of CBE consultants and specialists who provide support to schools around challenging behaviour and learning issues) was accompanied by the use of new language confirming a shift in practice:

Traditionally, schools respond to violence through the suspension process.

Community Conferencing provides an opportunity for students to be accountable to the people they have harmed. The response moves beyond discipline and punishment to supporting students and their families to resolve serious conflicts.

This learning addresses safety while supporting the reintegration of students into the learning community. (CBE, 2002a, p. 5)

Earlier in the same report, the Board offers explanation for the new policy direction:

Changes in our School Act, specifically Section 45 (8) (formerly Section 28 (7)) specify:

A board shall ensure that each student enrolled in a school operated by the board is provided with a safe and caring environment that fosters and maintains respectful and responsible behaviours.

The Student Response Team is embracing these challenges by developing integrated responses and focusing on inclusive practices. Conflicts are redefined as opportunities for learning and change. (CBE, 2002a, p. 2)

Preceding the information reported above, and even prior to the creation of INFOSKILL, work had been underway to revise the CBE Discipline Policy 6001. This project was undertaken in part as a result of a Ministry of Learning directive handed down to the CBE approximately 3½ years ago. The directive came on the heels of a successful appeal against an expulsion brought to the minister by a CBE student. At that time the Board was expected

to review its policy and procedures around discipline and bring them more into line with the law as set out in the Alberta *School Act*. Several changes have since appeared in Policy 6001. Historically in our system, the term ‘suspended’ meant that a student was sent home from school for a short period of time (usually in practice less than a week but more than a day). ‘Formally suspended’ meant that a student had lost their place in their school and was placed into another school program elsewhere in the system. The term ‘expelled’ meant that a student was either formerly suspended or, on more rare occasions, removed from all Board programs entirely. Under the revised and current Policy 6001 terms of definition, the expression ‘formally suspended’ is replaced by ‘expelled.’ We, as school administrators, are directed to cease using this former term and use only the term ‘suspended.’ We can make a *recommendation* for ‘expulsion’ where warranted to the Board delegate (appointed by the superintendent), but principals themselves cannot make this decision. This becomes important later on as part of the understanding of why Community Conferencing is not more widely used. We are, I believe, very much in a transition period with regard to discipline policy and practice. The new Policy 6001 opens the door for us to deal with extreme behaviour differently. For example, now included is the following:

18 (1) Alternative interventions include community conferencing and other restorative practices.

18 (2) The purpose of an alternative intervention is to provide an alternative disciplinary approach to support critical learning around social behaviours.

18 (3) Alternative interventions may be initiated by the principal or board-delegated person, as the case may be, and must be supported by the student, the parent and the student’s support agencies, and may be supported by other members of the community. (CBE, 2002b, p. 15)

Despite this, however, other sections of the policy seem to reinforce old practice. Section 6001.2, the section of the Discipline Policy that deals specifically with violent behaviour, says this: “Students who are responsible for actions which cause or threaten harm to persons or property face formal suspension, expulsion, and, where appropriate, referral to police” (CBE, 2002b, p. 1).

Two points are confusing here. The first is that the use of the former term ‘formal suspension’ appears. This could be an oversight but it does give licence for administrators to continue to operate under the old practice of ‘kicking kids out’ for offences such as fighting. In fact, the Board report for last year states that 67 senior high school suspensions occurred for just this reason (CBE, 2002a). This would indicate that many students do not seem to be presented with opportunities to become involved in the new ‘restorative’ processes such as those available through Community Conferencing. This is not entirely surprising since this option is not even mentioned in Policy 6001.2. Further ambiguity can be found in the section of 6001 that handles alcohol and drug use problems. In this section of the policy, offences involving:

- a) Distributing alcohol or illegal drugs,
- b) Possessing or using alcohol or drugs, or
- c) Being actively in contact with the possession, sale or use of alcohol or drugs

are “to be dealt with firmly up to and including expulsion and/or legal action” (CBE, 2002b).

Here again, evidence from the trustee’s report shows 78 high school students alone who were suspended for drug or alcohol involvement. I know from experience that current practice in numerous schools is to interpret these sections of Policy 6001 as justification for expulsion from one school and subsequent placement in another. A

student recently placed in our school had exactly this experience. No opportunity to reclaim through Community Conferencing was afforded to him whatsoever. The confusion and ambiguity existent in the Policy Manual is certainly part of this situation. Other factors are involved as well. This year, the program for leadership development candidates (CBE staff members aspiring to principalship) contains workshops and inservice opportunities on 27 different topics. None of these topics addresses alternatives to expulsion and suspension for severe and extreme behaviour. There was one session on the suspension process in general but the focus was decidedly on practice that complied with ministerial and Board policy. When Community Conferencing first began, there were several opportunities for principals and assistant principals to hear about this program. Somehow, we have lost this subject from our professional development agendum. Even the CBE Principal and Assistant Principal Conferences were completely devoid of opportunities to become familiar with Community Conferencing or other restorative justice practices. This is despite the presence of many new administrators in the past 2-3 years in our system. If more schools (administrators in schools) are to 'buy in' to the new direction written about by the Student Response Team service unit for dealing with extreme behaviour, further growth clearly needs to occur in our Board. The preamble to Policy 6001 should contain some reference to this venture. What it says instead is, "Students and staff are expected to model and reinforce socially responsible and respectful behaviours so that teaching and learning can take place in a safe and caring environment" (CBE, 2002b, p. 2). The Student Response Team's statements that "conflicts are redefined as opportunities for learning and change" and "the resolution of the conflict belongs to students, parents and the school community" (CBE, 2002a, p. 2) ought to be represented in some fashion, I think, in this important introduction to the

policy on discipline. It is an obvious opportunity to encourage those involved in the decision-making process (largely assistant principals and principals) to become aware that they might seek alternative and perhaps more constructive ways of dealing with problematic behaviour. Towards this end, the central question I hope to answer in this paper is: *“Can a restorative justice process such as that embodied by Community Conferencing be used by school administrators to deal effectively with incidents of extreme behaviour as an alternative to expulsion so that peace and safety are restored to the school environment and so that the perpetrators of the offending actions learn how to behave in constructive, socially acceptable ways in the future?”*

I am writing at this point from the point of view of someone who has made casual observations of the effects upon students of both expulsion and restorative restitution processes following incidents of extreme behaviour. Thankfully, others have made a more formal study of this area of school life. A number of these studies and research papers form the content of Chapter 2 of this project.

Chapter 2

What's Happening Now?

The focus of this literature review was to investigate what other people have written about what schools are doing to deal with students who commit serious acts of violence or other disruptive forms of behaviour in school settings. Specifically, I wanted to know if current research supports the use of suspensions and expulsions and if any other strategies were being used to deal with these incidents. I also wanted to know what alternative strategies currently exist and particularly if there is any evidence to support the use of restorative justice processes such as reclamation conferencing in resolving these significant events.

In an article entitled *The Dark Side of Zero Tolerance*, Skiba and Peterson (1999) suggest that many school systems have reacted in a knee-jerk fashion to increased school violence by arguing for punitive, draconian measures in order to guarantee school safety. Zero-tolerance discipline policies are labelled anti-democratic, or at least as running counter to any intent to teach democratic values to children. The writers explain that this is a necessary outcome of any policy that sanctions “the indiscriminate use of force without regard for its effects” (Skiba & Peterson, 1999, p. 381). The origins of zero tolerance are presented as a movement growing out of drug enforcement work in the early 1980s. The philosophy of zero tolerance seems to be that severe and unflinching punishment will somehow ‘stomp out’ deviant or unwanted, destructive behaviour. Skiba and Peterson (1999) go on to argue that a (largely) media-generated perception that severe behaviour (including violence and drugs) is on the rise is contrary to the reality

schools are currently experiencing. Nevertheless, policymakers and school administrators may be caught up in this misperception and may be adopting inappropriate strategies.

Part of the problem, Skiba and Peterson (1999) contend, is that many ‘innocents’ can be and are being caught up in widely cast nets of zero-tolerance discipline policies. Cases cited include infractions such as disobedience, disrespect, tardiness, and truancy. Skiba and Peterson (1999) include a table containing details of numerous incidents--some quite tragic. One such example was the case of a 7th grader suspended for giving a medicated cough drop to a peer which placed him in contravention of the school’s zero tolerance drug policy. Further, Skiba and Peterson (1999) present data that suggests certain racial groups (e.g., African-American students) are disproportionately affected. It would be interesting to conduct a study to determine if a similar translation to students of First Nations origin is occurring here in Canada.

Finally, Skiba and Peterson (1999) begin a discussion on the effectiveness of zero tolerance. They write about a general lack of research and careful evaluation of zero-tolerance policies. Some studies cited, however, found that “schools that use zero-tolerance policies are still less safe [after 4 years] than those without such policies” (Skiba & Peterson, 1999, p. 376). In the end, they conclude, “virtually no data suggest that zero-tolerance policies reduce school violence” (p. 376). Interestingly, the authors postulate that “the popularity of zero tolerance may have less to do with the actual effects than with the image it portrays” (Skiba & Peterson, 1999, p. 377). This is understandable considering the sometimes-enormous pressure school administrators can fall under when called upon to run policy decisions through public relations filters. This article raises serious doubts, though, of the prudence of this practice if the ‘good optics’ are predicated on discipline policies that don’t really work, even *if* they sound good.

Skiba and Peterson (1999) complete their exploration of this topic by suggesting a number of ideas that they feel actually could contribute to solving the dilemma of extreme behaviours in schools. The authors certainly support the need to conduct schools in a civilized manner and for the “preservation of order” (p. 381), but they maintain other more constructive practices should be used. Three general strategies are outlined. First, they advocate for more proactive measures such as violence prevention and school-wide consistent behaviour management. Conflict-resolution programs would necessarily be a part of such a plan. Second, better screening and advance identification of ‘at-risk’ students could lead to treatment prior to the eruption of problematic behaviours. Finally, when severe behaviours do occur, Skiba and Peterson (1999) argue for specially trained staff volunteers (“school safety teams”) (p. 382) comprised of a broad cross-section of staff who can then respond in a skillful, consistent way so as to hopefully deescalate matters and begin to implement immediately meaningful consequences that are designed to promote learning in a respectful way versus punishment. Skiba and Peterson (1999) close by writing about an anticipated negative response to their somewhat complex program by those that would wish for more expedient methods. They suggest that the problems that have resulted in the current precarious situation facing schools today are themselves highly complex and as such are not likely solvable through simplistic, traditional means such as hard-line discipline. They reiterate that studies show, in fact, little return for zero-tolerance strategies and argue, therefore, that only through more comprehensive, careful, and ultimately more demanding practices can schools turn the corner on this situation and return to more safe, secure, and respectful learning environments (Skiba & Peterson, 1999).

