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# Is Restorative Justice Doing Enough To Address The Power Imbalances Caused By Systems of Privilege and Oppression

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## IS RESTORATIVE JUSTICE DOING ENOUGH?

IS RESTORATIVE JUSTICE DOING ENOUGH TO ADDRESS THE POWER  
IMBALANCES CAUSED BY SYSTEMS OF PRIVILEGE AND OPPRESSION?

INCLUDING:

A RESTORATIVE JUSTICE COURSE:  
UNDERSTANDING PRIVILEGE AND OPPRESSION.  
(pg. 28-49)

BY

MATTHEW FURNELL

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## Abstract

Restorative justice is an ever growing philosophy which is causing a paradigm shift in the way society understands and responds to crime, punishment and victimization. The State of Vermont has become a pioneer and an example of how to implement restorative practices into the official criminal justice system, developing an alternative process to traditional punitive approaches. However, it is now more important than ever to ensure that there is not a false sense of success or a level of complacency in the further development of restorative practices. It is time to critically analyse the current restorative process and explore the difficult question of whether these practices are doing enough to address the power imbalances caused by systems of privilege and oppression.

This study conducts an *Oppression Theory* based analysis of the restorative practices taking place at a Vermont Community Justice Center and a Vermont High School. The analysis breaks down the impacts of systems of privilege and oppression at the *micro* and *macro* level. At the *micro* level, it explores how conferred dominance and learned societal behaviours that are dictated by an individual's social identity groups, can impact their willingness and ability to meaningfully engage in restorative practices. At the *macro* level, it explores the concept of a societal disequilibrium and the danger of restorative practices perpetuating systems of inequality and oppression.

This study finds that several individuals engaging in the restorative practices it explored did not acknowledge the impacts that systems of privilege and oppression can have on the restorative process. Those who were able to identify the negative effects that inequalities can have on restorative practices, did not appear to have the knowledge or resources to address such issues. Therefore, the author of this study designed "A Restorative Justice Course: Understanding Privilege and Oppression" (pg. 28-49), which is a practical *Oppression Theory* based framework to help restorative practitioners better understand the impacts of societal inequality. It is an easily accessible, adaptable and implementable framework which can be used to further develop restorative practices and to ensure those who engage in restorative processes do so in a more socially conscious way.

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## **1. Introduction**

### **1.1 Rationale for study:**

Inequalities and power imbalances caused by systems of privilege and oppression exist within every facet of society. Due to these unequal power dynamics and embedded systems of privilege and oppression it causes society to be at a constant state of disequilibrium (Delgado, 2000). Societies “status quo” state is marked by radical systemic and institutionalized inequality between marginalized and dominant groups, which may severely hinder authentic and meaningful interaction between groups, and also be an influencing factor in why harm and crime take place in any given community (Johnson, 2006 and McCold, 1996).

These systems of privilege and oppression are intrinsically linked to social identity groups. Everyone is a member of social identity groups, whether they self-identify, perceiving themselves as part of a particular group, or whether society perceives and categorizes them as part of a group (Halverson, 2008). Social identity groups include such dimensions as “nationality, race, ethnicity, age, religion, gender, physical and mental ability, sexual orientation, socio-economic class, educational level, job function, and job level” (Halverson, 2008: 44). Each individual’s social identity is different and is made up of many different intersecting social identity groups, some which they may identify with, or may be identified by society with, more strongly than others (Loden and Rosener, 1991).

Every society values and privileges certain identity groups, whilst targeting others for discrimination and oppression (Johnson, 2006). When such discrimination takes place over a prolonged period of time it often becomes embedded into systems of privilege and oppression. This type of discrimination is known as “historical oppression” and it can cause individuals to be at a disadvantage purely due to the societal perceptions of their social identities (Connors, 2003). This causes society to be at a constant state of disequilibrium, with some social identity groups holding certain privileges over others. In the *Europeanized Western World* this is most prominently shown in the differing treatment of people based on their Race and Gender (Johnson, 2006). It is more than a dislike towards an individual based on their social identity, such as someone being overtly racist or sexist. Rather, it is a type of systemic oppression that becomes institutionalized into laws and policies through the structures of political and social institutions. Historical oppression is deeply rooted into the social fabric of society; it operates as an underlying system in which all institutions and organizations are impacted by and situated in (Johnson, 2006).

Whether an individual self-identifies or is identified by society to be a member of an identity group, it is important to note the social construction of this categorization. Any given social identity group, and all of its categories, has no significance outside the systems of privilege and oppression in which it was created in the first place (Baldwin, 1984). Different identity groups are not inherently privileged or oppressed but it is how different societies construct those identity groups that either gives them power or takes it away. These socially constructed identity groups have tangible effects and impacts on individuals' and groups' lived experiences. Individuals learn how to act and behave by observing how others treat them due to their differing social identities: whether they are treated deferentially or dismissively; with interest or indifference; with respect or disrespect; it is others actions towards them that shapes their privilege or marginalization (Fiske and Markus, 2012).

This form of privilege is known as “conferred dominance”, it enables one group to have power over another (McIntosh, 2000). It is the result of cultural assumptions or societal *norms* which create different appropriate behaviors for varying identity groups. For example, the common pattern of men controlling conversations with women is grounded in the cultural assumption that men are supposed to dominate women (Johnson, 2006). This is not to say that all men dominate conversations with woman, or that all men who do dominate conversations with woman are overtly sexist, but it is looking deeper than the interaction alone and exploring larger systemic issues that are deeply rooted in cultural assumptions and societal *norms* that dictate “normal” behavior. The same can be said in relation to all social identity groups and their –isms. These systems will covertly dictate the power dynamics at play during any given interaction, whether or not the individuals taking part in the interaction are aware of their own positionality in relation to privilege and oppression.

## **1.2 Aims and Objectives**

Therefore this study poses the question, “Is Restorative Justice doing enough to address the power imbalances caused by systems of privilege and oppression?” It aims to do a *micro* and *macro* analysis of the interrelated systems of “conferred dominance” and “historical oppression” and their relationship with restorative justice. The *micro* analysis will be used to explore the impact of conferred dominance and power dynamics that exist within restorative practices, whereas the *macro* analysis will be used to explore the implications of historical systems of privilege and oppression that restorative justice is situated in. This study aims to combine the information



gathered through its literature review and its own data gathering, to design an *Oppression Theory* based course which can be used to train restorative practitioners in how to better acknowledge and address systems of privilege and oppression.

This study has four key objectives:

1. To examine how conferred dominance and power dynamics impact restorative practices, specifically reparative panels (micro analysis).
2. To explore what the theoretical and practical implications are for restorative justice being situated in historical systems of privilege and oppression (macro analysis).
3. To identify and assess any specific measures currently in place to address such impacts and implications.
4. To design an easily accessible, adaptable, and implementable Restorative Justice *Oppression Theory* based framework to help practitioners understand the individual and societal impacts of conferred dominance and historical oppression.

### **1.3 Parameters of the Study.**

This study takes place within Bellows Falls, Windham County, Vermont, USA. It uses a holistic research approach analysing the restorative practices and process of the Greater Falls Community Justice Center (GFCJC) and the Compass School Vermont. Varying different actors are involved in the study such as, Justice Center and restorative program staff, volunteers and clients to name a few. This is done in an effort to gain a multi-dimensional perspective and understanding of individuals' needs and concerns in relation to Restorative Justice and its practices.

This study hopes to be able to take advantage of the Community Justice Network of Vermont (CJNVT), a state wide network connecting 19 different Justice Centers throughout Vermont. Once a Restorative Justice *Oppression Theory* based framework is designed, implemented, tested and refined the hope is for the framework to be posted on the CJNVT official website for other Justice Centers in Vermont to use and adapt depending on their needs and resources.

## 1.4 Overview of the Study

Following this introduction, Chapter 2 reviews critical literature from restorative justice theorists and practitioners who are trying to make sense of what restorative justice is, where it came from, and how it can be impacted by systems of privilege and oppression. In Chapter 3, the research methodology and approaches used in this study are presented, while any ethical considerations and the reliability of its findings are also assessed. This is followed by Chapter 4, a presentation and analysis of the results and findings, which not only highlights how restorative practices can be impacted by systems of oppression, but also begins to explore what can be done address societal inequalities. Resulting from this, Chapter 5 assess whether restorative practices are currently doing enough to address the impacts of privilege and oppression, and begins to develop practical steps in order to do this more effectively. It then outlines a training program used to address the concerns raised throughout the findings and literature, refining this training into an adaptable and easily implementable course. Finally, this paper will present “A Restorative Justice Course: Understanding Privilege and Oppression” (pg. 28-49), which is a practical *Oppression Theory* based framework to help develop understanding of the individual and societal impacts of conferred dominance and historical oppression.

## 2. Literature Review

### 2.1 What is Restorative Justice?

Restorative justice represents a paradigm shift in criminal justice philosophy (Van Ness, 1993). It offers an entirely new framework for understanding and responding to crime, punishment and victimization (Umbreit, 1998). At its foundation, the dominant discourse of restorative justice recognizes that crime causes harm to individuals and communities, this in turn tears the community fabric and offsets society into a state of disequilibrium (Delgado, 2000). It is the role of restorative practices to repair past harms and restore society back to its original state of status quo equilibrium, by supporting all parties with a stake in a particular offense (VT Department of Corrections, 2016 and Zehr, 2002). Unlike traditional punitive justice proceedings which hold the offender primarily accountable to the state, restorative justice proceedings make the *offender* (the individual who caused harm) primarily accountable to the *victim* (the individual who was hurt), the *victim's* primary social circle, and to the community in which the harm occurred (Connors, 2003).

