Restorative Justice in Educational Institutions

Vermont Law School Term 2, Summer 2019

July 8 – 11 and July 15-18, 2019 MW: 9:00-4:00 TTh: 9:00-12:00

Marilyn Armour
Distinguished Teaching Professor
School of Social Work
The University of Texas at Austin
marmour@utexas.edu
(512) 964-4412

COURSE DESCRIPTION

The use of restorative justice (RJ) in education has had significant social impact in both K-12 schools and higher education. Propelled by the school-to-prison pipeline, racial disproportionality in discipline, and the Me-Too movement, restorative justice has moved into the national spotlight as a frame of reference and set of practices for building a safe and healthy civil society. Indeed, this fast-growing national development has shifted the traditional emphasis in the field on criminal justice to a reframe of RJ as a broadly applied public health intervention. Within the educational framework, RJ is used as part of a multi-tiered approach to student behavior and wrongdoing. Restorative circles are commonly used to introduce a relational rather than punitive model and to build and strengthen relationships within the learning community (Tier 1). Restorative conferences are used in response to conflict and misconduct (Tier 2). Finally, when students or other academic personnel are suspended, restorative reentry circles assist with effective reintegration by offering social support and accountability to ensure everyone's safety (Tier 3). This course provides knowledge about the evolution of this new expansion, the interface between policy and application, theory that guides systemic change and the use of specific practices as alternatives to traditional responses to harm, skill-building in conducting various restorative approaches, and evidence of effectiveness. The course will also consider current issues and the challenges of responding to racial bias in K-12 discipline, sexual and gender-based misconduct on college campuses, and restorative approaches to faculty/staff misconduct.

This course is offered over two weeks. Week 1 focuses on the use of restorative practices in K-12 settings. Week 2 addresses the application of restorative practices in

higher education. Although implementation varies based on differences between K-12 and postsecondary education, there are overlaps both in organizational mission and crossovers in specific restorative practices that will be noted throughout the course.

COURSE OBJECTIVES

- Understand the philosophy and practice of RJ in educational settings.
- Develop a framework for planning and decision making within the context of a paradigm shift based on a relational rather than punitive model.
- Demonstrate familiarity with restorative practices and their use within a multitiered model of behavior.
- Understand the use of critical inquiry and strategic planning specific to integrating policy, political climate, institutional context, and implementation of RJ in response to diverse stakeholder needs.
- Distinguish applications of RJ in K-12 schools and higher education institutions for various conduct violations.
- Evaluate the applicability of research on restorative justice in educational institutions including the criteria used for assessment of restorative programs.

TEACHING METHODS

This course uses a collaborative teaching model that mirrors restorative justice processes. Students are expected to contribute toward building and maintaining a deeply respectful and highly participatory learning environment. Students can draw on their own life experiences, readings, classroom and field experiences. Material will be presented through a combination of lectures, videos, small group exercises, demonstrations of restorative justice practices, guest lecturers, student presentations, and class discussions.

REQUIRED TEXTS

Karp, D.R. (2015). The Little Book of Restorative Justice for Colleges and Universities, Revised and Updated. The Little Books of Justice & Peacebuilding, Goodbooks: New York, NY.

Thorsborne, M. and Blood, P. (2013). *Implementing Restorative Practices in Schools:* A Practical Guide to Transforming School Communities. Jessica Kingsley, London & Philadelphia.

Evans, K. & Vaadering, D. (2016), The Little Book of Restorative Justice in Education, Goodbooks: New York, NY.

DeWolf, T.N. & Geddes, J. (2019). *The Little Book of Racial Healing: Coming to the Table for Truth Telling, Liberation, and Transformation.* The Little Books of Justice & Peacebuilding, Goodbooks: New York, NY.

The course will use TWEN for information. All non textbook materials will be available on TWEN to read and/or download.

COURSE REQUIREMENTS

The grade for this course will be based on the student's ability to understand, apply and critique the application of restorative justice to primary, secondary and postsecondary educational settings. The following course requirements will be completed during the second summer term with points given for each assignment. Grading will be based on total points accrued by the end of the course. All papers should be typed and double-space. Please use footnotes as opposed to endnotes and include a bibliography of all sources consulted. Students should turn in a hard copy and send an electronic copy to the instructor of all assignments. The final assignment is due electronically (no hard copy) on the Monday after the course is finished.

<u>Formatting</u>: Papers must be printed on white paper in black ink. Papers must be stapled. Each page must be numbered at the bottom. You must use 1.25" margins all around. Papers should be double spaced in Times New Roman or Times 12-point font. Formatting, spelling and grammar errors will also result in a reduction of your grade. Do not rely on software to correct all your errors, as it will not catch them all.