Easy Exit: School Policies and Student Attrition (Epp & Epp, 2001) is a Canadian study which concerns itself with the effects of numerous school discipline policies and the effect of such policies upon success indicators such as school completion rates for those who come into contact with these practices. Epp and Epp (2001) begin their paper by stating that the idea of public education in Canada being readily available to all may be more myth than reality for many students. Severe behaviour, or even high rates of absenteeism, they contend, can easily cause these students to run afoul of school discipline policies that can result legally in suspension and/or expulsion. Such policies, Epp and Epp (2001) argue, may actually be indicative of the fact that some schools (and school systems) are taking the 'easy way out' by providing a fast exit for so-called 'at-risk' students rather than dealing more thoughtfully and effectively with their behaviours. According to statistics cited by the authors, there is a significant problem to be found in the high rate of students under the compulsory school leaving age (usually age 16) who do not complete high school for factors *other* than medical, physical, or other 'legitimate' reasons. The figure given of 8% of *all* Canadian students under this compulsory age not attending school is staggering. Many high school dropouts are those who exhibit problem behaviours of violence, delinquency, or truancy.

A major purpose of this chapter is to provide the reader with an overview of Canadian school policies as they pertain to 'at-risk' students and how these policies may contribute to these students leaving school versus changing their unsuccessful behaviours. Overly rigid policies dealing with truancy, chronic lateness, or lack of (perceived) motivation and productivity are all frequent sources of students being out of school. School policies are linked often to provincial education ministry guidelines (Epp & Epp, 2001). Whether or not this is a credible justification or rationalization to remove

challenging students is unclear. In Ontario, the linking of time and educational outcomes appears in a document that cites “A credit is granted in recognition of the successful completion of a course that has been scheduled for a minimum of 110 hours” (Ontario Ministry of Education & Training, 1999; cited in Epp & Epp, 2001, p. 234). Here in Alberta, a 5-credit-equivalent course takes 125 hours of scheduled time. The fact that there exists a 15-hour discrepancy illustrates the arbitrary nature of such policies, yet important decisions in the educational lives of young people are based upon them. In the end, however, the use of time missed is frequently used as justification to remove students from classes and from schools (Epp & Epp, 2001).

Epp and Epp (2001) describe a series of accounts that demonstrate how administrators can use policies as rationale to remove behaviourally challenging students. Several quotes illustrate what may be a common philosophy to cull such ‘at-risk’ pupils so that so-called ‘regular’ students can essentially get on with their job of learning in an undisturbed environment. The point made by the authors is *not* that the safe, secure learning environment in schools shouldn’t be supported and even protected, but rather that the learning needs of *all* students, especially those at risk, need to be met. Having made a case for an argument that policies and decisions in schools are likely responsible for a significant portion of dropout and failure rates, Epp and Epp (2001) continue with ideas for solutions to this problem:

- Rethinking Time
 - Stepping outside conventional (but arbitrary) 1-year-per-grade approaches to allow for individualization and “personalized classroom practice” (Epp & Epp, 2001, p. 239). This can include self-paced and year-round models.

- Rethinking Attendance Policies
 - Use absences as an opportunity to explore barriers and stresses they may symptomize and offer support to help solve these problems.
 - Use other ‘more authentic’ means of evaluation to determine mastery and not focus so much on ‘time in class.’
 - Complement classroom instruction with more independent components such as on-line modules.
 - Include ideas on more flexible attendance policies in ‘regular’ settings too--not just alternative programs.
- Rethinking Alternative Programming
 - Alternative programs need to extend far beyond their original mandates of offering a ‘weigh station’ to students who don’t fit in traditional schools. Epp and Epp (2001) list eight important characteristics:
 1. Ensure that all students have access to positive adult role models that might include parents, native elders, teachers, and other community members.
 2. Tailor the students’ education program to address their needs and to make it relevant to their life experiences. All students are on individualized program plans.
 3. Make optimum use of flexible teaching methods.
 4. Offer year-round registration and schooling.
 5. Make use of the learning experience outside of the school setting.
 6. Offer employment preparation workshops, job shadowing, and job placement opportunities.
 7. Offer credits for learning that takes place away from the school setting.

8. Make use of early intervention and of various support services to address the learning and social needs of students (Epp & Epp, 2001, p. 244).

Importantly, Epp and Epp (2001) argue that the focus of schools needs to move to include much more than academics. If indeed there is truth to the notion that education is the key to economic independence, then compulsory education is more important than ever. Haughley (1996) says, “It is not the students’ job to fit into the school, but the task of the school to fit the students’ needs” (cited in Epp & Epp, 2001, p. 244). With regard to discipline policy, Epp and Epp (2001) suggest that policy direction in schools needs to shift from a current focus on “punishment and exclusion” to “support and encouragement” (p. 239).

The authors close by saying that the correct and moral response of schools ought to be a focus on keeping as many students as possible in school by adopting twin principles of accommodating student needs with better programming approaches and creating a discipline policy that is supportive and inclusive.

In *Predicting Violence from School Misbehaviour: Promises and Perils*, Morrison and Skiba (2001) have conducted a study showing how the increased profile of violence in schools in the last few years has led to a search to discover methods of predicting such behaviour so it can be prevented more often. By examining school discipline cases and importantly, school discipline systems, the authors hoped to uncover any possible relationship between school discipline environments and predictability of violent or disruptive student behaviour.

Morrison and Skiba (2001) define a school discipline system as being “at the school-wide level; that is, office referrals, suspension, and expulsion” (p. 173). Even though there have been relatively few studies of school discipline procedures, a number

of commonalties are seen. Major foci seem to be dealing with drugs, gangs, and weapons incidents. Morrison and Skiba (2001) contend these are not typically where school administrators spend most of their time. In general, Morrison and Skiba (2001) found that urban boards favoured the use of suspension for more minor infractions such as tardiness, truancy, and general classroom disruption. They even cited one school district that had a staggering rate of 21 per cent of all enrolled students during one school year who had experienced suspension at one time or another! Morrison and Skiba (2001) do confirm that expulsion is primarily reserved for more serious problems such as drug trafficking, extreme violence, weapons (and vandalism!) but that in many cases, expulsion was an 'automatic' outcome as recommended or even dictated by district or state policy.

To sum, Morrison and Skiba (2001) imply that school discipline policies demonstrate in general a 'tail wagging the dog' syndrome in that the severe consequences of suspension or expulsion are made available to administrators seemingly as a reaction to a relatively few number of occurrences of extremely disruptive or violent actions. These consequences, once available, are then used to deal also with the more commonly occurring but lesser impact (upon the school community) behaviours such as truancy, tardiness, and physical confrontations. Interestingly, no effort is made by Morrison and Skiba (2001) to explain why this may be the case. I think a discussion on the topic of extreme behaviour and the (usually) significant impact of it upon school climate and culture would have been germane. Likely, the reason that schools have developed these extreme reactions to highly disruptive misbehaviours is that they recognize the great impact upon their programs and are desperate to effect some change.

The next large section of this article is taken up with a presentation of the challenge involved in predicting the likelihood of future at-risk behaviour based upon

past disciplinary events. Much of this challenge is related to the multivariate nature of disciplinary action. For example, Morrison and Skiba (2001) list the following factors as being related variables: student behaviour, time and place of behaviour, teacher reactions, administrative disposition, local school culture, and even local, state, and national politics. These factors are then analyzed and contextualized in such a fashion as to attempt to provide a modicum of control against which to view any possible influence of school discipline practice alone on behavioural infractions. For example, in the case of the complexities involved in the prediction of delinquent behaviour based upon identified risk factors that may be present in a young person's life, Morrison and Skiba (2001) note that many such youth do not end up in trouble as a result of their behaviour. Blechman, Hile, Cohen, and Fishman (2001) write about offsetting pro-social factors that account for some of this. In the end, Morrison and Skiba (2001) seem to decide that the multivariate nature of this whole question of making predictions about future problematic behaviour within school settings based upon school discipline systems as a determining factor makes the task impractical. However, a number of other important points are made.

Morrison and Skiba (2001) cite the dearth of "professional or research literature about 'best practices' for suspension and expulsion" (p. 180). They write about the work of others such as Sugai et al. (2000) who advocate a "multilevel system of school-wide discipline strategies" (cited in Morrison & Skiba, 2001, p. 180). But they do acknowledge that even with such proactive interventions in place, there likely would be times when students would, in fact, end up excluded from school as a result of their behaviour. In our province, the education system (at both the local district and ministry levels) has recognized at least that having students out of school causes a potential problem by denying them their education. This has resulted, in the case of our Board, in the

development of a section in our discipline policy covering “supported leaves.” The intention here is that if a longer-term suspension is required than that provided for by law under the *School Act*, a school board can be seen as fulfilling their mandate if they have such a plan in place to see that some education efforts are ongoing for the displaced student. Unfortunately, unless adequate resources are available, students are mostly left to their own devices. Morrison and Skiba (2001) use this point to highlight the importance of “‘goodness of fit’ between students’ needs and a given school’s approach to discipline” (p. 180). They argue that schools and school systems must work hard to develop a full range of effective strategies for dealing with disciplinary problems. This work must include an understanding that exclusionary practices not only may be morally questionable in that students are being denied access to education, but that they may well be reinforcing the very behaviours that are hoped will be extinguished. Finally, Morrison and Skiba (2001) propose an alternate goal to replace the ‘grail-like’ goal of identification of predictive factors. They suggest that schools endeavour to actually increase the error factor in making predictions by instituting school-wide intervention programs and thereby begin addressing antisocial behaviour earlier on.