Restorative justice is used primarily in cases where people are able to admit what they have done and take responsibility for the wrongdoing or harm that they have caused (Daly, 1999). It can be implemented at various different levels of the current criminal justice system ranging between: diversion from formal court processes; taking actions in parallel with court decisions; and meetings with *offenders*, *victims* and community members during pre-sentencing, sentencing, and prison release (Daly, 1999). It is not only about a shift from a punishment driven system to one of healing and restoration, but it is also about promoting values such as empowerment, social support, undominated dialogue, safety and storytelling (Braithwaite, 2006). These values are implemented in various restorative practices such as, group conferencing, sentencing and community circles, victim-offender mediation, reparative boards, and Circles of Support and Accountability (Morris, 2000).

Umbreit (1998), Van Ness and Strong (1997), and Zehr (1990) advocate for the dominant discourse of restorative justice, highlighting the stark differences between what they label “Punitive Justice” with their understanding of “Restorative Justice”. Daly (1999) gathered this information and created a chart (Table 1) to directly compare these two seemingly differing justice philosophies.

**Table 1:** “Punitive vs Restorative Justice”

Punitive Justice	Restorative Justice
Crime is viewed as act against the state	Crime is viewed as act against a person and a community
Crime is an individual act with individual responsibility	Crime has individual and social dimensions of responsibility
Offender is defined by deficits	Offender is defined by capacity to make reparations
Victims are peripheral	Victims are central
Focus on punishing the offense	Focus on repairing the harm caused
Adversarial relationships among parties	Dialogue and negotiation
“Community” is represented by the state, community members take passive (or no) role	Community members or organizations take a more active role

Daly, K. (1999). “Restorative Justice in Diverse and Unequal Societies.” *Law in Context*. 17(1): 185.

In drawing these direct comparisons it would appear that restorative justice is more participatory, more inclusive, and a more democratic philosophy of justice (Connors, 2003). Although these strong contrasts may be comforting in making it seem that there is a more humane and affective form of justice, Daly (1999) points out that all they do is seduce justice philosophy into complacent, dichotomous thinking. The reality is, there is not such a big difference between restorative and punitive justice on both empirical and philosophical grounds (Hirsch, 2003). Dichotomizing the two approaches reduces them to opposites, however when evaluating core elements of justice aims and purposes such as, to punish, rehabilitate, provide restitution, or repair harm, the oppositional contrast is not appropriate (Daly, 1999). Take punishment as an example, the dominant discourse of restorative justice understands punishment as a punitive process where the *offender* needs to be reprimanded in order to find justice, whereas a restorative process primarily focuses on repairing any harm caused to the *victim* or community to restore justice (Van Ness and Strong, 1997). Zedner (1994) contrasts this with his critical understanding of restorative justice stating that even in its most ideal form, restorative justice should not remove the idea of punishment from its process or outcome, rather it should consider how the idea of punishment can be part of the restorative process.

## 2.2 Where does Restorative Justice come from?

When analysing different justice processes, their purposes, and where they fit in to punitive or restorative justice, the critical and much more substantial reason for why restorative justice is not so different from punitive approaches is often ignored. To gain a deeper and more holistic understanding of restorative justice it is important to explore the how, where, and why it came

about. Scholars and practitioners such as Zehr (2002) and Umbreit (1998), suggest that restorative justice has claims to North American indigenous wisdoms. Although there are some values and principles that appear to be present in both modern day restorative justice and aboriginal customs, it is argued that there is no valid philosophical claim of kinship connecting the two (Griffiths and Pantenaude, 1990). Rather, the seemingly apparent relationship that exists between them may be better explained by the “common sense” approach taken by restorative justice (DCARP, 2013).

According to Daly (1999) and Delgado (2000), restorative justice first emerged in the *Europeanised Western World* during the mid-1970s, and was a movement predominantly led by White liberals as a response and alternative to excesses of harsh retribution and the inhumane and dehumanizing State system of doing justice. Acorn (2004) adds, that within the United States the appeal of restorative justice lay primarily in its validation of people’s dissatisfaction with a legal system that “depersonalizes, desiccates, and fetishizes justice in a way that deprives people of meaningful experiences of justice” (pp. 5). When the emergence of Restorative Justice, specifically in the U.S., is understood as a response to repressive laws, policies, and practices, its roots can be placed in a historical context specific to this setting. Furthermore, when examining these repressive laws and policies, such as the “War on Drugs”, the “Three Strikes Law”, and the institutionalized systems of oppression embedded within the criminal justice system, it becomes clear that marginalized individuals and communities are victims of historical inequality and oppression (Connors, 2003).

Therefore, it can be understood that restorative justice developed out of an unequal historical context in an effort to address the systems of oppression that were bearing down on marginalized individuals and communities (Connors, 2003). However, the dominant discourse of restorative justice appears to be populated by representatives of culturally, politically and economically homogeneous groups, with a severe lack of diverse critical frameworks (Dijk, 1993). When examining the so-called guiding principles of restorative justice’s dominant discourse by major figures in the field, such as Bazemore and Umbreit (1998) or Van Ness and Strong (1997), it is apparent that any discussion around social justice issues or the economic, social and political inequality produced by uncorrected historical oppression is not addressed.

### **2.3 Privilege, Oppression and Restorative Justice.**

There have been a few restorative justice commentators, such as Zehr (1990) and White (1994) who began to acknowledge the importance of economic, social and political inequality as a

consideration within restorative practices, however there was no general acknowledgement of a system of oppression as a causal factor for any given harm. Zehr (1990) identified that,

“Oppression and injustice do not represent right relationships, they must not be allowed to exist. People must live in just economic and political relationships with one another without marked divisions in power” (pp. 131).

But it wasn't until McCold (1996) lay the ground work for an alternative restorative justice discourse that scholars such as, Delgado (2000) and Connors (2003) began analysing systems of oppression and their relation to restorative justice in any substantial theoretical way. McCold (1996) built upon Zehr's (1990) previous analysis and challenged the feasibility of the successful reintegration of an *offender* into a crime-ridden and oppressed community. Without addressing the existing social structures, which are believed to be the root causes of criminal conflict, it is unrealistic to think that an individual who has been through the restorative process will be able to return to those same conditions and be a productive and law abiding member of the community (McCold, 1996).

Connors (2003) suggests that the conceptual shortcomings of the dominant restorative justice discourse represent the failure of a framework that is conceptually inadequate at addressing systems of oppression and restoring equality to victims of historical oppression. This is not to say that restorative justice has not brought about many creative forms to the practice of criminal justice, perhaps most prominent being the increased role of the victim and community in creating restorative sanctions for the *offender* (Bazemore, 1996 and Griffiths and Hamilton, 1996). However, by intentionally limiting the context of restorative accountability to a case of offender accountability to the victim and community, the dominant discourse of restorative justice is ignoring the role of institutionalised economic, social, and political inequality as a context for causing harm (Connors, 2003).

The reason it is so important to address these deep rooted societal inequalities, stems from the falsehood of the dominant restorative justice discourse which suggests society is at a state of status quo equilibrium until a harm or crime is caused. Instead, society should be understood as a constant state of disequilibrium, caused by unequal power dynamics and embedded systems of privilege and oppression that exist due to peoples' differing social identities (Delgado, 2000). Therefore, if the “status quo” is marked by radical inequality and abysmal living conditions for the offender, returning the parties to their original living conditions will perpetuate the underlying systems of

oppression that not only existed before the harmful act was committed, but may have been an influencing factor in causing the harm to take place (McCold, 1996). It is in this sense, of perpetuating systemic issues rather than addressing the root causes of inequality and oppression, where the dominant discourse of restorative justice and punitive justice align. For historically oppressed minorities, the development of traditional restorative practices merely “replaced their unequal treatment in an unequal situation with their equal treatment in what remains an unequal situation” (Dijk, 1993).

Tetreault (1993) refers to the economic, social and political “positionality” of all involved within the restorative process. These differing positionalities of participants, namely staff, volunteers and clients, are caused due to their varying social identities. Johnson (2006) builds on this idea, highlighting that the power imbalances created by differing social identities exist, consciously or unconsciously, within all forms of communication in one way or another. Therefore, within restorative practices, such as circles and reparative panels, the differing positionalities of participants can have a negative effect on their willingness and ability to authentically participate. If participants are hindered from meaningful participation, it means they are unable to be fully involved in the interactive process of repairing harm, and any chance of reforming societal inequality is severely hindered (Braithwaite, 2006).

In order to address these shortcomings, Connors (2003) developed a restorative justice theory of minority intellectual discourse. This counter-discourse was based on the principles of *Oppression Theory*; a binary logic which understands in any given situation you can either correct societal inequality or perpetuate it. Connors (2003) applied this binary logic to the practice of restorative justice, understanding the restorative process to be mutually exclusive, with the ability to either “address issues of historical oppression by promoting, or progressing toward relative economic, social, and political equilibrium among groups, or to preserve the status quo arrangement of group-based inequality” (pp. 261). Daly (1999) agrees with this analysis and suggests that for restorative justice to be successful it must be tied to a political process. By this he means a process that acknowledges and engages with political minorities and marginalized social identity groups, to better understand and address their needs and challenges (Daly, 1999). In doing this, there is the theoretical foundations for restorative justice to be able to address the systems of oppression and societal inequality that exist both within restorative practices and those that restorative justice is situated in.

## **2.4 A Missing Practical Framework.**

However, even though there is the development of an alternative theoretical foundation, there is very little, if any, practical frameworks outlining how restorative justice can be used as a tool to address societal inequality. This study aims to develop a practical *Oppression Theory* based framework that can be used to help guide restorative justice practitioners to address the individual and societal impacts of conferred dominance and historical systems of oppression.



