

## ***Whether crime or misbehavior, restorative justice principles provide guidance on how to respond***

by Ron Claassen

Last month's newsletter about how Roxanne is implementing Restorative Justice in her classroom and school generated a significant amount of interest for more information. So I will, in the next several months, discuss the principles that guide the discipline program we have developed called "Discipline That Restores."

There is a saying: "The purity of theory is no match for the mess of reality." We recognize this to have some truth and also recognize that if we do not have theory to guide us, we are like "a ship without a rudder."

We developed these principles in 1993 to help provide a guide, or a "rudder" for our emerging ideas about how to implement Restorative Justice principles in a school setting.

**Principle 1: Misbehavior is viewed primarily as an offense against human relationships and secondarily as a violation of a school rule (since school rules are written to protect safety and fairness in human relationships).**

In the community when someone violates a law, we call it a crime. In schools, when someone violates a rule, we call it a misbehavior. If a misbehavior is observed that isn't

covered by a rule yet, we usually write a new rule. Rules are very important and helpful since they help everyone to know what behavior is not acceptable in that school community. Rules also prevent, or at least reduce, arbitrary punishment because the rules are published for everyone to know and members of the school community can appeal to the rules if it seems that they are being punished arbitrarily.

Where this becomes a problem, is when the primary focus of a discipline program is on the rule violation and because of that, the human violation is ignored or minimized. Since the

purpose of establishing rules is to provide for a safe, fair, just, and orderly community, it is important that this underlying reason is not lost in our effort to be sure we follow the rules.

So, this principle suggests that when a misbehavior occurs and it is a violation of a rule, we will not lose sight of the fact that the primary problem is that some human violation occurred. Let's identify a few common misbehaviors that are usually also violations of school rules: (a) a student hitting with another student; (b) a student carving or writing on a school wall; (c) a student talking rudely to a teacher. One option, in each case, is to focus on the fact that the students violated the school rule. When we do this, we usually punish the student in some way or we may say you now need to suffer the consequences. In either case, if we follow this path, a significant but very subtle thing happens. We inadvertently make the school the "victim" because we are now focusing on the school's rule as being violated. What gets lost is the real violation of the other person(s).

If, instead, we allow DTR Principle #1 to provide guidance for us, we will remember that a rule violation is also an indicator or reminder that there has been a human violation. When we focus on the human violation, we begin asking questions like, who was hurt, what was the damage, who is responsible for what, how can the damage be repaired, why did this happen, how could it be prevented in the future, etc.

If we do not recognize and focus on the human violation, the primary focus often shifts from the real violation to a power contest between the authorities and the offending individual. Instead of focusing on the questions above, the focus is on proving the violation of the rule and deciding what should be the punishment. This leaves the real victim out and in many ways, victimizes them again.

Example A: one student hitting another student. The rule has been violated. If we focus only on the rule violation, we

## ***Mothers offer advice, support to daughters after rock-throwing incident***

by Melissa Wong  
with Ron Claassen

This VORP story is from Melissa Wong. Melissa is a student at Fresno City College. The names and some details have been changed to protect identities.

After going through over nine hours of training, I was looking forward to my first case. I had the liberty to pick my own case, which had three offenders named Linda, Leah and Lucy. The case was about an incident about the offenders throwing rocks in which one of them hit the victim named Crystal. When the incident happened, all the girls were in middle school. Crystal suffered a minor, but bloody bruise.

I contacted the first offender on the list, Linda. Her older sister, who was fluent in both English and Spanish, helped me communicate with her mom. Linda said that she did throw rocks but did not throw the rock that hit Crystal. She said it was clearly Lucy that did so. After the explanation, Linda's sister and mother asked numerous questions concerning probation and its procedures, and how VORP fit into all of that. Luckily, I was accompanied by Jay Griffith from the VORP office. He answered most of their questions and concerns, and gave them a few phone numbers. The meeting went well, with Linda and her mother will-

ing to attend the joint meeting. There was also a request for an interpreter other than Linda's sister.

The second offender was harder to contact. When I first called Leah requesting an individual meeting, she seemed semi-interested. Towards the end of the telephone conversation, she decided not to participate. After the conversation I called the VORP office and talked to Maria, the VORP case manager. Maria called Leah and remarkably set up an individual meeting. Leah decided also to attend the joint meeting. I was grateful for the help of Maria and inspired by her ability. Now, both Linda and Leah claimed it was Lucy who threw the rock that injured Crystal. The third offender was difficult to get a hold of. I first called Lucy and spoke with her and set up an individual meeting. My mistake was not talking to her mother to confirm the meeting. When I attempted to make a follow-up call, the line was disconnected. When I showed up, I was disappointed. Lucy was not home but her mother was, unaware that she had scheduled a meeting with me. I talked to Lucy's mom about VORP, and scheduled an appointment through her for an individual meeting with Lucy. Lucy's mom had quite a few questions concerning probation, and Jay (who came with

me to observe) helped me again on that part. When we finally had the individual meeting, there was new information. Lucy's explanation was different from Linda's and Leah's. She said that it was not her throw that bruised Crystal, and supported her statement with some explanation. She added that even if it was her who threw the rock, it was unintentional, and the reason why the police records indicate her as the main offender was because she was forced. At the time it seemed better for her to claim being guilty than not.