Antidote for Zero Tolerance (Farner, 2002) is a case study of a school transformed by a leadership team which sought a solution for their perplexing discipline situations outside of the more popular zero-tolerance practice. In this short article, Farner (2002) introduces readers to Frank Lloyd Wright Middle School (FLWMS) in West Allis, Wisconsin. According to Farner (2002), a number of years earlier this school had been struggling mightily with severe behaviour concerns from many students. Their suspension/expulsion rate was extremely high and finally in desperation they adopted a new program to deal with these concerns. FLWMS began incorporating the tenets of the

“reclaiming” philosophy advocated by Brendtro, Brokenleg, and Van Bockern (1992). Farner (2002) touts these reclaiming practices as “a refreshing, positive, proactive alternative to zero tolerance” (p. 19). Farner (2002) argues that evidence is non-existent that the so-called ‘zero-tolerance’ practices adopted by many districts and individual school programs lead to any constructive change in rates of extreme violence, drugs, and weapons infractions. Rather, he suggests that a program tailored from Brendtro et al. (1992) can offer schools and beleaguered administrators real hope. One of the ideas is that at-risk students are in danger of giving up due to chronic feelings of discouragement. Continuing to suspend and expel these students for misbehaviour only confirms these feelings and places them further at risk (Farner, 2002). When students are out of school, the problem is further exacerbated because they are frequently “subject to even *less* supervision, may be sleeping in, watching more TV and wandering the community with peers who may be in similar circumstances” (Farner, 2002, p. 19). In short, their misbehaviour is rewarded with vacation and they fall even further behind in their studies, often leading to a worsening of their school problems.

Farner (2002) suggests that practices such as those employed by FLWMS can be far more effective. The program there places an emphasis on building relationships and *extending* connections for *all* students, including and especially those struggling to be more successful. Some of the program characteristics are: schools within a school (divisions to increase opportunities for students to become known better), looping (opportunities for teachers to work with fewer students over longer periods of time), and the incorporation of a multi-purpose period into every school day to allow students access to more support and again to enrich and build relationships with peers and staff. Farner (2002) emphasizes in his article the more proactive features of this approach and does not

write about ways in which this school deals with major problems when they (no doubt) do occur. However, other important features of this reclaiming philosophy are covered: There is extensive opportunity for ongoing professional development and the structure of the timetable allows for much common planning time. There is a strong focus on results as measured by a program of meaningful comprehensive assessment, including standards-based rubrics and an emphasis on student self-evaluation. The whole community “is responsible for holding itself accountable” (Farner, 2002, p. 22). Finally, there is considerable dedication and commitment on the part of administration who have been there for an extended period of time to help support all of this work. These initiatives all “fall under the broad umbrella of the reclaiming philosophy, as the focus is on meeting the needs of students, whether through more meaningful relationships or more effective instructional strategies” (Farner, 2002, p. 22).

Reading between the lines, what Farner (2002) is describing really is an environment created that demonstrates commitment and caring for the students and one that *doesn't give up* by sending them away when they make mistakes. In fact, mistakes are seen as opportunities to learn. This, too, is consistent with reclaiming philosophy in that students are provided with support and *encouragement* to evaluate and learn from mistakes. This is in contrast to the *discouragement* brought on by the exclusionist practice of zero-tolerance policies. The reader is left wondering (again!) why so many education systems have been seduced into believing zero tolerance is the correct path on which to proceed.

Holloway's (2002) article, *The Dilemma of Zero Tolerance*, summarizes the research of several others on this topic. He confirms the continued popularity of zero-tolerance policy adoption by many (American) schools. One poll is cited where 90%

of principal respondents said that tough policies were essential for keeping schools safe even though the result may be an increase in suspensions. This philosophical stance of ‘sacrificing the rights of the few for the sake of the many’ is further documented later on as well. Another study (Polakow-Suransky, 1998) recognized “that although the goal of the policy is to protect staff members and students in school, it has, in fact, failed to curb the problem of youth violence” (cited in Holloway, 2002, p. 85). This seems to confirm that the notion that most students will ‘learn a lesson’ by expulsion is, in fact, more of a myth than anything. Really what happens is that the problem in many cases is simply transplanted elsewhere. In addition, the short-term goal of keeping buildings and people safe may be only a temporary reprieve if schools are merely ‘trading the players’ of violent and disruptive actions without really correcting the behaviours. If violent students do not learn other ways to deal with problems, they may arguably grow up to be violent adults. What small measure of safety gained by excluding a violent student, for example, could well translate into significant costs to society in the later ‘grown-up world.’

Related to this is the disturbing possibility that more special-needs (learning-disabled or intellectually delayed) students are targeted for expulsion at twice the rate one would expect according to per-capita ratios (Holloway, 2002). Questions need to be answered, therefore, regarding the morality of such practice. Special-needs learners already have enough of a challenge making it through the school system successfully. If our society believes (as it appears to do) that one of the principal roles of schools is to prepare young people to enter society as functional, productive citizens, then a part of this work should encompass extra efforts to keep all students in school--particularly those with extra learning needs.

Another fascinating aspect of Holloway's (2002) article is that some evidence seems to suggest that zero-tolerance, punitive policies may in fact cause *increases* in violent behaviour and other disruptive events in schools. Driekurs, the well-known behavioural psychologist, wrote about the unintended effects of punishment as a method for dealing with negative behaviour (Dreikurs & Cassel, 1972). He contended that punishment could lead to passive-aggressive and defiant reactions such as vandalism and even revenge-seeking behaviours. One of the studies explored by Holloway (2002) even found "virtually no data to suggest that zero-tolerance policies reduce school violence" (p. 84).

Considering, then, the profound lack of constructive outcomes resulting from these tough-line approaches, one might well ask why they continue to find favour in schools. Holloway (2002) quotes Curwin and Mendler (1996) on this: "Eliminating zero-tolerance policies is a hard sell because the concept is simple to understand, sounds tough, and gives the impression of high standards for behaviour" (Holloway, 2002, p. 85). Considering the plight of the beleaguered administrator described in Chapter 1, this seems to indicate that political pressure might be driving this (seemingly) ineffective and perhaps deleterious practice. This is important information to consider for any school leader invested in incorporating morally sound *and* effective policies in their school operation.

In *Rethinking the Effectiveness of Suspensions*, Sautner (2001) responds to the evidence that traditional discipline practices are increasingly being shown to be at best ineffective, and at worst may act as contributing factors to increasing school behavioural concerns. Sautner (2001) declares from the outset that her motivation to examine this issue came from her work with Alberta Learning when she was seconded to help write

what is now known as “The Alberta Safe and Caring Schools Initiative” (p. 210). The genesis for this project came from an acknowledgement on the part of the Ministry of Learning that school violence rates were climbing within the province and so, correspondingly, were the rates of suspension used by schools to (partially) combat this problem. Sautner (2001) set out to gather information in an effort to answer two central questions:

1. If school districts cannot prove that using suspensions is an effective strategy for improving student conduct, why do school officials use it so frequently?
2. Can school officials conclude with confidence that certain behaviours are reduced through suspensions? (p. 210)

Sautner (2001) was able, through research, to identify a list of five common factors often associated with suspension that, not surprisingly, identify the majority of suspended students as being ‘at risk’ by a conventional understanding of this term. These factors led to a discussion of the National School Board Association (1984) conclusions on the state of discipline policy effectiveness in which, among other things, the issue of how best to support at-risk students is raised (cited in Sautner, 2001). Sautner and others conclude that “the use of suspension and expulsion for dealing with these students on disciplinary matters significantly increases the chances of continued school failure and dropout rates” (Sautner, 2001, pp. 210-211). Further, she argues that some school practices may even *contribute* to increases in violence: she cites a study by Carmargo-Arbello (1997) outlining nine fairly common practices which may have such potential:

- ◆ Failure to offer equal educational opportunities;
- ◆ Encouragement of dropouts;
- ◆ Violation of students’ human rights;

- ◆ Counter-educational reprimands;
- ◆ Constant scolding;
- ◆ Preference for authoritarianism as the way to resolve conflicts;
- ◆ Organizational inflexibility;
- ◆ Rigid rules; and
- ◆ Repressive effects of rules that limit expressions of emotion and interests of students (Sautner, 2001, p. 212).

The work of others extends this idea of schools causing some of the problem through policy and action. The concept of “systemic violence” is explained as “the unintentional consequences of procedures implemented by well-meaning authorities in a belief that the practices are in the best interests of students” (Sautner, 2001, p. 212). If the end result is that a student, as a result of their behaviour, ends up missing their education, then in a very real sense it is *the system* that has failed the student.

Sautner (2001) makes the claim really that the purpose of public education in Alberta, “to develop self-reliant, responsible, caring, and contributing members of society” (p. 211) is not being attained for students who fail and or drop out of school even partly as a result of ineffective discipline procedures. Morally, if educators are to do a more complete and effective job, useful, constructive alternatives must be found. These ‘preferred practices’ include an overall focus to do a better job of matching the learning and behavioural needs of students with the desired outcomes. There is an inference made, then, that meeting these learning and behavioural needs *prior* to the occurrences of problems can proactively prevent the problems from even taking place. However, there is a cautionary note that for any discipline strategy to truly be effective, the school

environment must be carefully constructed to both “determine and deliver appropriate consequences” (Sautner, 2001, p. 213).

Sautner (2001) writes about the Positive Behavioural Intervention and Supports System as being one such effective program. The author cites empirical evidence to support the claim that this program can and does make a difference to the overall success a school can have at decreasing behaviour problems and ultimately keeping more kids in school. This is a three-tiered system which involves ‘universal strategies’ for the great majority of students, ‘selected strategies’ for approximately 7-10% of students, and finally ‘targeted or intensive strategies’ for the higher-risk remaining (3-5%) students. The underlying principle is that a graduated series of behavioural supports is available to meet the full spectrum of individualized student needs (Sautner, 2001).

The paper’s final section promotes a ‘promising practice’ (seemingly sound ideas but no empirically supported studies yet to support validity). Alberta’s Safe and Caring Schools Initiative generated a list of 16 strategies that can be employed to help solve problems and motivate behavioural change *prior* to losing a student to expulsion. Unfortunately, the scope of this article is such that examples of specific behaviours matched with these strategies are not included. Life in schools is not always so linearly progressive that you can always work your way along such a continuum, however. Severe behaviour can arise quickly with little or no detectable antecedent incidents. In high schools with large populations, students with emerging or existent emotional problems may go seemingly undetected far more easily and remain anonymous longer when school staffs have so many relationships with which to deal.