### **3. Research Methodology and Approaches**

#### **3.1 Methodology.**

This study took a pragmatic goal free methodology. It was conducted without a hypothesis to prove or disprove, but rather implemented an inductive research question, allowing the study's findings and observations to form and shape any theories or frameworks. This was done intentionally as a way to help ensure that the findings were as natural and authentic as possible, and not influenced by any preconceptions.

The study was hyper-conscious of the researcher's own situated knowledge within the subject topic. The researcher is a restorative justice practitioner and an employee for the Greater Falls Community Justice Center. Therefore, the researcher had their own understanding, experiences and opinions of how systems of privilege and oppression impact restorative justice and its practices. The researcher tried extremely hard to approach the study as a neutral practitioner, in order not to influence or skew the data in any way.

#### **3.2 Participants and Ethical considerations.**

The research consisted of six participants: the GFCJC Director, a GFCJC Staff Member, a client who has been through the GFCJC process, the Compass School Vermont RJ Program Director, a +18 year old student volunteer on the Compass School panel, and a member of the Compass School Administration. This was done in an effort to holistically gather the experiences and perceptions of restorative justice from the different levels of those involved in the process. The study includes: those who have been through a restorative justice program; those who volunteer for Justice Centres or restorative programs; and those who facilitate restorative practices.

The study's focus is on power dynamics caused systems of oppression and how this can impact restorative practices. Due to this there is a certain level of sensitivity required, especially when interviewing clients who have been through the restorative process. The interview questions were designed to ensure that the interview was a safe space allowing participants to share as much or as little as they felt comfortable with. The questions were intentionally posed in a way that explored positive ways of developing restorative practices rather than discrediting them, in order to avoid any potential conflicts with participants and employees or colleges. As an additional precaution to

try and ensure that participants felt able and willing to authentically participate, all names or key character traits that may identify them were not included in the study and they were able to withdraw from the study at any time.

### **3.3 Research Strategies.**

This study employed a qualitative research approach in an effort to focus on individuals' stories and experiences. It is extremely difficult to gather quantifiable statistics on how systems of privilege and oppression impact individuals' lived experiences. Rather, this study found it easier and much more beneficial to listen to different individuals' perceptions of how power imbalances impact their own lives and the restorative practices they engage with. The study used methodological triangulation as a technique to try and help validate an individual's experiences through cross verification with other participants involved in the study. This helped increase the reliability of the research as it compared and contrast the different information that was received from the varying different actors involved in the research to slowly create depth and understanding of the issues surrounding restorative justice.

The *base* survey consisted of 10 questions. These questions were designed to be accessible and easily understandable to anyone involved in the study. The language used was of a basic and easily comprehensible level in an effort not to confuse or isolate any of the participants. These open ended research questions allowed participants to share as much or as little as they like; as is the nature of inductive research, the more the participant was willing to share the more follow-up and clarification questions were asked. Once the researcher became aware that a participant was able and willing to meaningfully and authentically participate within the study, they would then ask more personal, critical and in depth questions.

### **3.4 Reliability of research.**

The study conducted research on six participants and combined these results with the information highlighted in the literature review. This is a fairly small sample size, however interviewees were carefully selected from a cross section of their different involvement with restorative justice. The triangulation of their data helped to verify their experiences against one another increasing the reliability of the results. This study strongly believes that every individual and community has

different perspectives and different lived experiences. What is true for one individual or community may not necessarily be true for another. Therefore, any findings, theories or frameworks that develop from this research must be understood in the specific context in which they were developed. These theories and frameworks are still valid but they may not be directly implemented or applicable in other communities, without adaptations being made to meet the needs and resources of those communities.

## 4. Analysis of Data and Findings

### 4.1 Conferred Dominance

#### 4.1.1 How does conferred dominance impact restorative practices?

Conferred dominance refers to the power imbalances that exist between individuals due to their differing social identities. These imbalances can cause individuals to be less willing and able to authentically express themselves during any given interaction, and can act as a form of oppression, consciously or subconsciously dictating *appropriate* behaviours through learned societal norms (McIntosh, 2000).

Participants of this study were asked to reflect on the demographics of the volunteers and clients who partake in the restorative processes they engage with. They were asked to think about any possible issues or areas of concern that could or have come up due to these demographics. This was done in an effort to explore the different social identities of volunteers and clients, and to assess whether those engaging in the restorative processes are acknowledging and addressing conferred dominance as a system of oppression. The four main social identity groups that were discussed throughout the interviews were age, socio-economic class, gender, and mental wellness such as mental health and addiction issues.

Those engaging in the restorative practices at The Compass School and at the Greater Falls Community Justice Center acknowledged the importance of having volunteers from a diverse age range. The Compass School program director acknowledged the importance of trying to “have students from the high school and middle school, preferably in every year on the panel.” This sentiment was echoed by the administration at the school as well as a student volunteer on the panel. However, their reasoning behind wanting to have age diversity seemed to be more related to wanting to have students from each grade so that they could “have an insight into any conflicts or issues that come up between students” (Compass Student Volunteer), rather than taking into consideration the potential power dynamics that exist between older and younger students. The diversity of age that exists within the Compass School restorative program does not appear to be there as a way of acknowledging and addressing the conferred dominance that exists between older and younger individuals but is instead just a way to have a better understanding of the issues taking place at the school throughout its different grades.

Conversely, the GFCJC appears to acknowledge that having a lack of age diversity is an issue due to reasons related to systems of oppression. The GFCJC Director stated that their “panels used to be dominated by older volunteers who were often retired and had more spare time to give”. The director added that this could be an issue not only because “older volunteers may not be able to relate to younger clients”, but also because the Justice Center is increasingly receiving referrals for younger clients and it can be “daunting for younger clients to have to face older adults instead of people their own age” (GFCJC Director). This acknowledgement of how “daunting” the restorative process can be if a client is made to face a group of volunteers who are much older demonstrates the GFCJC director’s understanding of the power dynamics that exist between those of different ages, which is driven by a system of conferred dominance.

The Compass School program director, a student volunteer on the panel, and a member of the Compass School administration all commented that the panel typically consists of students who “do well in school and are in some way school leaders” (Compass Student Volunteer). However, none of them thought that this was of particular importance and they did not seem to draw a connection between a student’s academic success and behaviour in school to their social identities, such as socio-economic class. A student volunteer on the panel also stated that they try to have a mixture of males and females on the panel so that “there is an equal representation on guys and girls” (Compass Student Volunteer). However, this appeared to be more of an effort for some form of affirmative action rather than taking into account the power imbalances that exist between males and females. Apart from taking into consideration the varying ages of the student volunteers, some slight acknowledgement of their academic success and behaviour within school, and an attempt at affirmative action between males and females being elected onto the panel, the Compass School program does not appear to take into account any other social identity groups or demonstrate an understanding of how they may impact the restorative process.

The GFCJC Director and a GFCJC staff member both acknowledged the difficulty of getting volunteers from a diverse socio-economic class background. It is very hard to get individuals who are “feeling stressed financially to want to volunteer their time” (GFCJC staff member). This causes there to be a lack of diversity with typically only individuals who feel financially stable to be able or willing to give up their time up and volunteer. The GFCJC Director acknowledged that this can be an issue, especially if the client is in trouble for something directly or indirectly related to their financial instability. Having volunteers from a financially stable place talk to clients from a financially instable place about how their actions may have harmed others has the risk of being “demeaning and frustrating for the client” (GFCJC Director). The same is true in regards to an

individual's mental wellbeing, "the vast majority of clients who are referred to the GFCJC have severe issues with either their mental health or addiction" (GFCJC Director). The GFCJC Director acknowledged that it can be very difficult for some of its volunteers to be able to relate to these issues which can lead to "awkward exchanges or inappropriate advice".

The GFCJC Director also suggested that the issue of diversity is not just of a lack of diversity in volunteers but also due to a lack of diversity in clients. The vast majority of clients that come through the restorative process at the GFCJC come from a low socio-economic class, however "this is not to say that people from higher socio-economic classes do not get in trouble with the law" (GFCJC Director). The way the reparative process currently works is that clients are typically given the option to pay fines or come through the process; those who have the means to pay the fines often take that option as it is a difficult thing to face your community and take ownership of the harm you have caused. Therefore, the problem is double edged, there is both a lack of diversity among volunteers and a lack of diversity among clients.

The way in which the GFCJC recognizes that certain interactions between individuals from varying social identity groups can be "demeaning" or "inappropriate" demonstrates an understanding of how conferred dominance can affect an individual's ability to meaningfully interact. The effectiveness of the restorative process is severely hindered if an individual's ability to authentically and fully participate in that process is reduced due to the unequal social identities of those involved. It appears that the GFCJC does recognize how the power imbalance that exist between individuals from varying social identity groups such as socio-economic class or mental wellbeing can impact restorative practices.

#### **4.1.2 What is done to address the effects of conferred dominance?**

Even though the Compass School does not appear to acknowledge how differing social identity groups can impact the restorative process, a student volunteer did identify the importance of creating a "non-judgemental" process (Compass Student Volunteer). Creating a non-judgemental space is a conscious and intentional decision which tries to ensure the restorative process is about support and repair. However, the impacts of conferred dominance exist due to deep rooted systems of oppression. The Compass School program appears to be making a conscious effort to try and create a space where clients feel willing and able to meaningfully participate, but they do not seem to take into account that power imbalances impact an individual's behaviour at a subconscious level.

Therefore, creating a space that is deemed “non-judgemental” by the volunteers may not be enough to address the conferred dominance that dictates the client’s willingness and ability to participate in the process.