1. Reading Commentaries (15 pts)

Prepare a short, written commentary (no more than 500 words) on each reading, podcast or video. Be sure to capture things like key points, insights you had, and questions or critiques. Commentaries are due at the beginning of each class day. Commentary write-ups can be single spaced.

2. Research Roundtable (15 pts)

Students will form pairs (triads if necessary) to present one study of restorative justice in K-12 schools. The presentation should include a clear explanation of the study using the PowerPoint template provided and a set of discussion questions to engage the audience. The presentation is due on July 11, 2019.

3. Context for Restorative Applications (20 pts)

Working in groups of 2-3 people, students will research and present a relevant topic that helps provide the context for restorative practices in educational institutions. For example, a group might present an overview of the concept and evidence base for the "school-to-prison pipeline," which would help explain why restorative practices are used to reduce suspensions. Other topics might include sexual violence, diversity and inclusion, social emotional learning, trauma-informed care, special education, binge drinking, hazing, huffing, school shootings, cyberbullying, Me-Too movement, immigration, etc. In other words, groups will explain the problems that restorative interventions are attempting to solve. Presentations should be no longer than 20 minutes. Each group must submit a PowerPoint presentation and a list of relevant references (research studies, websites, videos, etc.) at the time of their presentation.

4. Tier 1 Circle Design and Facilitation (10 pts)

Pairs of students will design and facilitate one Tier 1 community-building restorative circle relevant to an educational institution. Each circle should be between 30-60 minutes in length. Afterwards, each student should submit the agenda for the circle and a 1000-word summary and reflection paper on the effectiveness of the design and facilitation. Agenda and papers are due the day after the circle occurs.

5. Model Policy Paper (10 pts)

Write a model restorative conduct policy, grounded in Braithwaite's regulatory framework, for an educational institution. It can be broad, such as for discipline in a high school, or narrow, such as a bias response or hazing policy in higher education. It is fine to adapt a current institution's policy to make it restorative. In addition to providing the policy, the paper should describe the rationale for its design. Students can work individually or in small groups (up to 3). Paper is 1000 words-500 words for the policy and 500 words for the rationale. The paper is due on July 18th. Students will present their policies to the class on July 18th.

6. Final Paper-30 pts

Find a current or historic incident, case or conflict involving students, staff or faculty in a K-12 or post education setting. Consider the remedies using restorative justice and design a plan for restoration. Ground your analysis of the issues and proposed remedies in the course literature with appropriate citations/references. Include a bibliography of references at the end of your paper. 12-15 pages.

- a. Select an incident, e.g. Dnigma Howard, Dominion High School-Loudon VA, brawl; Spring Valley High School-SC, cell phone; Erica Gomez-Bowie High School,TX- sexual assault; Ahmed Mohamed-clock; Aldine Middle School student, TX-threats; David Lippan-University of Arizona-sexual assault; Anna Ayers-Ohio University, false threats: Ali Borji, University of Central Florida-stalking; Richard A. Morrisett, University of Texas-domestic violence; Robert Reece, University of Texas-sexual misconduct; Crimson Tide, Mississippi State-memorabilia.
- b. Describe the incident fully including the significant players, background on the significant players, and events related to the incident. i.e. criminal justice response, media response, ripple affect.
- c. Analyze the context surrounding the incident-geographic location, type of institution, relevant history, demographics of the players, the institution and surrounding community, police-community relationship, current policy or relevant statutes, potential ripple effect, role of the media, etc.
- d. Develop a comprehensive restorative response to the incident/case-think broadly because there are many obvious or possible stakeholders involved. Answer the following questions: What are the key issues or concerns to be addressed? Who are the stakeholder groups? What restorative justice tools would you use in this case? Who would be involved? How would you implement it? Would you rely on volunteers or hired practitioners? How would these individuals be trained? What topics might be addressed if a dialogue occurred? What might restitution include? What kind of a program might you design that would come out of your restorative response? How would you measure the success of the initiative? What obstacles are you likely to face in the administration of the program? How would you introduce and garner support for possible legislation? Etc.

Attendance and Assignment Policy

Class attendance is required. Students should arrive on time for class, be prepared to participate in the class discussion, and show respect for one another's opinions. There are no "excused" absences. Students missing more than one (1) class session will receive a 10% reduction in their overall course grade. If you are not able to attend class because of an emergency, please let me know by phone/text or email. Coming to class late or leaving class early counts as an absence. Students missing one or more class sessions will be required to complete an additional assignment.