In *Bullying and Victimization in Schools*, Morrison (2002) opens the door further on the discussion of how restorative justice practices can be used to combat significant

deviant behaviour. Bullying is recognized in this study as serious, insidious, and pervasive in schools. Moreover, it is linked strongly as a risk factor for “future delinquent and criminal behaviour” (Morrison, 2002, p. 1). Morrison (2002) continues with a discussion of possible consequences for both the perpetrators and the victims of bullying behaviour. According to Morrison (2002), bullies are more likely to drop out of school, misuse drugs such as alcohol and marijuana, and, as mentioned above, engage later on in life in other antisocial activity. These findings are certainly consistent with the work of others such as Blechman et al. (2001) and Morrison and Skiba (2001). Morrison (2002) writes about the impact on victims, citing high levels of stress, anxiety disorders, depression, other somatic illnesses, and suicidal ideation. All of the above, factored in with the impact upon the families of both victims and perpetrators, adds up to a considerable toll. This study likens schools to “societal microcosms” (Morrison, 2002, p. 2), especially when others such as parents, grandparents, and community members are invited in. Morrison (2002) writes about the inherent power of this system to either become a constructive and healing force or a destructive, stigmatizing one. This dichotomy is contextualized further in this article by a discussion of past practice whereby efforts to treat the bullying phenomenon has either been driven by compassion or accountability.

The author posits that these two foci need not be mutually exclusive and that the principles of restorative justice can effectively combine both. Morrison (2002) discusses how previous attempts to link identified risk factors that seem to lead young people to become bullies with treatment interventions have been largely confused and ineffective. She does contend, however, that some of the treatment factors involving the use of ‘shame’ can be used to understand a more productive approach. ‘Constructive shaming’

is defined as that which takes place in the presence of “an accepting and forgiving community” (Morrison, 2002, p. 2) and which allows for an opportunity for a supportive confrontation between the victim and the offender.

By contrast, ‘maladaptive’ shaming, with its focus on punishment and stigmatized exclusion, leads the bully to feel confirmed that they are of low worth to the community and reinforces feelings of anger and frustration. Victims are denied the important opportunity to forgive the offender and usually have no chance to even express how they had been affected by the bullying actions. Morrison (2002) writes about the possible role schools can play in helping to make a shift *away* from the latter effect and *towards* the former. She suggests that a key determining factor in whether or not a school program will be effective in this regard is the degree to which the adaptive shaming program is supported. Facilitators must have, according to Morrison (2002), sufficient training to adequately prepare participants and the time to do necessary follow-up work afterwards.

Morrison (2002) argues essentially that what is needed is a cultural shift from the current understanding that equates accountability with punishment. She advocates for schools to set up Responsible Citizenship Programs. Restorative justice models for dealing with conflict resolution and shame management would be a part of this overall focus. Beyond this, related processes for building and maintaining healthy relationships and for community building would all live under “one conceptual umbrella” (Morrison, 2002, p. 3). The opportunities for increasing emotional intelligence for participants seem strong under such a plan. Again, the work of others suggests the worth of these strategies. Brendtro et al. (1992) write about the critical need for young people to have a strong sense of belonging in a community. Sautner (2001) proposes how the development and maintenance of relationships through what she refers to as the “Safe and Caring Schools

Initiative” can help to safeguard against bullying and provide constructive ways of dealing with it when it does arise.

Returning to the study focus on the use of restorative justice for dealing with bullying behaviour, Morrison (2002) summarizes the essence of such programs as being nurturing of positive feelings while allowing for the discharge of negative ones. Morrison (2002) measured the impact of a facilitator workshop program within schools and found that students working with trained facilitators exhibited small increases in student use of adaptive shaming but significant *decreases* in the use of maladaptive shaming. In addition, there was a detectable increase in students’ perceived feelings of safety within the school. Morrison’s (2002) interpretation of this is that there is an implication that schools choosing to become involved with restorative justice strategies could well be choosing to “significantly alter their culture by having individuals reflect upon their beliefs and values practices” (pp. 5-6).

In concluding, Morrison (2002) capsulizes restorative justice as being an approach that prizes relationships and is more about teaching young people about the healthy use of power versus the more traditional practice in schools where attempts to control behaviour through punishment and domination teach maladaptive ‘power-over’ methods.

In the article *Restorative Justice and the Prosocial Communities Solution*, Blechman et al. (2001) argue that there are huge costs when at-risk students become adult offenders. They estimate between \$1.7-2.3 million per long-term offender will be spent on these individuals. The authors posit, though, that pre-empting chronic criminal behaviours in youth can only be done through a coordinated articulation of effort between juvenile justice, mental health professionals, school authorities, and child welfare

agencies. Further, the authors state that the central focus of this collaborative effort should not be punitive or retributive but restorative in nature. Traditional punitive models seem to not prevent recidivism (Blechman et al., 2001). They suggest that this is possibly due to the ineffectiveness of such practices in holding troubled young people accountable for their behaviour in any meaningful way. The Columbine High School incident is used as an example of how flaws in the insular caregiver organizations' operating patterns prevent them from achieving restorative justice goals. These goals are accountability, protection of public safety, and promotion of (at-risk youth) competence (Blechman et al., 2001).

Blechman et al. (2001) present an idea called the Host Provocation Theory which states that all youth are vulnerable to antisocial behaviour, given enough exposure to a number of identified antisocial causal agents. These agents include such factors as deviant peers, alcohol, drugs, and violent media, to name a few. External offsetting contacts such as values-teaching practices at home and school serve to prevent most youth from going down the wrong path. However, certain "host characteristics" (Blechman et al., 2001, p. 277) can cause some youth to become much higher-risk. In those circumstances, extraordinary coordination on the part of the community is needed. Host characteristics include attention deficits, hyperactivity, unconstrained risk taking, unprovoked hostility, school failure, social isolation, abuse, and neglect (Blechman et al., 2001).

The authors open the door for schools to play (potentially) an important role in interrupting the deviant cycle. Young offenders, they contend, do not just arise from the combination of host characteristics and exposure to antisocial provocations. There will also be present a "history of antisocial acts" (Blechman et al., 2001, p. 278) including,

importantly, violation of school codes and other antisocial behaviours, often occurring during poorly supervised after-school times.

In a section titled “Socialization, Surveillance and Delinquency,” Blechman et al. (2001) state that

. . . healthy adolescents seem to benefit from caring parents who insist on knowing where, with whom, and how their children spend time, while [young] offenders suffer from an excess of punitive surveillance and a deficit of attention from warm, concerned, and sensitive caregivers. (p. 279)

Having made the case for the origins of antisocial maladaptive behaviour, the authors then make major recommendations for how to construct a community infrastructure that would contribute to a healing, proactive community solution. They present the “PSC” (Pro-Social Communities) solution. Among the requisite components of PSC are:

- ◆ Supervision (especially after school);
- ◆ Information sharing (again Columbine was cited as an example where a breakdown in communication between authorities [including school-based] to share information likely contributed);
- ◆ Self-regulation through internal controls (advocating the use of peer mediation/support groups to help at-risk youth benefit from practice and knowledge modelled by non-deviant peers); and
- ◆ Recovery of at-risk youth (the need for caregivers to be responsible for providing support and supervision of youth in the aftermath of antisocial behaviour).

(Blechman et al., 2001, p. 280)

There are strong implications here for the part that schools play in not unwittingly (or intentionally) undermining this recovery of at-risk students (Blechman et al., 2001). For

example, deviant behaviour demonstrated in a school could lead to exclusion, punishment, and further alienation if expulsion is the consequence. By contrast, restorative justice could lead to pro-social outcomes by holding youth (students) accountable yet allowing for restitution (learning) and healing through forgiveness and acceptance back into the school community.

The remainder of the article talks more specifically about how to construct, support, and evaluate a PSC solution.

In the end, Blechman et al. (2001) have presented a powerful argument in favour of using restorative justice practice as the central underpinning in a program designed at preventing deviant behaviour and (where necessary) in assisting in the recovery of young people when antisocial behaviours take place. Schools are an integral part of this plan and need to operate in conjunction so as not to subvert these efforts.

In *Shame and Criminal Justice*, Braithwaite (2000) writes about the impact of shame upon offenders involved in various justice processes. Braithwaite (2002), like Morrison (2002), distinguishes between two distinctly different types of shame: “reintegrative [or adaptive] and stigmatizing [or maladaptive]” (p. 1). Braithwaite (2002) examines the theoretical impact upon crime rates in societies that make use of one or the other. Again, as in the work of others such as Borch (1998), there is compelling evidence that aboriginal peoples frequently seem to ‘get it right,’ according to Braithwaite (2002), by often incorporating reintegrative shaming into various processes used to hold others accountable. Braithwaite (2002) writes about African societies where strong correlational data suggests their low crime rates may well be due to this constructive use of shaming. A similar positive outcome was seen in the work of some Japanese school programs where an emphasis was placed on separating the act from the child, thus making

forgiveness more possible and freeing the offender to move past the event successfully (Braithwaite, 2002).

Braithwaite (2002) also presents the contrasting effects of stigmatizing shame. One historical perspective is that Western society actually is less intentionally stigmatizing than in the past when methods such as public shaming through placing offenders in stocks and pillories were employed as punishment. However, Braithwaite (2002) reports a contemporary study by Sampson and Laub (1995) on American offenders and non-offenders that supported the conclusion “that what seems particularly criminogenic is harsh, unreasoning, and punitive discipline combined with rejection of the child. Stigmatizing punishment, by the family as well as the State . . . appears to backfire” (cited in Braithwaite, 2002, p. 4). Further to this, Braithwaite (2002) explains that the problem with maladaptive shaming is that the group reinforcing the shame rejects the person on the receiving end. In order to protect against the threatened loss of identity, the offender will usually reject the people rejecting him or her. As Braithwaite (2002) terms it: “Once I have labelled them as dirt, does it matter that they regard me as dirt?” (p. 5). In attempting to locate a new place in which to belong, the rejected offender may turn to subculture groups who have similar feelings. In our current society, this process appears to provide some of the explanation behind increasing interest in gang membership.

The school equivalent of this paradigm, then, is that students who become marginalized by discipline processes that leave them feeling unwanted and embarrassed are more likely to turn away from the school environment and drop out. Braithwaite (2002) writes, “The very values against which disrespected children fail can be the basis for respect in a delinquent subculture” (p. 5).

Another important dynamic to understand has to do with loss of opportunity. Stigmatizing shame causes offenders to 'turn away' from individuals and groups that espouse the morality and codes of behaviour needed for them to function in mainstream society. By rejecting those who are rejecting them, offenders lose opportunities to learn acceptable and functional behaviours. Reintegrative shaming, then, which separates the behaviour from the offender and thus preserves their identity, increases and reinforces connections with those who can model and teach those important societal values and morals (Braithwaite, 2002). Braithwaite (2002) underscores the irony of our current dominant judicial processes: "Our deepest crime problems are the very problems we are in the best position to do something about" (p. 8).