Both the Compass School and the GFCJC restorative program identified that one way to address the lack of diversity among volunteers on their panels, and thus the conferred dominance that comes along with this, is by expanding and diversifying their volunteers. The GFCJC has done a good job of this over the last year, getting volunteers with “greater age diversity and who have a diversity of skills and careers” (GFCJC Director). This is definitely a step in the right direction, for the more diverse a panel can be, the less dominating it can be in regards to the social identities of its volunteers. However, regardless of how diverse a panel can become, there will always be some form of unequal power dynamic due to the nature of the process. Those involved in the process take on a certain identity as either the *offender* or the *non-offender*, due to this “regardless of volunteers’ socio-economic status, spiritual beliefs, race or gender, it is never going to be equal” (GFCJC Director).

It should be understood that diversifying the panel helps address some of the issues with conferred dominance but even with the most diverse panel possible there will still exist power imbalance between the client and the volunteers due to the very nature of the process. An alternative way to address the impacts of conferred dominance is through trainings for the volunteers. The GFCJC Director stated that “some kind of cultural competency training could help volunteers to have a deeper understanding” of those from different social identity groups. A training focussed on cultural understanding and sensitivity could be a way to help ensure that volunteers do not say inappropriate or insensitive things to clients without trying to understand the larger systems of oppression that may be in place. The Compass School program director also acknowledged that it could be very beneficial for volunteers to have a training on the restorative process and how to better understand the effects of privilege and oppression. However, both the GFCJC and the Compass School program were unsure how to conduct and implement a training of this kind for their volunteers.

## **4.2 Historical Inequality**

### **4.2.1 How does historical inequality impact restorative justice?**

Historical inequality is a form of subjugation which causes certain individuals or groups to be privileged and others to be discriminated against due to their social identities. This type of discrimination is more than overt marginalization that may take place between two or more individuals, but it is deep rooted and embedded into systems of privilege and oppression (Connors, 2003)

Participants of this study were asked why they thought people caused harm, what it means to holistically repair harm, and what can be done to ensure that a similar harm does not happen again. These questions were designed to try and gain insight into whether or not participants were able to acknowledge the systemic factors behind any given harm, as well as their ability to identify and address the concept of a societal disequilibrium. Throughout the participants responses it became clear that those engaged with the restorative practices at the GFCJC had a deep level of understanding in regards to these issues, whereas those engaged with the Compass School program did not appear to acknowledge the influencing factors behind harm or the underlying systems of oppression.

The Compass School program director and a student volunteer both identified that the reasons they believed students broke rules and caused harm to others were due to the students' developmental age and the need or want to be liked and accepted by their peers. The Compass School director stated, "In the exploration of what group they belong to they can often offend and insult each other. They haven't learned to have the perspective of other's needs, so there is an immaturity and a selfishness but that's not limited to children certainly". These similar sentiments were reiterated by the student volunteer who acknowledged that a lot of the cases they deal with have to do with relationship issues and situations where individuals are often not aware of how their actions impact others. When asked a follow up question, specifically exploring whether restorative processes at Compass School take into account external factors such as an individual's personal life or issue when trying to deal with a conflict, both the student volunteer and director stated that they very rarely talked about personal issues as they did not feel it was the right place to do so. It does not appear that the Compass School program understands conflict holistically but rather views it as an isolated event that takes place between two or more individuals.



Conversely, the GFCJC director and staff member both acknowledged those who have caused harm have typically experienced a lot of harm in their own lives, “they’ve been harmed, they’ve been angry, they feel disconnected from the community, they feel they don’t have value, and they are poor” (GFCJC Staff). The GFCJC director expanded on this suggesting that the way in which people act has a lot to do with their lived experiences. The way in which people are treated and the experiences they have throughout their life teaches them how they should act and what they need to do to have their needs met. “When people lack their basic needs, such as living in poverty, or living with addiction, if they are unable to meet those needs they often do things they would never normally do” (GFCJC Director). This level of understanding, that those who cause harm have often been hurt, whether that be emotionally, physically or by systems of inequality such as poverty, demonstrates that the GFCJC identifies historical inequality as a major influencing factor for why individuals end up going through the restorative process.

The GFCJC director also acknowledged the difficulty that restorative practitioners face when trying to take into account historical inequality as an influencing factor for causing harm. It can be challenging to acknowledge underlying systems of oppression and also hold individuals accountable for their actions. Inequality is “not an excuse for making choices that are unsafe for others and unsafe for kids but it is just the reality of why individuals tend to do the things they do” (GFCJC Director). Societal inequality does not justify the harmful actions of individuals however, it can explain why certain individuals may do the things that they do. This leads into one of the most difficult things in restorative justice, how find the right balance between support and accountability.

#### **4.2.2 What is done to address the effects of historical inequality?**

Even though the Compass program does not appear to have a holistic understanding of harm, the Compass program director did acknowledge the importance of providing prolonged support for their clients. They often have their clients develop a relationship with one of the student volunteers who they can check in with once a week to help them deal with any concerns before they turn into major issues. This is not unlike the client navigation work done at the GFCJC, where prolonged support is given to those who have been through the restorative process. The reasoning behind this support is that “if the reason someone causes harm is because they don’t have certain needs met, if those needs can be identified and met, then that person will no longer cause that harm” (GFCJC Director). This mentality is a driving factor at the GFCJC, and this is why so much is done to try

and ensure its clients have jobs, secure housing, and are getting support for any mental health or addiction issues. However, this is not to say that the GFCJC does not hold clients accountable for what they have done and require them to take ownership over their actions.

The GFCJC does a good job of acknowledging these underlying issues that are influencing factors in causing harm. They try their hardest to address these issues on an individual level but are unable to have an impact on the larger systems of oppression; “the cards are really stacked against some of these guys, they’re born into poverty, they’ve got no support systems, and most of them struggle to get jobs, especially if they’ve been incarcerated, and if they do get jobs they barely get paid enough to support themselves” (GFCJC Staff). The GFCJC acknowledges its limitations in addressing the larger societal issues driven by a capitalist agenda such as a social disequilibrium. Changing entire systems can be an incredibly difficult thing but without it, there is arguably the risk of perpetuating systems of oppressions. To counter this, the GFCJC tries to address the problems created by these systems by building and promoting a strong community.

The GFCJC restorative program believes that one of the biggest factors influencing why individuals cause harm is because they feel they are “not supported or connected to a community” (GFCJC Director). By building community relationships through the restorative process, as well as proactively engaging with the community to create a more accepting and supportive place, the negative effects of the underlying systems of oppression are mitigated. One way the GFCJC program tries to do this is by introducing the concepts of mindfulness into its community. Holding weekly mindfulness sessions open to the public and clients, the GFCJC hopes to influence its community to have a more open and connected mind-set. The fundamental idea behind community building is that if “time is spent building trust and relationships, then when harmful things do inevitable happen, there is the opportunity to have meaningful conversations because the time has already been spent building those relationships” (GFCJC Director). It is apparent that the GFCJC restorative program does try to address the effects of historical inequality but also acknowledges the difficulty in changing systems, instead of trying to address the underlying systems it tries to build community to provide room for support and healing.

## 5. Development of a Restorative Justice Training

### 5.1 Discussion

The research conducted in this study has highlighted four key areas where the restorative processes taking place at the Compass School are either lacking or could be improved upon. These four areas are:

- A limited understanding of why people cause harm;
- A limited understanding of the importance of community;
- A limited understanding of how to holistically repair harm and what that means; and
- A limited understanding of how social identities impact restorative practices.

These same four areas were the biggest points of concern for the Greater Falls Community Justice Center. Although staff and volunteers at the justice center demonstrated a deep level of understanding in each of these areas and acknowledged their importance, they had difficulty in knowing how to address these ideas and bring them into the restorative practices they engage with. There appears to be a certain level of disconnect between the actual restorative processes they engage with and their *oppression theory* based understanding of restorative justice. The GFCJC staff believe that one way they could make their restorative practices a more socially conscious process, is to give their staff and volunteers trainings to help them develop an understanding of the systems of privilege and oppression which are underlying factors in any given harm. However, they were unsure how to coordinate and implement a training that introduces *oppression theory* based ideas that is easily accessible and understandable for all staff and volunteers.

Staff and student volunteers for the restorative justice program at the Compass School acknowledged that there has been a lack of training for the volunteers of the program. Due to this lack of training the volunteers have a relatively narrow understanding of what restorative justice means and how to engage in restorative processes in a socially conscious way. There did appear to be some efforts made by the Compass program and the GFCJC to try and address the power imbalances caused by systems of oppression. However, due to there being no practical framework to help guide individuals and organizations in addressing the impacts of societal inequality on restorative practices, most of these efforts were fairly ineffective. Overall, it does not appear that the Compass School or the GFCJC are currently doing enough to address the impacts of privilege

and oppression on the restorative practices they engage with, but this is not to say they are not willing to reform and address these issues.

Following this research, the Director of the Compass School restorative program reached out to the GFCJC asking if it would be possible for the members of the Compass School restorative program to receive a week long training to help improve the quality of their restorative practices. As the Reparative Panel and Restorative Justice in Schools coordinator for the GFCJC, the responsibility was given to researcher of this study to design and implement a week long training for the Compass School restorative program.

## 5.2 Compass School Training Program

I wanted to ensure that the training program took an *oppression theory* based approach to restorative justice and acknowledged the main concerns that were raised throughout the literature review and research analysis of this study. Most notably:

- The importance of community and how to engage with that community in a socially conscious way;
- How societal inequality, social identities and systems of oppression are influencing factors into why people cause harm; and
- How to holistically repair harm whilst also acknowledging and addressing the perpetuation of a social disequilibrium.

The training program consisted of ten different training elements including interactive workshops, group dialogues and discussions, a question and answering panel with restorative justice practitioners, as well as two service projects and the opportunity for students to assess and redesign their own restorative process (see Table 2 for the training program outline). The program was designed with an intentional flow, slowly introducing and building upon ideas and concepts to address the main areas that were identified through the research and literature review where restorative practices in general, and the Compass School program specifically are challenged or limited.