Students are expected to complete all assignments and all parts of an assignment regardless of whether or not they earn an assigned grade. Students who do not complete all assignments and all parts of an assignment will receive an incomplete at the end of the term. Except in case of extreme emergencies, and then only with the permission of the professor, late assignments will not be accepted without penalty.

Students are expected to turn in all required assignments on the agreed upon due date <u>at the beginning of class</u>. Students will lose 3 points for each day that an assignment is late. If the due date is a problem, then the student must contact the professor and negotiate another due date at least 24 hours PRIOR to the regularly scheduled date.

COURSE SCHEDULE

Date	Description	Text/Readings
Week 1		
July 8 9-12 am	 Opening circle Course review Overview: RJ in Education Discussion groups: Macro issues that shape need in education 	Davis, Fania. 2014. "Discipline with Dignity." Yes Magazine. February 19. https://www.yesmagazine.org/issues/education-uprising/where-dignity-is-part-of-the-school-day Evans, K. & Vaandering, D. (2016). The Little Book of Restorative Justice in Education. Pp. 14-24. Code Switch: A Year of Love and Struggle in a New High School, Episodes 1-3 https://www.npr.org/series/557324733/a-year-at-ron-brown-high-school
July 8 1-4 pm	Implementation in K-12 Core elements: Circles Indigenous influence Circle elements Circle types Circle design Peer-led Circle video Coordinator Interview (Anita Wadhwa)	Evans, K. & Vaandering, D. (2016). The Little Book of Restorative Justice in Education. Pp. 59-78, 26-36 Thorsborne, M. & Blood, P. (2013). Implementing Restorative Practices in Schools. Pp. 18-67. Flynn Elementary Kinder Circle https://vimeo.com/119910230 Middle School: https://vimeo.com/101241960 High School: https://www.youtube.com/watch?v=RdKhcQrLD1w
July 9 9-12 am	• Core elements: Inclusivity Tier 1: Affective statements, restorative questions & restorative chats • Trauma & shame • Preparation	Thorsborne, M. & Blood, P. (2013). <i>Implementing Restorative Practices in Schools</i> . Pp. 70-129. Boyes-Watson, Carolyn and Kay Pranis. 2015. <i>Circle Forward: Building a Restorative School Community</i> . St. Paul, MN: Living Justice Press. Pp. 17-26. Spoonvision. Trauma Informed Schools: The New 'New Paternalism'. https://spoonvision.wordpress.com/2018/09/09/trauma-informed-schools-the-new-new-paternalism/ Trauma-Wellness Center at El Dorado Elementary School

		https://vimeo.com/97192485
July 10 9-12 am	Core elements: Accountability Tier 2 Conference role play Film Tier 2: Justine Darling Tier 3 Reentry	Evans, K. & Vaandering, D. (2016). The Little Book of Restorative Justice in Education. Pp. 79-100. Braithwaite, J. (2006). Chapter 2: Accountability and Responsibility Through Restorative Justice. In M. Dowdle (Ed.), Rethinking Public Accountability. 33-57. Accountability Circles. https://www.restorativeresources.org/accountability-circles.html (watch the video)
July 10 1-4 pm	 Circle 1 (student led-talking piece circle) Context Presentation 1 Issues with Implementation Administrator Interview (Randy Dean & Christopher Harvey) 	Thorsborne, M. & Blood, P. (2013). Implementing Restorative Practices in Schools. Pp. 132-175. Armour, M. (2012-2013). First Year Ed White Middle School Restorative Discipline Report Armour, M. (2013-2014). Second Year Ed White Middle School Restorative Discipline Report Armour, M. (2014-2015). Third Year Ed White Middle School Restorative Discipline Report https://irjrd.org/restorative-discipline-in-schools/restorative-discipline-resources/
July 11 9-12 pm	Circle 2 (student led) Research presentations	Evans, K. & Vaandering, D. (2016). <i>The Little Book of Restorative Justice in Education</i> . Pp. 41-58. Armour, Marilyn. 2016. "Restorative Practices: Righting the Wrongs of Exclusionary School Discipline." <i>University of Richmond Law Review</i> 50: 999-1037. Karp. D. (2019). "Restorative Justice and Responsive Regulation in Higher Education: The Complex Web of Campus Sexual Assault Policy in the United States and a Restorative Alternative." In G. Burford, V. Braithwaite & J. Braithwaite (Eds.) <i>Restorative and Responsive Human Services</i> . Pp. 143-164. (This reading is to assist students in their policy assignment which is due the last class day next week).