Braithwaite (2002), in his conclusion, suggests that proper use of reintegrative shaming through processes such as those afforded by restorative justice models could go a long way towards the elimination of a great deal of crime and antisocial problematic behaviour. He recapitulates earlier discussions about the complex relationship between numerous theories of crime and the theory of reintegrative shaming that argue this point convincingly. Braithwaite (2002) concludes with the powerful notion that the path to a safer, more decent society can truly be found through "egalitarian social movements such as the women's movement, indigenous peoples' movements, the environment[al] movement, the human rights movement, and the social movement for restorative justice" (p. 10).

Borch (1998), in his final exam project titled *The Case for Restorative Justice*, does indeed endeavour to justify this approach as a constructive, effective, and respectful way to deal with deviant behaviour in youth. Borch (1998) grabs his readers immediately by relating the true account of young people involved in the horrific harassment of a

series of randomly chosen and completely innocent victims. The intention seems to be to invoke in the reader a visceral response: anger, outrage, and a strong desire for retribution and punishment. In fact, this often seems to be the response felt by many when significant acts of violence or delinquency take place in our schools.

Borch (1998) proceeds to introduce the concept of restorative justice as a challenge to the dominant use of retributive justice now in existence. Interestingly, Borch (1998) writes about “all criminal activity occurring within a social context” (p. 2). As John Dewey once noted, “Schools are miniature societies” (Levine, 1995, p. 227). In this way, then, the lessons taught by Borch (1998) in this paper can be transferable to schools and to school systems. Borch (1998) recounts how media portrayals of youth crime seem to be describing a phenomenon where the frequency and severity of these acts are increasing dramatically. This perception may lead to events “such as public outcries for revamping the Young Offenders Act” (Borch, 1998, p. 3). Borch (1998) describes the common perception that deterrence can be created through severe penalties awaiting those who transgress the law. For historical background, the contrasting philosophies of the former *Juvenile Delinquency Act*, 1908-1984, and the current (but soon-to-be-replaced) *Young Offenders Act* are discussed. According to Borch (1998), the former focus of the *Juvenile Delinquency Act* was that the delinquent acts of young people identified them as being “in need of services, assumed incompetent, disturbed and incapable” (p. 11). This social welfare model was almost entirely abandoned by the replacement legislation of the *Young Offenders Act* in 1984. The YOA held as its mandate the protection of society at large “above the needs of the young person” (Borch, 1998, p. 11). Borch (1998) cites Bazemore and Terry (1997) who wrote that “those who view delinquents through the villain lens tend to see them as either evil or lacking in

parental discipline and control and therefore in need of punishment” (Borch, 1998, p. 11). If the YOA was created, then, to protect society by punishing offenders and providing deterrent, Borch (1998) does not appear to answer the question as to whether or not this process works as designed. An assumption must be made that, based upon continued public outcry for change and quantitatively confirmed static or increasing rates of violent crime, likely the YOA is not, in fact, accomplishing its mandate and is not effective in correcting the problem of youth criminal or antisocial behaviour.

To further this point, Borch (1998) writes about victims’ perspectives with regard to the youth justice process: “Those without a defined role, such as the young person’s family and the victims [and their families] seldom have opportunities to participate” (p. 8). According to Borch and others, this lack of participation in the process helps to increase public cynicism about the ineffectiveness of the YOA (Borch, 1998). But there is a far more profound problem caused than this one. In a very real sense, victims of violence have been harmed or injured beyond even the apparent physical effects. Psychological and emotional impact can be much more difficult damage from which to recover. Restorative justice proponents, Borch (1998) claims, argue that healing does not occur for victims in the absence of their active participation. Similarly, for the young persons to fully accept responsibility, they need to face the victims of their actions. It is the dehumanizing process of anonymous crime of which Borch (1998) speaks here. One of the central tenets of restorative justice is that a crystal-clear awareness of the personal impact of their actions can cause the perpetrators of these actions to stop. They see that *real people with real lives* have been deeply affected. This process of identification with the victims breaks down the dehumanizing feeling that allows for continued misdeeds and crimes.

Restorative justice is presented as a model that redefines an understanding of criminal, maladaptive behaviour (Borch, 1998). Whereas in the YOA, crime is the breaking of laws and therefore an offence against society, in a restorative justice frame of reference, these behaviours are “acts ‘against people and relationships’ first, acts ‘against the community’ second, and acts ‘against society’ third” (Zehr, 1990; cited in Borch, 1998, p. 13). The response to these actions must take all three levels into account if the focus is to be healing versus punishment in this model. Restorative justice, then, is characterized as being like a three-legged stool. If any of the three levels of impact are not attended to, the whole structure will collapse. Repairing the first leg of the stool comes from the holistic understanding of the young person in trouble with their behaviour. This is essential in order that the young person may fully participate in the process. Borch (1998) even goes so far as to write about the terminology of ‘young offender’ being limiting and counterproductive. Any barrier to the young person feeling connected to their actions and to the victims of their actions must be removed. A key point made by Borch (1998) is that a cornerstone of restorative justice is the “implicit understanding that criminal acts require healing for all involved” (p. 14). This means essentially that the harmful behaviour becomes the beginning of a relationship for *everyone* involved. This is the second leg of the stool: the connection of the youth and their behaviour through meaningful relationship to the victim(s) of the act. The final leg is the impact of the behaviour upon the community at large. Borch (1998) suggests that defining the social community is critical and that it can take many forms: school, local neighbourhood, sports, and employment, to mention most of the major ones. Here again, however, the emphasis is on the damage caused to relationships through maladaptive or destructive behaviour, only this time at the larger, community level. Restorative justice

philosophy views the young person's community as a "tremendous and typically untapped resource" (McCold, 1996; cited in Borch, 1998, p. 16).

Borch (1998) gives some of the history of the restorative justice approach. Indigenous peoples in several places in the world, long before the arrival of European conquerors, had in place effective measures for dealing with harmful behaviour. Much of the creation of the restorative justice or community restoration conferencing paradigm comes out of traditional Maori culture from New Zealand. In succinct terms, Borch (1998) writes, "The idea is simple, sensible and well-practised in many families and communities: when one harms another, they sit together, discuss the harm caused, develop understanding of each other's experience, and ultimately arrive at a mutual agreement to make amends" (p. 20).

Related to this but of North American origin, Brendtro et al. (1992) have written about the Circle of Courage approach being a viable and alternative way to deal with dysfunctional youth behaviour. The Circle of Courage philosophy holds that young people (all people) commit acts of violence or harm against others out of some 'brokenness' in their lives. North American First Nations' wisdom is that our lives can be seen as consisting of four major needs: mastery or a sense of competence, independence or the confidence in yourself to function successfully as a separate and unique individual, generosity or the need to express acts of kindness and compassion towards others, and last but not least, a sense of belonging or the need to feel accepted by a group of other human beings (Brendtro et al., 1992). Antisocial or criminal behaviour may occur when one or more of these needs are not met. In holding young people accountable for their actions, this approach begins with a careful consideration of where in the young person's life the brokenness lies. Restitution not only takes into consideration what must be done

to make things right with the victim, but also what must be done to help repair the problems in the young perpetrator's life. In returning to Borch's (1998) stool analogy, the young person's community can be seen as a resource that can offer healing to the young person through creating more opportunities for generosity, belonging, and mastery. These opportunities can come about through activities such as service to others, membership in a healthy, constructive group, or skills training.

In describing his own Community (Restoration) Conferencing Project, Borch (1998) cites the close ties with the other models of restorative justice programming. The origins from the philosophical and historical perspectives are provided to further our understanding of this process. Of particular note is a section on the "theoretical concept of reintegrative shaming" (Borch, 1998, p. 22):

Simply put, when a young person feels the disapproval of his/her family, friends, and the victims, a natural sense of shame provides deeper levels of understanding; that these people important to the young person offer support in redressing the harm caused provides the reintegration required to "make amends and move on." (Braithwaite 1989; cited in Borch, 1998, p. 23)

This constructive use of 'shaming' is well supported by the work of others such as Morrison and Skiba (2001). Borch (1998) writes about the necessity of separation of the offence from the offender: "Failure to do so results in stigmatizing shame . . . [which] further separates the young person from his/her community" (p. 23). The author's Community Restoration Conference (CRC) has three phases: a Pre-Conference Phase, a Conference Phase, and a Post-Conference Phase. During the Pre-Conference Phase, a level of trust is established with both the facilitator(s) and the process itself. At this time, both the offender and the victim are prepared for what is to come. This preparation is

critical to the outcome of the conference. As mentioned above, part of the groundwork that needs to be laid, a 'pre-acceptance' on the part of the family members of both sides of the incident, is the separation of the behaviour from the offender. In addition, the offender is sensitized in advance so as to be open to hear the effects upon others of his/her behaviour. The middle phase, or Conference Phase, itself is the actual mediated meeting of offender, victim, and associated family members. In some cases, this is the first opportunity for the offender to come face to face with those who were affected by the incident. The trauma often associated with extreme behaviour can cause high levels of emotion and this, too, is further reason for careful and skilled Pre-Conference Phase work. The conference is a carefully structured event. After the room is prepared, the participants arrive and are seated in an open circle of chairs (no tables since these can act as barriers). Participants introduce themselves and the facilitator then invites the offender to begin by providing a detailed description of the offence, describing their feelings and thoughts during and immediately after the offence. Following this, the victim(s) describes the impact of the offence and may question the offender in order to seek more understanding of such things as motivation and intent behind the behaviour. Statements made by first by the offender's family and then the family of the victim(s) follow this. When the 'whole story' seems to have been told, the offender goes with the facilitator to a quiet room to prepare a plan for restoration. Afterwards, the offender presents the plan. This plan is then negotiated with support as needed by the facilitator until all are satisfied. Food is served and there are further opportunities for participants to talk informally with each other. Evaluation forms are completed by all and the young person then reads the finalized restoration agreement for all to hear. The conference closes with the facilitator

making some concluding remarks (Borch, 1998). Borch (1998) lists a number of ‘results’ of all three phases. Some of the more important results of this Conference phase are:

- ◆ Victim(s) accept young person’s apology;
- ◆ Young person gains understanding of the impact of his/her actions;
- ◆ Young person gains understanding of the support offered by his/her family and supporters;
- ◆ Victim(s) gain multidimensional understanding of the young person and the forces influencing his/her actions;
- ◆ Young person is personally accountable to the people and relationships he/she has harmed;
- ◆ Victim(s) receive symbolic and/or material compensation; and
- ◆ Those most affected by the offence have direct influence in its outcome. (p. 30)