**Table 2:** Compass School Training Program Outline

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
	27th Feb	28th Feb	1st March	2nd March	3rd March
08:40	Arrival Time: 9:00	Arrival Time: 8:40	Arrival Time: 8:40	Arrival Time: 8:40	Arrival Time: 8:40
	<b>Orientation:</b>  Week Outline What is the GFCJC Building Community	<b>Columbian Hypnosis Workshop:</b> What is power?	<b>How do we Repair Harm?</b>	<b>RJ Panel:</b> Mike Malick, Bianca Zaransky, KB...	<b>What does it mean to be a RJ practitioner (Role-Play)</b>
10:30	<b>What is Restorative Justice?</b>  Developing Understanding: Dialogue Training	<b>Why do people cause harm?</b>	<b>Restore to What?</b>	<b>Data Gathering/Awareness Campaign</b>	<b>What can We improve at Compass?</b>
11:30	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
12:15	<b>Mission, Vision and Values Posters</b>	<b>Mission, Vision and Values Posters</b>	<b>Data Gathering/Awareness Campaign (Prep)</b>	<b>Data Gathering/Awareness Campaign</b>	<b>Moving Forward Action Steps</b>
					<b>Week Reflection</b>
02:05	<b>Closing Circle</b>	<b>Closing Circle</b>	<b>Closing Circle</b>	<b>Closing Circle</b>	<b>Closing Circle</b>
02:10	End of Day	End of Day	End of Day	End of Day	End of Day

	Orientation/Closing		Poster Project
	Interactive Workshop		Awareness Project
	Group Dialogue		RJ Panel

The program was designed as a ten step process with the aim of developing an understanding of privilege and oppression, encouraging a critical analysis of current restorative processes, and supporting the introduction of *oppression theory* based approaches into existing restorative practices (Table 3). Its overall aim was to help students understand the individual and societal impacts of conferred dominance and historical oppression, as well as aiding them in developing pragmatic ways of addressing societal inequality within restorative practices.

**Table 3: Program Flow**

<ul style="list-style-type: none"> <li>• <b>Community Building:</b> Build understanding of the importance of community; the community in general and community within the training group.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>How to engage in Restorative Practices:</b> Develop a shared understanding of what is meant by restorative justice and begin to develop the skills needed to engage in undominated dialogue.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Power and Oppression:</b> Introduce ideas of interconnectedness, power and control, which will then slowly lead into discussions around social identities and systems of oppression.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Why do people cause harm?</b> Begin to explore the influencing factors behind why people cause harm, which will then lead into discussions around how to balance support and accountability.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>How to repair Harm:</b> Explore different ways to repair harm and transform interpersonal conflict, and develop an understanding of what conflict is and how it can provide opportunities for change.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Restore to what?</b> Critically assesses what it means to restore harm and what we are restoring harm too; slowly introducing the concept of a social disequilibrium.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>RJ Panel:</b> Engage in a panel discussion with restorative justice practitioners and those who have been through the restorative process to begin to understand the reality of this work.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Theory to Practice:</b> Engage in an experiential educational role-play to refine and put into practice the <i>oppression theory</i> based concepts covered throughout the training.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>S.W.O.T Analysis:</b> Critically assess the restorative processes that they are currently engaged with, exploring any strengths, weakness, opportunities or threats.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Moving Forward:</b> Develop some solid action steps moving forward to incorporate <i>oppression theory</i> based concepts into the restorative process.</li> </ul>

The Program starts by developing an understanding of community, building both the theoretical understanding of a community's importance, as well as developing a shared community among the students. It ensures that students understand appropriate ways of communication with each other during the program and also how to properly engage and communicate within undominated dialogue. It then stresses the importance of privilege and oppression, something that is first introduced in terms of power and control. This is intentionally done in an effort for students to begin to understand different positions of power before trying to grasp more difficult concepts such as systems thinking or social identity politics. It then moves on to an analysis of why people cause harm; exploring influencing factors such as the experiences and external environments that individuals have grown up with, as well as deep rooted social inequalities such as socio-economic class, race and gender.

Following this, it introduces different ways to repair harm and transform interpersonal conflict. No one conflict resolution style is highlighted as better, but an emphasis is put on the individuals involved and the individual conflict situation. This leads to the students' personal reflection and exploration of their own social identity positionality and how this may impact the restorative

practices they engage with. The program then introduces the idea of a societal disequilibrium, and leads students' to explore what role restorative justice currently has, and should have in addressing this disequilibrium. It then enables the students to engage in experiential educational activities, allowing them to practice implementing the *Oppression Theory* based concepts covered throughout the program into a restorative practice scenario. The program ends with the students reflecting on the restorative practices they currently engage with, assessing their own communities needs and capabilities of introducing *Oppression Theory* based concepts into the work that they do.

### **5.3 Moving into an Oppression Theory Practical Framework**

During the development of the training program, I was driven by the idea of designing an *Oppression Theory* based practical framework in the form of a restorative justice course. I wanted to create a practical framework that could be used to train and guide restorative justice practitioners, in schools and justice centers, enabling them to better understand the impacts of systems of privilege and oppression on the restorative process. I wanted this course to be easily accessible, adaptable, and have clear step by step instructions on how to properly implement and facilitate it. I began to view the training week at the Compass School as an opportunity to test and refine the course so that it could be developed into a high quality *Oppression Theory* based practical framework. At the end of the training week at Compass School, an end of program evaluation survey was conducted by the Director of their restorative program. The results of these evaluation surveys were made public and I used the feedback from them, as well as my own observations of the program, to adapt and refine the program and develop it into a restorative justice course. This course has since been reviewed by educators and restorative practitioner alike, most notably the founder and director of The Just School Project, to ensure it is a high quality educational material.

The overall feedback from the Compass School students was that they found the program engaging and learned a lot about the influencing factors of why individual's may cause harm. They particularly enjoyed the team building and interactive activities that led into more serious and in-depth discussions, such as the hula-hoop community builder, the Columbian Hypnosis understanding power activity, and the theory to practice role-play. Due to the students' positive response to such activities, I decided to also include the "inter-connected web activity" which leads into a discussion around community and the ripple effects of harm.

One concern that was raised by a few students and something I also observed, was the direction that one activity went. The purpose of the activity was to get students to reflect on a time they had been in a position of power or subjugation, with the hope that students would bring into the room experiences related to their social identities. However, it did not appear that there was enough ground work laid out to steer the conversation in this direction, and the students mainly shared experiences related to their roles or positions at work and school. In order to achieve the desired purpose and outcome of the activity, I decided to add a short educational video at the beginning of the discussion which breaks down privilege and oppression in terms of differing social identities. This was done with the intent to better enable participants to reflect on their experiences of power and subjugation in relation to their social identities.

Something else that was very positively received by the Compass School students was the Restorative Justice Panel that allowed a discussion to take place between the students, the GFCJC staff, and a client who had been through the restorative process. I too thought this activity worked out great and the students were able to gain a deeper insight into how other programs practice restorative justice. However, the coordination of this panel was heavily reliant on the resources I had available through the GFCJC. Due to this, I acknowledged that not everyone wanting to facilitate the course would have the ability to host such a panel. Therefore, I did not feel that it was appropriate to be included as a core activity of the course, however I welcome those who have the means to do so to include a similar type of panel in the course as it was an interesting learning experience for the students involved.

The feedback provided by the founder and director of the Just School Project was overall very positive. The main suggestion that she made for the course was to include a greater variety of discussion and reflection opportunities. For example, having full group discussions, talking in pairs and then sharing with the larger group, and having some personal written reflection that does not have to be shared with the larger group. I took this advice and included a greater variety of discussion and reflection opportunities to try and enable all participants involved to feel more willing and able to participate.

For this restorative justice course to be as pragmatic, adaptable, accessible, and as easily implemented as possible, it is broken down into five core units. These units are subsequently broken down into separate activities with detailed descriptions of their purpose and process. At the beginning of each unit the overall themes of that unit are outlined, along with three distinct goals and objectives. The goals and objectives follow an intentional pattern: they outline what they want



the participants to **learn** during the unit; how they hope the unit will **inspire** participants; and how they want the participants to **act** in a way that demonstrates what they have learnt. It is these goal and objectives, as well as the overall themes that are the crucial elements of each unit. I adopted this process of “to learn, to inspire, to act”, from the educational material *Empowering Global Citizens: A World Course* (Reimers et al, 2016). This book introduces an open curriculum for global citizenship education designed to equip students with the competencies they will need to thrive and contribute to sustainable development in an era of globalization. I believe by using a similar framework in “A Restorative Justice Course” it will be as detailed, as well set out, and as easily implementable as possible.

Every community has different needs and resources, therefore an activity that may be appropriate for one community may not be appropriate for another. This is why the course should be thought of as a practical framework, which outlines the major themes, goals and objectives of each unit but does not necessarily dictate every step of the process. The activities within each unit should be understood as just one way to achieve and cover the distinct themes, goals and objectives. If the activities in the course are to be adapted, changed or new activities are to be used, it is important that the themes, goals and objectives of each unit are still covered, in order to ensure that the overarching aims and purpose of the course are still met.

Following is a copy of “A Restorative Justice Course: Understanding Privilege and Oppression” (pg. 28-49). It is currently in the process of being uploaded to the Community Justice Network of Vermont’s (CJNVT) official website so that the *Oppression Theory* based framework will be available state wide to be used and adapted by different community justice centers and restorative justice practitioners. It has also been distributed at the state wide reparative panel coordinator meeting with each coordinator taking a copy back to their own justice center.