Date	Description	Text/Readings
Week 2		
July 15 9-12 am	• Circle 3 • Overview: RJ in Higher Education	DeWolf, T.N. & Geddes, J. (2019). The Little Book of Racial Healing: Coming to the Table for Truth Telling, Liberation, and Transformation. Pp 1-48, 65-90
	 Context & Paradigm Shift: RJ Definitions, Aspirations & 	Karp, D.R. (2015). The Little Book of Restorative Justice for Colleges and Universities, Revised and Updated. Pp. 3-33.
	Evaluation • Context Presentation 2	Read one of the following: a) Gerson, J. & Suk, J. (2016). "The Sex Bureaucracy," 104 California Law Review, Pp. 1-58.
	Tresentation 2	b) Lamade, R.V., Lopez, L. Koss, M.P, Prentky, R. & Brereton, A. Developing and Implementing a Treatment Intervention for College Students Found Responsible for Sexual Misconduct. <i>Journal of Aggression, Conflict and Peace Research</i> 10(2), pp.134-144.
		c) Lave, T. R. (2016). READY, FIRE, AIM: How Universities are Failing the Constitution in Sexual Assault Cases. 48 Arizona State Law Journal pp. 637-702.
		Conover, C. (January, 2019). "Changes to Title IX Would Narrow Definition of Sex Discrimination." https://news.azpm.org/p/news-articles/2019/1/18/144625-changes-to-title-ix-would-narrow-definintion-of-sex-discrimimation/
		Poppe, R. (May 26, 2019). New Sexual Assault Reporting Standards For Colleges And Universities Clear Hurdle in Texas Senate https://www.tpr.org/post/new-sexual-assault-reporting-standards-colleges-and-universities-clear-hurdle-texas-senate
July 15 1-4 pm	• Tier 1: Campus Climate- Community Concerns	Wachtel, T. & Miller, S. (2013). "Creating Healthy Residential Communities in Higher Education Through the Use of Restorative Practices". K.S. van Wormer & Walker, L. (Eds.) Restorative Justice Today: Practical Applications, Pp. 93-99.
	Deconstructing CirclesFacilitationInterview with	Holmes, R.C., Edwards, K. & DeBowes, M.M. (2009). "When Objectivity is Not Enough" In J.M. Schrage & N.G. Giacomi (Eds). <i>Reframing Campus Conflict</i> . Pp. 50-64.
		Rico, R., Sullivan, K. & Karp, D. (Dec, 2018). Texas Fraternity

	Campus Administrator (Rick Shafer)	Bias Incident: A Restorative Justice Case Study. Pp. 1-3. Pointer, Lindsey. 2018. Sustained Restorative Dialogue as a Means of Understanding and Combatting Sexually Harmful Behavior. Wellington, New Zealand: Victoria University. https://www.skidmore.edu/campusrj/documents/Pointer-2018-NZ-consent-circles.pdf
July 16 9-12 am	 Circle 4 Context Presentation 3 Tier 2: Conferencing Coaching & Listening skills Assessing harms & needs Solutions 	Schrage, J.M. & Thompson, M.C (2009). "Providing a Spectrum of Resolution Options." In J.M. Schrage & N.G. Giacomi (Eds). <i>Reframing Campus Conflict</i> . Pp. 65-84 Taylor, S.H. & Varner, D. T. (2009). "When Student Learning and Law Merge to Create Educational Student Conflict Resolution and Effective Conduct Management Programs." In J.M. Schrage & N.G. Giacomi (Eds). <i>Reframing Campus Conflict</i> . Pp. 22-29. Karp, D.R. (2015). <i>The Little Book of Restorative Justice for Colleges and Universities, Revised and Updated</i> . Pp.39-47,68-72.
July 17 9-12 am	 Circle 5 Context Presentation 4 Tier 2: Conferencing cont. Meeting the needs of both/all Acknowledgeme nt & Apologies Rebuilding trust 	Karp, D.R. (2015). The Little Book of Restorative Justice for Colleges and Universities, Revised and Updated. Pp.39-47, 52-56. "A Survivor and a Perpetrator Find Justice." Reckonings. Podcast. December 3, 2018. http://www.reckonings.show/episodes/21 Llewellyn, J. J., Demsey, A, & Smith, J. (2015). "An Unfamiliar Justice Story: Restorative Justice and Education. Reflections on Dalhousie's Facebook Incident 2015." Our Schools/Our Selves 25:43-56. Armour, M. & Umbreit, M. (2018). "Dyadic Forgiveness, Part 5". In M. Armour & M.Umbreit. Violence, Restorative Justice & Forgiveness. DeWolf, T.N. & Geddes, J. (2019). The Little Book of Racial Healing: Coming to the Table for Truth Telling, Liberation, and Transformation. Pp 77-89.