The Post-Conference Phase is the chance for follow-up. Participants are phoned and offered an opportunity to ask more questions and review their experiences. An assessment of the restoration plan is made including determining the possible need for more support of the young person as they carry out their restitution. The facilitator writes summary notes and all participants receive these. In this final phase, the ultimate results hoped for are:

- ◆ By fulfilling the restoration agreement, the young person is personally accountable to those he/she has harmed;
- ◆ Victim(s) have sense of closure following the offence; and
- ◆ Victims’ sense of safety and security is enhanced. (Borch, 1998, p. 34)

Borch (1998) concludes his paper with an evaluation of the Community Restoration Conferencing Project. Borch (1998) gives four reasons for evaluating social work practice: “to increase the knowledge base, to help guide decision making, to

demonstrate accountability, and to help assure that clients are getting what they need” (p. 36). Preliminary findings are certainly encouraging, particularly where the discussion centres on usefulness to participants. However, Borch (1998) freely admits the detailed, comprehensive studies that would answer the skeptical critics and show clear evidence of program effectiveness have yet to be conducted. He does write about similar projects, though, in other countries where very encouraging results have been documented. One interesting result from work done in New Zealand demonstrates significant improvement in recidivism rates of young offenders involved in conferencing and mediation processes. However, Borch (1998) cautions against even arguing for the validity of this project along such lines because whether or not young people re-offend, the victims of their actions can still be seen as having benefited in significant ways from participation in conferencing intervention programs. Regardless, Borch (1998) argues for the need for comprehensive evaluative research to be done in Calgary on this work. Borch (1998) concludes this paper by returning to the original notion of young offenders typically being vilified and marginalized by the traditional youth justice system for their actions. We are reminded also that victims are mostly ‘left out’ of the whole justice process. Community Restoration Conferencing, Borch (1998) argues, is clearly a viable, effective alternative that can be used in many cases to promote the real healing of damaged relationships caused by youth criminal behaviour. It is a compelling and well-defended argument regardless of the unanswered questions.

In Chapter 3, the application of the conferencing process is presented in the context of three case studies taken from our school program over the past 2 years. Beyond these case studies, Chapter 3 also includes some discussion on the limitations of the conferencing process and suggestions for further work needing to be done.

Chapter 3

Where Do We Go From Here?

I suspect that our school's reality is like that of most other high schools in Canada at this point in time. Students make bad mistakes on occasion and others in our learning community are harmed in some way as a result. The rules pertaining to these circumstances originate from Alberta Learning (i.e., the *School Act*) and are then duly translated into operational policies by the various school jurisdictions in the province. These policies in the end become the tools used by administrators in carrying out their charge to "maintain order and discipline in the school and on the school grounds" (Government of Alberta, 2003, p. 20).

Typically, severe behaviour results in suspension or expulsion. This is common practice within our board and apparently within our province as well (Sautner, 2001). This has *seemed* to work well up until this point and has really been the status quo for many years now. Why change? Several reasons have been discussed in the literature review contained in the previous chapter: There is a growing body of evidence supporting the argument that excluding students from school for their misdeeds may not teach them what we had hoped (Farner, 2002). Moreover, such policies may, in fact, lead to increasing amounts of severe behaviour on the part of some of these rejected students (Holloway, 2002). Finally, there is an apparent significant correlation between experiencing a suspension or expulsion and dropping out of high school prior to completion (Epp & Epp, 2001).

I would suggest at least one other significant factor to help motivate schools to consider other strategies beyond expulsion. I believe that there is a shift in wider social

policy taking place. The evidence can be seen in the new *Youth Criminal Justice Act* that came into effect on April 1, 2003. Nowhere in the new act are the terms *punishment* or *deterrence* used. 'Extra judicial measures' (replacing the former 'alternative measures' provisions in the *Young Offenders Act*) allow for significantly more opportunities for offenders to own responsibility for their actions and to make restitution without ever entering a courtroom. There is an apparent realization that merely 'locking up' offenders for fixed periods of time constitutes only a temporary protective measure for society. In fact, 'new' offenders in lock-up situations may learn more about deviant or criminal behaviour from the 'veterans' they encounter while in jail. As a result, they may pose an increased threat upon release from their incarceration. The new act recognizes essentially that for society to be better protected, different strategies must be employed to re-educate and re-socialize offenders in a respectful, pro-social fashion. One such restorative justice practice mentioned in the new legislation is that of 'conferencing' described in some detail in the literature review in Chapter 2 (Borch, 1998).

In our school, we have used Community Conferencing numerous times in the past 2 years or so in an effort to resolve 'extreme-behaviour' scenarios without resorting to expelling the students involved. We are most fortunate in our board to have access to a well-trained team of facilitators who are skilled in this process. Once an incident occurs in our program, our practice is to confer with administration team colleagues first to see if there is consensus that a conference might be in order. If there is agreement, a call is then made to the Community Conferencing team to have them vet the situation at that level of expertise. Primarily, there are three key factors used as filters in determining appropriateness for a conference: The first is that there has been 'significant' trauma to one or more of our school community members so that feelings of safety and security

have been compromised. The second factor is that there is willingness (or a hopeful prospect of such) on the part of the students involved to accept responsibility for their actions. Finally, the third key ingredient is that there are immediate family members willing to support the young people by participating in the conference process. These factors are obviously subjective in nature. This is the primary reason for two levels of consultation. We are finding over time, however, that the number of instances where there is agreement between what we at the school level think is appropriate and what the conference specialists at the system level think, is increasing. Several case studies from our school history will serve to illustrate more clearly how the conferencing process works. (All names have been altered to protect the privacy of those involved.)

Case Study 1: Edward vs. Damon

This incident occurred over the lunch hour in a crowded student common area. Edward and his pals were eating their lunch adjacent to a table where Damon and his friends were eating. Ironically, both groups of students were musicians and both Edward and Damon were guitarists as well. However, even though all the students involved had music in common, both groups of young men preferred quite different styles of music: Edward's was into 'thrash metal' while Damon's preferred 'alternative' genre. One of Damon's friends was strumming on his guitar and Edward's friend made a disparaging remark about how he should take lessons or stop playing. Damon's friend noticed Edward drinking a pop and in an effort to be funny, said that perhaps Edward should stop drinking the pop until he had taken lessons on how to drink pop. This brought on considerable laughter. (Here it should be noted that Edward and his friends had earned themselves over time a reputation of being 'tough guys' and wore all the accompanying black clothing and studded leather to reinforce this image. Edward was seen as the leader

of these students, all of whom were in grade 12.) After the comment was made to him, and because of the laughter, Edward approached the speaker and grabbed him by the throat and began choking him. Damon approached Edward and hit him on the side of the head in an effort to stop him from choking his friend. Edward then turned his attention to Damon and punched him five to six times full force in the mouth, doing considerable damage. The fight ended at that point and Edward and his friends left the common area. The whole event had taken approximately 2 minutes to transpire from beginning to end.

Both Edward and Damon, for taking part in this fight, were suspended. Parents were called (Damon's mother had been notified immediately because of his injuries and the need for medical attention) and informed about the incident. From the beginning, and possibly because of how widely witnessed the event had been, both combatants told very compatible stories and were able to own responsibility for their contributions to the conflict up to and including the violence. The Community Conferencing option was explained to the students and to their parents who agreed to meet with the facilitators to explore this possibility further. In this case it was decided to place both Edward and Damon on supported home leaves and to arrange the conference as quickly as possible. This decision came about as a result of the impact made by Edward's actions on the feelings of safety and security in the school. As mentioned previously, Edward had already established a reputation for being (potentially) violent and had confirmed this in a very public fashion. However, to allow Damon to return prior to Edward would only have caused prejudice to him and there would have existed a greater risk of setting Damon up as being purely a victim rather than a participant in the violence. Both sets of parents and students were understandingly concerned about the time 'out of program' but acknowledged a strong preference for the opportunity to 'fix the problem' as opposed to

having to start over again in another school in their last semester of high school had expulsion been their consequence.

The conference occurred approximately 1 week following the fight. Conferences in our board are arranged away from the school in a 'neutral' setting. Usually, facilitators book space in a community centre or church hall close to the school. It should be noted that although the actual typical conference takes, on average, 3 hours from beginning to end, there are many hours spent in advance in preparation of this event. All the necessary details of the conflict need to be understood. Facilitators visit the homes of the young people involved in order to fully understand pertinent background and history. The participants must find the courage to not only own their behaviour in front of their parents and virtual strangers, but also, particularly in the case of the victims, to 'relive' the trauma of the event in this public arena. In addition, parents or guardians and the students have an opportunity to become clear on just what is expected from them and how the process will work. Facilitators also use these visits as a way of evaluating the level of commitment on the part of both parents/guardians as support providers and willingness on the part of the young people who were involved in the conflict to accept responsibility for their actions. One other important factor that is gauged during these pre-conference meetings is the mix of emotions at play. Often there is a significant amount of fear for the long-term safety of students on the part of the parents/guardians, particularly if the student is seen as a 'victim.' Other key emotions of which to be aware are anger and mistrust. Facilitators must negotiate around these emotions as the conference unfolds and ensure that resolution occurs to the highest degree possible at the conclusion of the conference. Indeed, one of the reasons to do a conference is the opportunity that is afforded to bring about this resolution for the participants. Typically,

when severe behaviour occurs in a school such as the incident described above between Edward and Damon, one or both of the combatants are expelled and placed in other schools. This leaves families and victims fearful that further violence could take place in the community and robs them of the chance to make impact statements so crucial in the healing process (Borch, 1998). Expulsion also prevents instigators from understanding the full impact of their actions upon others and prevents them from being able to make restitution that allows them to heal as well.

In the case of Edward and Damon, the conference participants consisted of Edward, his parents, Damon and his parents, two facilitators, the school resource officer (SRO), and the two assistant principals who dealt with the fight. Additionally, an observer from the community conferencing team sat outside the group to take notes that were eventually written up as a conference summary. The actual meeting was held in a circle of chairs with prearranged seating to control certain dynamics. For example, advocates (i.e., the parents) were seated adjacent to the young people they were supporting. Facilitators sat opposite one another so that clear sightlines were available to all participants. Even the order in which participants arrive was taken into account and efforts were made to prevent family groups from encountering one another prior to the formal introductions that took place within the safety of the conference circle.