\*\*\*\*\* SEE FOLLOWING SECTION: “A Restorative Justice Course” (pg. 28-49) \*\*\*\*\*

## A Restorative Justice Course: Understanding Privilege and Oppression.

### **Target Audience:**

This course is designed for restorative justice practitioners or those who engage, or wish to engage, with restorative practices. Whether they volunteer or work for community justice centers, social justice centers, the Police Department, the Department of Corrections, or restorative justice programs within schools, this course hopes to strengthen and deepen participants' understanding of how to implement socially conscious restorative practices.

### **Theme:**

How to acknowledge and address the impacts of conferred dominance and societal inequality, caused by systems of privilege and oppression on restorative justice practices.

### **Description:**

In this course, participants will be guided through a practical *Oppression Theory* based framework which will help them understand the individual and societal impacts of conferred dominance and historical oppression, as well as aid them in developing pragmatic ways of addressing societal inequality within restorative practices.

It starts by developing an understanding of community, building both the theoretical understanding of a community's importance as well as developing a shared community among the participants. It ensures that participants understand appropriate ways of communicating with each other during the program and also how to properly engage and communicate within undominated dialogue. It then stresses the importance of privilege and oppression, something that is first introduced in terms of power and control. This is intentionally done in an effort for participants to begin to understand different positions of power before trying to grasp more difficult concepts such as systems thinking or social identity politics. It then moves on to an analysis of why people cause harm; exploring influencing factors such as the experiences and external environments that individuals have grown up with, as well as deep rooted social inequalities such as socio-economic class, race and gender.

Following this, it introduces different ways to repair harm and transform interpersonal conflict. No one conflict resolution style is highlighted as better, but an emphasis is put on the individuals involved and the individual conflict situation. This leads to the participants' personal reflection and exploration of their own social identity positionality and how this may impact the restorative practices they engage with. This course also introduces the idea of a societal disequilibrium, and leads participants to explore what role restorative justice currently has, and should have in addressing this disequilibrium. It then enables participants to engage in experiential educational activities, allowing them to practice implementing the *Oppression Theory* based concepts covered throughout the course into a restorative practice scenario. This course ends with the participants reflecting on the restorative practices they currently engage with, assessing their own communities needs and capabilities of introducing *Oppression Theory* based concepts into the work that they do.

### **Looking Back:**

Understanding how historical oppression and conferred dominance not only impact behaviour but can also be an influencing factor in why people cause harm.

### **Looking Forward:**

How to implement *oppression theory* based practices into restorative justice work.

### **Overview of the Units:**

1. What is Restorative Justice and how should we communicate within it?
2. Power, oppression and why people cause harm.
3. Transforming conflict back to a disequilibrium.
4. What it means to be a Restorative Justice practitioner.
5. Course Application and Program Development

### **Adapting the Course:**

This course is designed in a way that allows and encourages the adaptation and development of its activities. It understands that every community has different needs and resources, therefore an activity that may be appropriate for one community may not be appropriate for another. This is why this course should be thought of as a practical framework, which outlines the major themes, goals and objectives of each unit but does not necessarily dictate every step of the process. The activities throughout this course should be understood as just one way to achieve and cover the distinct themes, goals and objectives of each unit. If the activities in this course are to be adapted or changed, it is important that the themes, goals and objectives of each unit are still covered. This needs to be done in order to ensure the quality of the course and that its' overall aims and purpose are met.

- Unit:** 1
- Topic:** What is Restorative Justice and how should we communicate within it?
- Themes:** Community; undominated dialogue; developing understanding; active listening; group norms; and understating restorative justice.

### **Goals and Objectives:**

1. **Learn** the importance of community and how to properly engage in undominated dialogue with that community.
2. **Inspire** participants to develop a set of socially conscious *Norms* that they will use to help guide all dialogues and restorative practices they engage with.
3. **Act** by demonstrating their understanding of community and undominated dialogue by respecting all participants and *Norms* for the duration of the course.

### **Overview:**

In this unit, participants will explore the concepts of community, undominated dialogue, and develop an understanding of what restorative justice means. They will start by developing group norms that will be in place for the duration of the course. This will lead into a team building activity focussed on the development of community; both the theoretical understanding of its importance, as well as the strengthening of the community that exists between the participants. They will then discuss their own personal understandings of restorative justice before learning about the key elements that encompass restorative practices. They will also undergo dialogue training helping them to develop the skills necessary to engage in undominated dialogue.

### **Resources:**

- Hula-hoop
- Restorative Agreement
- Harm and Impact Statement

## Activity 1.1

### ***Developing our Norms***

Through this activity participants will be shown a brief overview of the course and develop their group norms.

Group Norms:

- Participants will be welcomed to the course, invited to take a seat in a circle, share name and one thing people don't know about themselves, and be given a brief overview of the structure of the course.
- They will be introduced to the idea of *norms*: they will be asked to compare *norms* and rules.
- Participants will pair off to discuss one thing they think makes a safe and comfortable educational environment, then share out with larger group.
- Discuss some of the ideas that were said. Ask the group to come up with some norms to help achieve these.
  - Typical norms: step up, step back; I statements; one person speaking at a time; respectful language; active listening; encourage others to share; be fully present; don't interrupt; no phones.
- After group norms have been developed ask participants to go round again in a circle process and say one or two things they really want to get out of this course.

## Activity 1.2

### ***Building our Community***

Through this activity participants will begin to develop a relationship among each other and start to explore the importance of community.

Hula-hoop Team Builder:

- All participants stand around a hula-hoop in a circle. They put two fingers of each hand straight out at around shoulder height, ensuring their palms are perpendicular to the ground so they cannot wrap their fingers around the hula-hoop.
- The hula-hoop is placed on top of their fingers: their aim is to bring the hoop down to the ground.
- Rules: Fingers must remain with constant contact to the hula-hoop.
  - Fingers can't wrap around the hula-hoop
- Tips: if participants are having difficulty getting it to the ground they can start with their knees on the ground and hands up and shoulder height.
- Processing Questions:
  - What happened?
  - What were you thinking?
  - Was anyone blamed? Was it really their fault?
  - Real life application: what does this make you think of?
- Community Questions
  - In what ways does it relate to community?
    - Ideas of all needing to work together, sometimes individuals get blamed but is it really their fault?
  - Discussion in pairs then group share:

- What is a community? Why is it important?

### **Activity 1.3**

#### ***Restorative Justice?***

Through this activity participants will discuss what they already know about restorative justice and then learn about the key elements that encompass restorative practices.

What is Restorative Justice?

- Put an emphasis on participants already being restorative justice practitioners: able to learn from one another.
- Participants each talk to a partner about their understanding of restorative justice: then share out with larger group.
- Introduce 4 key concepts:
  - Repairing past harms, Building understanding, Restoring relationships, Support and accountability
- Show group Agreement and Harm and Impact Statement: who was hurt, how were they hurt, how do we repair that harm?
- Group discussion: What are your initial thoughts of the Agreement and Harm and Impact Statement?
- Discussion in pairs then group share for larger discussion: on what the relationship is between restorative justice and community.

### **Activity 1.4**

#### ***Listening to Understand***

Through this activity participants will develop active listening skills and gain a theoretical and practical understanding of what it means to engage in undominated dialogue.

Dialogue Training:

- Relate back to a key idea of restorative justice: to build understanding.
- Listening to UNDERSTAND rather than to just respond: How is this achieved?
- Listening finger activity:
  - Have participants stand in a circle
  - Each place their right hand out as a platform, with one finger on left hand pointed up to the sky.
  - Place the pointed finger into the hand of the person to their left.
  - Participants have to listen: every time the words *Understanding* and *Harm* are said by the facilitator, the participants will simultaneously try to grab the others finger and escape their own finger from being grasped.
- Group discussion: what do debate/discussion/dialogue mean
  - Debate is to win
  - Discussion is to share and respond
  - Dialogue is to understand
- Active listening activity: ask participants what they think active listening is
  - Body language is very important: have them mimic good body language and bad body language for active listening (sitting up, nodding, using fillers)
- Have participants pair off:

- Discussion topics:
    - What you did over the weekend? (Bad body language)
    - What made you interested in restorative justice? (Good body language)
  - One will talk while the other demonstrates bad body language, then switch
  - One will talk while the other demonstrates good body language, then switch
  - Process: How did you find that? What was easy? What was difficult?
- What else is important during dialogue?
- Asking clarifying questions: sensitivity is vital, allow them to share what they are comfortable sharing.
  - Not interrupting or talking over each other
  - Having norms.

#### Understanding Perspective:

- Participants will stand in a circle:
  - Point one finger up into to air and hold it above their head
  - Spin the hand in a clockwise circle that is parallel to the ground
  - Ask participants to bring their hand down, still spinning the circles, until their hand is at their chest level.
  - Ask participants what they notice? Is it still spinning clockwise?
  - How is this linked to dialogue?
    - People come from different perspective and see things differently.
    - Dialogue is about trying to understand those differences.

## Activity 1.5

### *Reflecting on the Unit*

Through this activity participants will reflect on the unit thinking about their biggest challenges, lessons learned or takeaways.

#### Looking Back:

- Using a Circle Process have participants quietly reflect and the share one or two answers with the group:
  - What was your favourite thing during the unit?
  - What was the most challenging thing for you?
  - What were some of your biggest takeaways or lessons learned?

- Unit:** 2
- Topic:** Power, oppression and why people cause harm.
- Themes:** Social inequality; interconnection; power; products of our environment; support and accountability; privilege and oppression.

### Goals and Objectives:

1. **Learn** how systems of privilege and oppression can impact people's lived experiences and be an influencing factor into why they might cause harm.
2. **Inspire** participants to think more critically about issues, no longer understanding harm as an isolated incident but exploring the deep rooted societal factors that may influence any given harm.
3. **Act** by demonstrating non-judgemental attitudes and developing a culture of compassion, support, accountability and understanding.