July 17 1-4 pm	 Interview with Student Conduct Facilitator (Carrie Landrum) Tier 3: Reintegration- Application to Workplace Boundaries Interview with Faculty/Staff Facilitators (Toni McMurphy and Duke Fisher) 	McMahon, S.M. & Karp, D. (2018). "Addressing individual and community needs in the aftermath of campus sexual misconduct: restorative justice as a way forward in the re-entry process." Journal of Sexual Aggression, Pp. 1-11. Mangan,K. (March, 2018). How a Harassment Controversy Tore a University Apart. Chronicle of Higher Education. https://www.skidmore.edu/campusrj/karp-vitae-files/media/How-a-Harassment-Controversy-Tore-a-University-Apart.pdf Interview with Duke Fisher and Toni McMurphy, https://www.youtube.com/watch?v=HXXXTvW4eZc&feature=youtu.be Karp, D. R. & Frank, O. (2016). "Restorative Justice and Student Development in Higher Education: Expanding 'Offender' Horizons Beyond Punishment and Rehabilitation to Community Engagement and Personal Growth." In T. Gavrielides, Offenders No More: An Interdisciplinary Restorative Justice Dialogue. Pp. 141-164. Peterson, M. (1992). At Personal Risk: Boundary Violations in
July 18 9-12 pm	 Context Presentation 5 Policy Analysis Presentations Closing Circle 	Faranza, K. & MacAlister, D. (2010). Responding to Academic Dishonesty in Universities: A Restorative Justice Approach. Contemporary Justice Review 13, Pp. 443-453. Okimoto, T.G. & Wenzel, M. (2016). Bridging Diverging Perspectives and Repairing Damaged Relationships in the Aftermath of Workplace Transgressions. Business Ethics Quarterly 24, pp. 443-473. Hutchinson, M. (2009). Restorative Approaches to Workplace Bullying: Educating Nurses Towards Shared Responsibility. Contemporary Nurse 32, pp. 147-155.

Research Studies

- (1) Gregory, Anne et al. 2015. "The Promise of Restorative Practices to Transform Teacher-Student Relationships and Achieve Equity in School Discipline." *Journal of Educational and Psychological Consultation* 25:1-29.
- (2) McMorris, Barbara J. et al. 2013. *Applying Restorative Practices to Minneapolis Public Schools Students Recommended for Possible Expulsion.* Minneapolis MN: University of Minnesota.
- (3) Ortega, Lilyana et al. 2016. "Outcomes of a Restorative Circles Program in a High School Setting." *Psychology of Violence* 6: 459-468.
- (4) Augustine, Catherine H., John Engberg, Geoffrey E. Grimm, Emma Lee, Elaine Lin Wang, Karen Christianson, and Andrea A. Joseph. 2018. *Can Restorative Practices Improve School Climate and Curb Suspensions? An Evaluation of the Impact of Restorative Practices in a Mid-Sized Urban School District*. Santa Monica, CA: RAND Corporation. https://www.rand.org/pubs/research_reports/RR2840.html
- (5) Gregory, Anne, Francis L. Huang, Yolanda Anyon, Eldridge Greer, Barbara Downing, and Catherine Bradshaw. 2018. "An Examination of Restorative Interventions and Racial Equity." *School Psychology Review* 47 (2): 167–82. doi:10.17105/SPR-2017-0073.V47-2.
- (6) Anyon, Yolanda, Anne Gregory, Susan Stone, Jordan Farrar, Jeffrey M. Jenson, Jeanette McQueen, Barbara Downing, Eldridge Greer, and John Simmons. 2016. "Restorative Interventions and School Discipline Sanctions in a Large Urban School District." *American Educational Research Journal* 53 (6): 1663–1797. doi:10.3102/0002831216675719.
- (7) Anyon, Yolanda, et al. 2018. "It's All about the Relationships: Educators' Rationales and Strategies for Building Connections with Students to Prevent Exclusionary School Discipline Outcomes." Children and Schools 40:221-230.
- (8) University of Texas Institute for Restorative Justice and Restorative Dialogue. 2018. Restorative Discipline in Texas: Evaluation of Implementation of Restorative Practices. Austin, TX: University of Texas.