Edward and Damon's conference was well prepared and did not seem to contain any surprises. There is a scripted order for the process. Following introductions and (recapped) explanations of what was about to take place, the two young men told their stories. Damon began and was followed by Edward. As predicted, there was a high degree of agreement in what had transpired and neither student disputed anything the other said. The facilitators asked questions if clarification was needed at any point.

Following the students' accounts, parents were invited to speak. Edward's parents heard first-hand how frightened Damon's mother had been when she received the call from the school and then subsequently saw how injured her son was. Damon's parents saw that Edward had parents who were concerned about him, loved him, and were involved in his life. They were able to see that their son's assailant, although intimidating in appearance, was in many ways, just another young person with numerous things in common with their own son and not some 'wild and violent' young offender out of control in the community. They came to understand, further, that Edward had aspirations of post-secondary education, perhaps at the university level, and that he could not afford to continue to relate to peers in the unhealthy way that had given rise to the fight at school. Edward's parents saw that that the persona their son had created for himself as a 'tough character' was contributing to the fear factor felt by Damon and his family. In order for Edward to move past the incident, it was critical, however, that his family heard that Damon had instigated his attack in a way by striking Edward first. Edward did accept that Damon's motivation was to help his friend. This sharing of responsibility was important even though in the end, it was a 'lopsided' distribution of responsibility. The shared responsibility kept Edward from feeling like he was exclusively 'to blame.' This was an important 'face-saving' component. The two young men came to an understanding as a result of this and forgave each other. The original tension in the room at the conference outset gradually subsided to the point that there was relaxed conversation during the mid-conference break as Edward went off to another space to prepare his part of the Restoration Agreement. This plan for restitution forms part of the closure of the conference and moves the participants to positions where further healing occurs. A key part of Edward's agreement was to begin to dress differently at school, to smile more

often, and generally to strive to become a more 'open and friendly' person. This was recognized by Damon, his parents, Edward's parents, and the school administrators as being significant. In the end, Edward himself was able to acknowledge the importance of trying to change his image and, by his own volition, added this to his plan for restitution. Damon's mother made a significant comment that she would 'need proof' that the conference had not been a waste of her time. The subtext to this statement seemed to be that Edward would need to work hard to make the changes he had set out for himself.

In the end, Edward lived up to his word. He began to wear 'other clothes' than his former black-studded ones and would comfortably deliver a smile to people in the hallways. Periodic check-ins with both sides of this conflict showed that the issue was resolved. No further problems occurred between the two young men or between their groups of friends between the conference time until they 'walked the stage' during their convocation from grade 12. In fact, there were numerous occasions when the two groups of young people could be observed eating lunch at adjacent tables again in the common area, seemingly oblivious of the presence of one another.

Case Study 2: Donald vs. Kevin and Jamal

Another destructive and disruptive behaviour often encountered in schools is that of harassment. Harassment has been connected frequently to the causes of extreme behaviour up to and including school shootings. The potential for emotional and physical harm at a significant level is considerable. Community Conferencing can also be used successfully to resolve such incidents.

Donald, Kevin, and Jamal were three students in our junior high school program for gifted students who found themselves embroiled in such a conflict. Donald was known as a hot-tempered young man who could lose his cool and become violent at

times. Kevin and Jamal were two close friends who had a history of antagonizing Donald, sometimes admittedly just to see him 'blow up.' All three had been suspended before for short periods of time (2-3 days) related to these patterns. Early in the fall of their grade 9 year, an incident occurred that became a culminating event. Donald had been engaged in playing a role-playing card game with some friends when Kevin and Jamal approached them and began to ridicule them for their involvement in this game. The nature of the taunting became very disrespectful and Donald and his friends at first firmly requested the other two students to leave them alone. When the taunting continued, Donald began to become quite angry, swearing at Kevin and Jamal and demanding that they leave him and his friends alone. In response to the rude language and just to further frustrate Donald, Kevin took one of the game cards and began walking away. Donald became enraged, grabbed a nearby pencil, and stabbed Kevin in the back. Donald fled the classroom and the bell sounded shortly afterwards. Kevin and Jamal came to the office seeking assistance.

Initially, this incident appeared to be mostly about Donald becoming violent and committing an assault on another student. Gradually, as the story was investigated, what also came to light was a young man who had been systematically victimized through a long-standing pattern of cruel teasing. Kevin and Jamal themselves had often been the perpetrators of this harassment. All three students were suspended and required to come to school with their parents prior to returning to school. Donald's parents were mortified about the incident and Donald was extremely remorseful. Kevin and Jamal, on the other hand, reacted quite differently. Jamal, in particular, had great difficulty in accepting much responsibility. He felt that being suspended when Donald had been the one who had attacked his friend was completely unfair. Jamal's mother was instrumental in helping

her son see that he had been part of the problem and, in fact, had been involved in the past in other similar incidents with students, including Donald. In the end, all three students and all six parents agreed to the conference process.

An interesting aspect of conferencing is that once the referral has been made and participants have agreed to the conference, a 'hiatus' of sorts often seems to come into being. This relaxation of tensions allows for the students involved returning to school and 'keep the peace' despite the fact that the real issues have not yet been resolved. One explanation for this is that the conferencing process has been explained and students understand that any further problems will only add to 'the list' of offending behaviours for which they will have to own responsibility. In any event, it was decided to allow all three young men to return to classes until the conference could be arranged.

As in the previous conference, the meeting was held away from the school and with a carefully prearranged arrival plan and seating arrangement. As the students related their accounts, it became clear that Jamal and Kevin had never really listened to Donald before. Similarly, Donald came to realize how close he could have come to seriously injuring another person and what this also could have meant for him in terms of legal consequences. The parents all shared similar stories of how each of their sons had been victimized in the past for 'being different' and how hard this had been on them. Kevin's mother, in particular, expressed great concern for how Donald was feeling and her hope that he could find other ways to handle his anger and not get into further trouble. Jamal softened noticeably to see how much pain Donald was in over the years of harassing treatment. What happened in the end really was that the three young people gained new respect for one another. All easily accepted Donald's Restoration Agreement and both he and his family expressed appreciation for the support they had felt through the conference

from all participants. The date of this conference was October 17th. By June 30th, no further incidents had occurred between these students.

Case Study 3: Vanessa vs. Shauna and Jeslyn

This third and final conference example again involved high school students and a significant amount of harassment. However, in this case all of the participants were female students.

The rates at which female adolescents engage in acts of physical violence seem to be on the rise (Corrado, Odgers, & Cohen, 2000; Reitsma-Street, 1999). Whereas in the past, female student conflict may have involved behaviours such as verbal harassment, threats, and social ostracization, the current culture seems to encourage young women to act more like their male peers when they become angry with one another. This trend occasionally results in extremely serious consequences as in the case of Reena Virk, the young woman who was killed by three (female) young offenders in Victoria as a culmination of school harassment in 1998. Here in Alberta, three other female students were expelled recently from their school in a rural division for (allegedly) poisoning several classmates by adding copper sulphate to a slush drink. Notwithstanding these levels of violence, issues of harassment and fights among female students can and frequently do result in serious emotional trauma to the victims and their families and can prove to be a major disruption to the learning of all students involved for significant periods of time.

In this third case study, the original conflict began during a rehearsal for a school dance show. One of the students' friends made some derogatory remarks about the other student's dancing and the student who had been dancing responded in kind. The insults continued to be traded in the weeks following. During the summer while at an 'all-ages'

event in a club downtown, Vanessa ran into Shauna and the disrespectful language led to Shauna shoving Vanessa. Vanessa began to shove back and was seen by one of the doormen working at the club and removed from the club, while Shauna was not. This led to considerable anger by Vanessa over the humiliation of being thrown out and the perceived injustice of being the only one held accountable. When school started in September, Shauna and her friends had great fun at Vanessa's expense over the club incident. In retaliation, Vanessa began an effective 'smear' campaign against Shauna. Finally, things reached a peak in late September. One day after the last period, Vanessa was invited outside where she encountered Shauna and another young woman named Jeslyn. Jeslyn had been told by Shauna that Vanessa had been making very disrespectful comments about her and Jeslyn demanded a full apology. Vanessa would have none of it and tried to walk away. Jeslyn got right in Vanessa's face and began shouting. Later, both of the young women would say that the fight just started and that neither one seemed to actually start it. The fight was broken up with the arrival of one of the assistant principals. Jeslyn left immediately in her car. Vanessa went home with a group of friends for support while Shauna accompanied the assistant principal back into the school.

Shauna was so furious with Vanessa that initially she had a great deal of difficulty doing much other than blaming Vanessa for everything. She was quite distressed about the suspension she was given; she was also concerned that it might interfere with her chances to graduate since she was in her grade 12 year. Vanessa's mother, when called about the suspension, admitted that her daughter 'was no angel' but was quick also to assign much blame to Shauna. She was aware that her daughter and this other student had been in conflict for some time and was willing to consider the idea of a community conference if it held an opportunity for resolution of this situation.

Meanwhile, Shauna had arrived home and told her parents about the fight at school. Minutes after the departure of Vanessa from the office, Shauna and her parents 'stormed in' demanding 'action' on this incident. Similarly to Vanessa and her mother, Shauna and her parents wanted to believe that Shauna had little, if anything, for which to own responsibility. Vanessa and this other unknown assailant were clearly to blame and needed to be held responsible. The "police would be called and charges needed to be laid." In fact, the police did become involved in the form of the school resource officer. The principal and the SRO explained the options available to Vanessa and her parents. Community conferencing again was proposed as a possible way to deal with the conflict once and for all. The SRO explained that the option would still exist of having charges laid following the conference if the matter was not resolved to their satisfaction. Vanessa's parents were particularly frightened that this 'third-party assailant' was out there in the community and, as such, posed a threat to their daughter's safety. Despite this and the fact that Vanessa was pretty 'banged up' from the fight, the parents were more interested in peace being made and Vanessa being able to feel safe once more. They agreed to explore the conference idea as well.