### Overview:

In this unit, participants will explore the impact of systems of privilege and oppression. These ideas are first introduced in terms of power and control in an effort for participants to begin to understand different positions of power before trying to grasp more difficult concepts such as systems thinking or social identity politics. They will then move on to an analysis of why people cause harm; exploring influencing factors such as the experiences and external environments that individuals have grown up with, as well as deep rooted social inequalities such as socio-economic class, race, and gender. Participants will end the unit with a discussion on how to balance support and accountability for those who have caused harm and have been hurt.

### Resources:

- Socio-economic class comic: <http://deadstate.org/youll-never-see-privilege-the-same-way-again-after-looking-at-this-comic/>
- Privilege and oppression video: <https://www.youtube.com/watch?v=hRiWgx4sHGg>



## Activity 2.1

### *We Are Interconnected*

Through this activity participants will explore ideas of interconnectedness and how these ideas relate to restorative justice.

Web of Interconnection:

- Participants stand in a circle and are asked to pick two people:
  - Rules: not someone already standing next to them, and are not allowed to tell each other who they picked.
- Need to position themselves exactly on a straight line in the middle point between the two people (demonstrate this).
- After participants try (often they will collide in the center) get them to return to the circle and ask: What happened? How did this make you feel?
  
- Have participants pick two new people:
  - Again they cannot be standing next to them, and are not allowed to tell each other who they picked.
- Need to position themselves at an equal distance between the two people: does not have to be on a straight line but imagine an isosceles triangle (demonstrate this).
- Allow participants to try this for a while until they find the equilibrium and are able to come to a stop (hints: if the group is finding it difficult encourage them to talk to each other- good advice is to move slowly)
  
- Processing Questions:
  - What Happened? Why? Real life applications?
  - How does it relate to restorative justice: harm can have a ripple effect through the community; we are all part of a community and need to support each other; we are all connected

## Activity 2.2

### *Columbian Hypnosis: Part 1 and 2*

Through this activity participants will develop an understanding of power and control, and begin to explore how these relate to systems of privilege and oppression.

Part 1 One-on-One:

- Participants will form groups of two: one person will be the hand, one will be the face.
- Explanation:
  - One person will raise their hand up in front of the other's face.
  - Imagine the hand is a giant magnet, and the face is a metal ball. As the hand moves the head moves always remaining a 6 inch distance.
  - The hand can move forward, back, left, right, up, down, spin around: head always has to remain 6 inches from the hand (demonstrate).
  - Remind group of safety concerns: avoid crashing into each other or other things in the space.
- Allow the participants to both have a go at being the hand and the face

- Processing Questions:
  - What happened?
  - Who liked being the hand more? Why?
  - Who liked being the face more? Why?
  - What did it feel like being the hand/face?
  - Real life applications: How does this relate to control, power and oppression?

#### Part 2 Group Hypnosis:

- Same rules apply as Part 1:
  - Have one participant stand in the center of the room with both hand out.
  - Two more put their faces in front of these hands and put out their 4 hands.
  - Four more participants put their faces on these new hand: this continues until all participants have a place
- After a while swap the participants place in the “web”, someone from the outside comes into the middle (Demonstrates how different people act when in positions of power)
- Processing Questions (Exploring themes of control, power, systems, oppression, interconnection):
  - What happened?
  - What was it like being in the middle?
  - What was it like being on the outside?
  - How did it make you feel?
  - How was it different when person X was in the center compared to person Y?
  - Real life application: how does this relate to power?
  - How do you think this relates to restorative justice?

### **Activity 2.3**

#### ***Privilege, Power and Me***

Through this activity participants will reflect on their experience of power, and begin to develop an understanding of privilege and oppression in relation to their social identities.

#### Reflection Activity:

- Participants will first watch the video: “Sometimes you’re a Caterpillar” (focus of the video is privilege caused due to different social identities)
  - Ask the group their initial reactions to the video
  - What did it make them feel/think of?
  - How does it relate to the previous activity?
- This activity is focussed on personal reflection, tell the participants that they do not need to share what they write but there will be an opportunity for those who wish to share at the end of the activity.
- Give participants 5-10 minutes on each section:
  - Reflect on a time you were in a position of power or privilege? Why were you in that position? How did it make you feel?
  - Reflect on a time you were in a position of subjugation or oppression? Why were you in that position? How did it make you feel?
  - Provide an opportunity to share with the group.

## Activity 2.4

### *Hurt People, Hurt People*

Through this activity participants will develop their understanding of the influencing factors behind any harm, as well as begin to discuss balancing both support and accountability.

Why do people cause harm?

- Have student discuss in pairs and then group share:
  - What does the phrase “Hurt people, hurt people” mean?
  - Have partners discuss a time they hurt someone because they were hurt themselves, or were someone hurt them because they were hurt.
  
- Show group socio-economic class comic:
  - What are your reactions to the comic?
  - How does it relate to why people cause harm?
  - Products of our environments: oppressive systems cause people to cause harm
  
- Support and Accountability (Discuss in partners then share):
  - If there are identifying factors that cause people to cause harm, then can we hold people accountable?
  - Give example of student struggling in school (being late/not doing homework/being aggressive to others) due to a difficult situation at home.
  - Give example of a sex offender (over 85% of sex offenders were sexual assaulted when growing up)
  - How do we find that balance of support and accountability?
  - Influencing factors, such as systems of oppression, can somewhat explain why someone causes harm BUT they do not justify that harm.
  
- The Role of Mass Incarceration (Discuss in partners then share):
  - What is the relationship between mass incarceration and the concept of “hurt people, hurt people”?
  - What impact do you think harsh sentencing has on a person’s ability to productively re-enter a community?
  - If someone’s experience during incarceration is an influencing factor into why they might re-offend, what balance can be found between support and accountability?

## Activity 2.5

### *Reflecting on the Unit*

Through this activity participants will reflect on the unit thinking about their biggest challenges, lessons learned or takeaways.

Looking Back:

- Using a Circle Process have participants quietly reflect and then share one or two answers with the group:
  - What was your favourite thing during the unit?
  - What was the most challenging thing for you?
  - What were some of your biggest takeaways or lessons learned?

**Unit:** 3

**Topic:** Transforming conflict back to a disequilibrium

**Themes:** Interpersonal conflict; community conflict; repairing harm; social inequality; and societal disequilibrium.

### **Goals and Objectives:**

1. **Learn** about different conflict transformation styles and ways of repairing harm, as well as exploring how to address the influencing factors behind any given harm.
2. **Inspire** participants to productively address interpersonal conflicts within their own lives and think more critically about their own social identity positionality.
3. **Act** by demonstrating their willingness to address interpersonal conflicts and their ability to take into account larger systems of oppression.

### **Overview:**

In this unit, participants will be introduced to several different ways to repair harm and transform interpersonal conflict. No one conflict resolution style is highlighted as the best, but an emphasis is put on the individuals involved and the individual conflict situation. Following this, the participants engage in some personal reflection and exploration of their own social identity positionality and how this may impact the restorative practices they engage with. They will then move on to develop an understanding of a societal disequilibrium, ending the unit on a discussion on what role restorative justice currently has, or should have in addressing this disequilibrium.

### **Resources:**

- Optical illusion image of Old Lady and Young Lady
- Paper with the 5 conflict transformation style written on each:
  - Competing, Avoiding, Collaborating, Accommodating, and Compromising

## Activity 3.1

### *Understanding Conflict*

Through this activity participants will develop a holistic understanding of impersonal conflict and begin to explore how different perspectives can alter how conflict is seen.

Harm and Conflict:

- When referring to harm we are often referring to a conflict between two or more individuals or the community.
- The focus of this session will be interpersonal conflict: a conflict between individuals or the community

Defining Conflict:

- Ask participants to generate one word or phrase they associate with conflict. Circle process to share with group.
- Expect to have mainly negative words, intentionally ask for positive terms – have participants discuss in pairs how conflict can be positive and then group share.
- Is conflict good or bad?
  - It is a natural part of life, it is an opportunity for change and the renewal of relationships.

Understanding Perspective:

- Show participants the optical illusion of Old and Young Lady.
- Ask participants to think quietly as they look at the image
- Ask them who sees the old lady? Who sees the young lady? Who sees both?
  - If you cannot see one of these ask your neighbour to help you. Help everyone see both images.
- What has this got to do with conflict?
  - Neither is right or wrong
  - We see things differently: something that may seem like a conflict to me might not seem like one to you.
  - There are sometimes hidden conflicts: “Where you sit, determines what you see”
  - Ask participants for examples of things they’ve experienced that have been a conflict for one person but not for the other.

## Activity 3.2

### *Interpersonal Conflict Transformation*

Through this activity participants will explore five different conflict resolution styles, exploring the positives and negative of each while reflecting on their own experiences with each style.