When I finally got to my victim's individual meeting, I felt more comfortable. It was easier to talk with Crystal since she was really laid back, and relaxed. She told her side of the story, which resembled Linda's and Leah's. One of their friends, named Christine, was with her during the incident. She felt that the throwing of the rocks was intentional, rooted in the relationship between Leah and Christine. Christine lived across the street, and Crystal called her to come over. Christine explained that she and Linda used to be friends, and that somehow that was dissolved. Both agreed to participate in the joint meeting.

The joint meeting started later than the proposed time. If

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See 'Rules serve...' page 2

## Help VORP spread the word!

VORP is in need of a volunteer to help arrange church and service club presentations. Much of the work could be done from home if the volunteer prefers. If you are interested please call Jay at 291-1120.

# VORP meeting helps girls put rock-throwing incident behind them

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wasn't hard to find a great time slot to fit in everyone's schedules, except for Lucy. I had to make a few follow up trips to confirm the time and meeting place. Because of a probation order to not be near Crystal,

they were hesitant to meet. When I got an answer from Jay, I was unable to meet with them personally so I left a note describing that it was all right to attend the joint meeting with the restriction. Unfortunately, they didn't show up to the meeting. The meeting was held in Spanish, since the parents of the girls felt more comfortable speaking in Spanish. I was thankful for my VORP partner, Helen Ens, in the joint meeting, who translated for me during their discussions. The retelling of the incident went well, and since Lucy was not there, both sides concluded it was her who threw the rock that hit Crystal. A turning point during the discussion was when Christine asked Leah, "Why don't you like me? Is it because of Mario, or what?" The discussion opened up and Leah answered that it was not about that and it was just stuff she heard from others. During this time, parents got involved in talking about the incident, all agreeing that this incident should have not happened and taught the girls future pre-

cautions. I could see in the eyes of the mothers that they were reaching out not only to their own children but also the other party's children, to advise them on future decisions and reactions.

After everyone recognized the injustice, we moved on to restoring equity and future intentions. Both Crystal and Christine were willing to put the past behind them, not to gossip about it anymore, and not to fret in each other's presence. Linda and Leah were willing to cooperate with these guidelines and signed the forms. Helen kept asking the offenders to pretend that they were the victims, and how they would feel. It appeared that all moms and daughters came to a mutual understanding and agreement that satisfied them. In addition, each girl also received timeless advice not only from her own mother, but from the other mothers as well. I was surprised that none of the offenders said they were sorry.

Blessed are the Peacemakers!

## Rules serve as reminders of human violations

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miss the opportunity to repair the damaged relationship. What we really want is for the offending person, with the injured party, to recognize the violation and injustice, repair the damage (physical and relational) as much as possible, and figure out how to prevent it from happening again.

Example B: a student carving or writing on a school wall. The problem is not just that the student has violated a school rule, but also that the community has an understanding that we don't deface each other's property. Therefore, the offender has violated the community (adults and other students), the authorities charged with providing oversight, the maintenance person who now must divert attention from other projects to repair it, and taxpayers who must pay for it.

Example C: a student talking rudely to a teacher. The problem is not just that the student violated a school rule. The problem is also that the student has disrespected the teacher. If we focus only on the rule violation and punishment for the

student, we leave the human violation unaddressed. The relationship between the teacher and student has been damaged and unless it is repaired, the openness to teaching and learning will also be affected.

**Principle 2: The primary victim of the misbehavior is the one most impacted by the offense. The secondary victims are others impacted by the misbehavior and might include students, teachers, parents, administrators, community, etc.**

The victim language does not mean that they are helpless but that they were the ones who were on the receiving end who were impacted by the offensive behavior. It helps identify who would have to be involved in order to determine the damage and to repair the damage (physical and relational). Many times our structures for discipline are completely oriented around the offender. Without intending to, we ignore the victim, leave them out of the response, and often rob them of the opportunity to deal constructively with the offense and heal the injuries.

## VORP relies on your contributions

**This is a good month to make a resolution to continue or to start supporting VORP financially. As you can see from Melissa's story, VORP is a community building activity for all involved.**

**If each person receiving this newsletter gave \$20 per month, VORP could double its case load.**

**Please consider making a modest yet significant contribution to building a safer and more peaceful community.**

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