The SRO was able to locate Jeslyn in the community through contacts at her former high school. Jeslyn, too, agreed to consider a conference as a means of addressing the problem. The referral was made to the conferencing team who proceeded to meet with the parents and students. As a result of these preliminary meetings, all parties decided to participate. The facilitators held several more meetings to prepare all the participants and the conference date was set. Of interest in this conference was the fact that Jeslyn requested and was granted the concession to attend the conference alone. Her argument was that since she was 19 years of age, she wanted to act as an adult and didn't

require the support of a parent. All parties agreed to this in advance. This recognition of maturity on Jeslyn's part was justified when, during the conference, she easily admitted that her choices had been harmful and had, in fact, caused much of the problem on the day of the fight. She spoke of being ashamed for her actions and grateful for the chance to 'set things right.' During her restoration agreement presentation, Jeslyn apologized to Vanessa and to her parents for instigating the fight. Jeslyn concluded her restoration agreement by advising the two younger young women not to listen to gossip at school if possible because of the potential for problems caused by this. Vanessa and Shauna apologized to each other and felt comfortable returning to school together. At a suggestion from Shauna's mother, both students agreed to meet with all their significant friends and explain that matters had been resolved. Vanessa's parents, during the course of this incident from fight to community conference, moved from the point of demanding that charges be laid to sincerely thanking Jeslyn for her apology and expressing that they were 'proud' of all three students for their participation in the meeting.

By the end of the year, there had been no further recurrence of any conflict between these parties. Both Vanessa and Shauna were major contributors to a dance production early in the second semester and worked side by side to produce a very successful show.

Chapter 4

Summary

Initially, it was stated in Chapter 1 that the research question for this project centred on investigating the potential effectiveness of using Community Conferencing as a means for resolving extreme-behaviour incidents without having to resort to expulsion. By 'resolving,' what was intended was that peace and safety of the learning community would be restored and that the participants in the conflict would come away from the conference process feeling that matters were resolved thoroughly. Moreover, participants in the conflict would have learned enough to avoid future problems of a similar nature. These three case studies demonstrate clearly to me the power of this process in terms of meeting these ends. In all three, the behaviour was extreme in terms of both physical violence perpetrated and emotional harm caused. Not only was the school community affected, but the family members of the students involved were as well. Testimonials coming from the conferences for these cases strongly indicate that initial feelings of fear, anger, and even desire for retribution felt by victims and their family members had dissipated by the conclusion of the conference. Long-term follow-up again supports the notion that a real and lasting resolution was reached in each case. These results could perhaps indicate a possible 'silver bullet' for greatly disruptive behaviour events in schools. However, several mitigating factors prevent this from being so.

School culture appears to be a powerful entity. Past practice carries with it a certain 'habitual momentum' that is very hard to change. I believe that the use of expulsion to deal with extreme behaviour is almost mythical in the sense that many school administrators seem to believe that it is not only effective, but also that no other

strategy could replace it. I have been through the same inservice workshops in which many of my colleagues have participated and yet for many, their practice appears to remain static. From conversations, I understand from them that they are quite cynical that conferencing could really solve such difficult behavioural problems. These attitudes persist despite convincing data presented to the contrary and despite impassioned presentations by students and parents who have lived through traumatic circumstances and had these resolved through conferencing. Their attitudes persist despite resources offered to their schools and regardless of testimonials offered by their own colleagues in similar school programs who logically should be in a position to offer credible, convincing experiences to them. And, these closed-minded attitudes persist despite the hard evidence of unchanging rates of expulsion within their own schools and the ‘revolving-door’ nature of their own experience. Perhaps what are needed are *more* time and *more* information presented.

Somewhat ironically, many administrators cite *time* as another reason why they would not opt for community conferencing as an alternative to expulsion. There is a *perception* that it takes much longer to deal with a severe-behaviour incident through conferencing than through the traditional means of expulsion. It would be interesting to study this aspect of the process in order to determine whether or not this is true. In the end, however, perhaps it doesn’t matter: Doing the best thing for a young person whose care and education is entrusted to you *should* override the ‘time factor’ even if there is one. The literature shows clearly that expulsion should not *always* be used either. There is compelling evidence that quite unintended and very deleterious outcomes can result. Further, if there is a real desire to increase the numbers of students who graduate with

high school diplomas, then again, according to current research on the topic, reducing the rates of expulsion is consistent with this constructive goal as well.

Yet another issue to consider is that even *if* a conference is well prepared and all the background work has been done, the process can be derailed by ‘human factors.’ One conference we ran last year illustrates this point. The conference was at the point when the two young men who had had the fight were relating their accounts of the incident. The student who had been the principal aggressor was speaking and suddenly, his father challenged him in such a way that it became clear that somehow he had ‘written him off’ and seemed not to have any faith in his son. Perhaps this parent felt he was justified in his comments. Perhaps the comments came about as a consequence of years of broken trust and misbehaviour. In any event, the effect was immediate and dramatic. The father had moved from the role of advocate to accuser. The young man who had been attempting to own responsibility ‘shut down.’ He glared at his father and after a time made a comment about how it wasn’t ‘*all* his fault.’ The facilitators attempted to do some damage control and close the gulf that had opened up between this father and son. The conference did proceed but the young man was noticeably withdrawn throughout. When the time came to make his restoration agreement, it was done reluctantly and not well received by the victim and his family. Although in the end there were no further difficulties between the two students, the victim later reported that he felt he still ‘could not trust’ the other young man. Eventually, other significant behaviours occurred between the aggressive youth and other students and another conference was suggested. The family and the violent student both declined this opportunity. As a result, this student was counselled to transfer to another school because there seemed not to be any way to resolve the conflicts in which he was involved. This outcome demonstrates the fragile nature of restorative conferences

whereby the wrong things said can (apparently) subvert the whole process. This speaks to the critical importance of proper training of the facilitators and pre-conference preparation. Apparently, some critical relationship dynamic between this young man and his father may have been overlooked. Possibly, the resolution of this issue prior to the conference could have prevented this ‘derailment.’

As mentioned previously, our jurisdiction has seen fit to provide some resources dedicated to supporting restoration conferences. In the long run, if the program becomes ‘too’ successful, it is conceivable that a limiting factor will compromise the ability of schools to access the service. With over 220 schools within our Board there is a very real potential that the demand will outstrip the supply. With limited budgets, it seems very unlikely that further monies would be found to increase the amount of resources and other solutions would need to be found. One possibility would be to train teams of facilitators for each ‘sector’ of our jurisdiction that could respond as required. Currently, we have a city-wide team of certified (teaching) staff who volunteer as members of a ‘Critical Incident Response Team.’ The mandate of this group is to provide support to school programs that experience a significant traumatic event as a school community, such as the sudden death of a student or staff member. The team members come from a variety of positions such as teachers, counsellors, and administrators and require principal support to be absent from regular duties for training and responding to critical incidents. This is a well-supported and effective program that serves the greater community well. A similar model could provide the potential for more resources for community conferencing without any significant corresponding financial increases to the system.

Restorative Justice models, such as are characterized by practices like community conferencing, are not ‘silver bullets.’ There are situations where students must be asked

to leave their school (expelled) following their actions for the safety and well-being of that school community. The reasons for making the decision to expel should be carefully thought through and should be part of a constructive and well-conceived plan. Clearly, there *are* times when expulsion is the best decision *under certain particular circumstances*. One such circumstance might be, for example, the abject refusal of the offending student to own any responsibility for his or her actions. Similarly, the victim of the actions might not be interested in participating in the conference process. In such cases, resolving the matter so that feelings of safety and security are restored is extremely difficult, if not impossible.

One more aspect of conferencing worthy of discussion pertains to the greater community beyond the immediate circle of students, parents, and staff who are directly connected to a given critical event. Often, an incident involving severe behaviour is somewhat sensational and becomes public knowledge soon after occurring. It is one thing to assess the trauma caused to the obvious victim(s) and to help them recover through the restoration conference process. It is quite another to try to understand the possible impact on the learning community not perhaps directly involved with the problem behaviour. If parents, students, or staff members make contact with school administration, then conversations can take place to communicate the outcome and resolution of the event. In some cases, we have invited staff members to attend conferences as observers in the hope that they can then act as messengers afterwards to 'spread the word' to other staff about what has taken place. This can be most effective in helping other adults in the learning community to see that meaningful consequences have occurred, that the offending student has been held accountable and has learned something valuable, and that there is a good prospect for the restoration of safety and peace as a result. However, particularly in

a large program such as ours is (approximately 1600 staff and students alone), communication about the proceedings around severe behaviour events is complex and challenging to say the least. Some students will be seemingly unaffected and will not really require any information. In other cases, students, their families, and staff members may well have need and *the right* to know that such an occurrence has been thoroughly processed and that they can feel safe once again. We have not effectively solved this problem yet. We rely crudely on 'word of mouth' and assume that when the students and staff see that everything seems to be okay between the parties who were involved in the incident following the conference, that somehow that is good enough. It may not be. There could be students *and* staff who wonder what happened and feel unsafe and frightened for long periods of time after one of these major events. Not knowing could fuel cynicism for the way discipline is handled in the school and undermine confidence in those in charge. *Assuming* that these people will come forward with their worries and concerns is naïve in such a large school community. Public announcements could help to tell the story, but would create a chance for victimization of the perpetrators and at the very least would compromise their right to privacy. The issue of communication--of how much information to share and with whom--is an important one to address. This topic requires further investigation and research.

Just as there are circumstances where conferencing will not likely be effective, there are times and circumstances when choosing to resolve matters through conferencing undoubtedly is the most responsible path to take. As ethical educators, we ought to make choices that offer the best chance for meaningful, compassionate outcomes for our students. If we are engaged in creating opportunities for lifelong learning, dealing with severe behaviour can essentially be viewed simply as more chances for 'teachable

moments.’ We ought not to waste these opportunities out of ignorance or from being caught up in traditional patterns of practice typified by ‘zero-tolerance’ policies.

Considering the testimony of participants can reinforce these lessons for administrators.

One parent advocate said this following their son’s experience: “When our son encountered problems in his other schools, it was never handled like this. This is much better, much more thorough.” A young person who had perpetrated a major theft wrote: “I was given the opportunity of trying a program called Community Conference. I met with the (victims) and am glad I did. I figured out what it was like for them and it really changed the way I think and feel.” A final powerful endorsement came from a set of grandparents who travelled from central Alberta to attend a conference in support of their grandson at our school. They contacted the conference facilitators the week following their experience: “We would highly recommend that there be more sessions held such as the one we attended . . . and that this be a continued thing for a better youth of tomorrow.”

Restorative Justice practices such as Community Conferencing clearly offer school administrators a truly wonderful addition to the collection of strategies and consequences available for dealing with extreme behaviour in today’s schools. There is further work to be done in refining the process and in gaining understanding as to how it can best be put to use, but evidence of the power to change behaviour respectfully and in a deeply profound manner and to promote healing and recovery is mounting incident by incident and conference by conference.

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