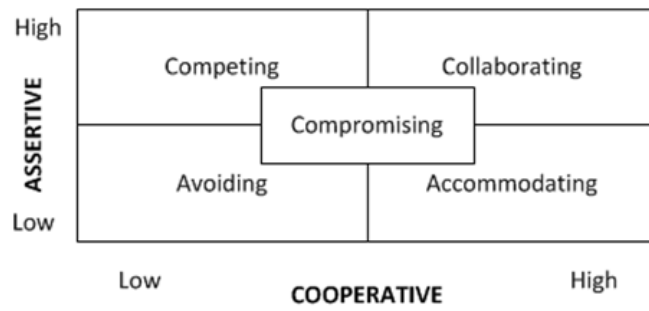
Conflict Resolution Styles:

- Introduce the five types of conflict resolution styles to participants.
  - Go around the room and reveal each style one at a time.
  - Ask participants what they think each style means before telling them (ask them if they think the Relationship or Issue is more important for each style)
- Once all styles have been revealed and discussed, give students different detailed prompts for different types of conflict they may have experienced based upon different relationships:

- A conflict with their best friend, teacher, parents, another participant, stranger, partner, someone at work, boss etc.
- The more detailed the prompt the easier for participants to relate the situation to their own lives: allow time for participants to give suggestions of conflicts.
- Participants will walk around the room positioning themselves near to what style/styles they think best describes how they would deal with the situation.
  - Ask participants why they chose each position: get those who are standing in opposite positions to explain why.
- At end of the activity get participants to reflect on their movement around the classroom: what do you think this represents:
  - Conflicts with different individuals will use different resolution styles: there is not right or wrong way, depends on issue and depends on relationship

Set up:

- Competing, Avoiding, Collaborating, Accommodating, and Compromising: take into account importance of different things Issue (*assertiveness*) or the Relationship (*cooperative*).



Accommodation: RELATIONSHIP > issue.

- Giving in to another person's point of view – give in, hold back, accept, alter oneself.

Avoiding: relationship + issue = 0

- Denying a problem/pretending nothing is wrong – withdrawal, ignoring, denial

Compromising: Relationship/Issues (50/50)

- Each person wins some and loses some (you may fix immediate conflict but not the bigger problem) – deal, come to understanding, bargain

Competing: relationship < ISSUE

- Getting what you want, no matter what – defend, oppose, challenge

Collaborating: Relationship = Issue

- Finding a solution that makes everyone happy/looking closely at the sources of conflict- come together, work together

Helpful Distinction:

- Compromise vs Collaborating:

- Compromise = I want yellow, you want blue- we compromise and have red. No one is happy
- Collaboration = We decide to mix together the best part of our colours together to create something new – we create turquoise.

### **Activity 3.3**

#### ***Social Identity Positionality***

Through this activity participants will reflect on their own social identities and explore how oppression in the form of learned behaviour and societal norms can impact restorative practices.

Conferred Dominance:

- Conflict can be caused due individuals differing social identities.
- This conflict can be a type of subtle oppression
- Specific type of oppression known as conferred dominance:
  - Ideas of learned behaviours and societal norms that dictate how certain individuals with different social identities should act.
  - Example: males dominating conversations: not to say that all men dominate conversations, or that all men who do dominate conversations are overtly racist: but looking at deeper systems of privilege and oppression
- Ask participants what their initial reaction to the concept of conferred dominance is
- Get participants to discuss in pairs and then share:
  - A time where conferred dominance may have impacted their behaviour (in a marginalized or privileged way)
- Group Discussion:
  - Ask participants how they think conferred dominance could impact the restorative practices they engage with.
  - Are there ideas what could be done differently to address these impacts?

### **Activity 3.4**

#### ***Societal Disequilibrium***

Through this activity participants will engage in a discussion around social inequality and societal disequilibrium, developing their understanding of how to address these systems of oppression.

Equilibrium vs Disequilibrium:

- Refer back to the previous activity on people being products of their environment: often having external oppressive systems influencing why they cause harm.
- Discussion in partners the group share:
  - When thinking about restorative justice, what does it mean to repair harm?
- Introduce ideas of equilibrium vs disequilibrium
  - A traditional understanding of restorative justice is that society is at a state of equilibrium (everything is ok), and harm happens causing it to be thrown into a state of disequilibrium (everything is not ok), and it is the role of restorative practices to return it back the original state.

- An *Oppression Theory* base understanding of restorative justice is that society always exists in a state of disequilibrium (everything is not ok), and it is due to this disequilibrium caused by systems of oppression (such as social inequality or conferred dominance) that people cause harm in the first place. Restorative justice must do more than just restore the community back to this disequilibrium, it must strive to help address the systems of oppression.
- If restorative practices don't address these systems of oppression then all it is doing is perpetuating them.
- Group discussion:
  - What are your thoughts on the *Oppression Theory* understanding of restorative Justice?
  - What can be done to address these larger systems?
  - What role do you think community development could have in addressing these system?
    - If individuals are more connected and supported by their communities they feel less isolated and alone, and there is a reduced chance of them causing harm to the community.
- Critical of your own process:
  - Do you see the same people coming through your restorative process again and again?
  - Do the people you work with typically come from a certain demographic? Do you think this could be influenced by larger factors or systems of oppression?
  - Who is on the panel/board/position of power during your restorative process vs who come to the panel/board? Why do you think that is? Do you think it is an issue/could be an issue?

### **Activity 3.5**

#### ***Reflecting on the Unit***

Through this activity participants will reflect on the unit thinking about their biggest challenges, lessons learned or takeaways.

#### Looking Back:

- Using a Circle Process have participants quietly reflect and then share one or two answers with the group:
  - What was your favourite thing during the unit?
  - What was the most challenging thing for you?
  - What were some of your biggest takeaways or lessons learned?



- Unit:** 4
- Topic:** What it means to be a Restorative Justice practitioner?
- Themes:** Restorative line of questioning; social inequality; support and accountability; systems of oppression; restorative practices; theory to practice.

### **Goals and Objectives:**

1. **Learn** how to engage in restorative practices in a socially conscious way, taking into account the concepts outlined in *Oppression Theory* based approaches.
2. **Inspire** participants to try and holistically understand harm and the restorative process, taking into account its influencing factors and the impact it has on individuals and communities.
3. **Act** by implementing a restorative line of questioning into the restorative practices participants engage with, in an effort to balance both support and accountability.

### **Overview:**

In this unit, participants will be introduced to restorative lines of questioning that can be used when talking to those who have caused harm or those who have been harmed. They will discuss the positives, negative and possible application of these lines of questioning, before moving on to engage in experiential educational activities. Participants will actively engage in a role-play where they will be able to practice implementing the *Oppression Theory* based concepts covered throughout the course into a restorative practice scenario. Depending on what types of restorative practices (reparative panels, circle processes, group conferencing) that the participants engage with or wish to develop, the experiential educational activity will be specific to their wants and needs. The participants will observe each other engaging in the activity and discuss with each other what they thought worked well or what could be improved.

### **Resources:**

- Restorative Line of Questioning handouts
- Role-play scripts

## Activity 4.1

### *Asking the Right Questions*

Throughout this activity students will review the restorative line of questioning proposed by the International Institute of Restorative Practices, examining the practicality of its application.

Restorative Line of Questioning:

- Ask participants if they know what a restorative line of question is. Have them discuss their different thoughts.
- Hand out the International Institute of Restorative Practices suggested line of questioning for participants to look over:
  - Questions for those who have caused harm:
    - What happened?
    - What were you thinking of at the time?
    - What have you thought about since?
    - Who has been affected by what you have done?
    - What do you think you need to do to make things right?
    - What do you think needs to happen so it doesn't happen again?
  - Questions for someone who has been harmed:
    - What did you think when you realized what had happened?
    - What impact has the incident had on you and others?
    - What has been the hardest thing for you?
    - What do you think needs to happen to make things right?
- Ask participants to discuss in pairs what their initial reaction to the questions are, then group share.
- Discuss in partners then share: what are the potential positives or negatives for implementing this type of line of questions in the restorative process you engage with?
  - Could seem too scripted; might not explore the more deep rooted issues; could be good for the healing process; idea of “victim”/”offender” is not always so clean cut.

## Activity 4.2

### *Theory into Practice*

Through this activity participants will engage in an experiential educational activity in the form of role-play scenario. They will be given the opportunity to practice implementing *Oppression Theory* based approach into a restorative process.

Experiential Educational Role-Play:

- Depending on which restorative practices participants usually engage with or would like to develop the role-play should be designed around those processes.
  - The three most common processes are Reparative Panels; Circles; and Group Conferencing – following is an example for the Reparative Panel Scenario.

### **Reparative Panel Scenario:**

- For the reparative panel process role-play scenario the participants will be split into two groups (3-5 participants):

- Group one will be the first to take part in the role-play; group two will observe and give feedback first, then groups will switch.
- The facilitator will play the role of the person who has caused harm, the participants will play the role of the panel members.
- The group taking part in the role play and the group observing will be given slightly different information:
  - This is done to try and recreate a scenario where the panel members would only know little bit about the situation and the individual going through the process.
- This is an example of a scenario catered towards students taking part in a restorative panel in school:

### **Group 1:**

Michael is a student at the high school. He has typically been a good student but over the last few months his behaviour has gotten a lot worse. His grades have dropped dramatically and he has been getting into several verbal confrontations with other students and staff members. The reason he is in front of the board today is because he pushed another student (James) causing them to fall over and hurt themselves on the ground. The reparative panel is not aware of what provoked this argument.

### **Group 1 Observers:**

Michael's parents have recently gone through a nasty divorce. His parents have been constantly arguing and he has been forced to choose sides. His dad have moved out and his mom has started to drink a lot more than usual. She has been going out to bars and staying out late, occasionally she will even bring random men home with her. James has typically been a good student but over the last few months his behaviour has gotten a lot worse. His grades have dropped dramatically and he has been getting into several verbal confrontations with other students and staff members. One of the other students (James) in the school had seen Michael's mom drunk in town on the weekend and had made a joke about the situation. After the James made this joke Michael got angry pushed him causing him to fall over and hurt himself.

### **Group 2:**

Sarah is a student at the high school. The reason she is in meeting with the reparative panel is because she has been talking behind another student's (Jane) back, calling her rude names. The two students used to be good friends but now it is difficult for them to be in the same room as each other. Sarah has started to miss more and more school, she used to have a fairly positive attitude but people have noticed recently she has seemed a lot sadder than usual.

### **Group 2 Observers:**

Sarah is in trouble for talking behind another student's back and calling her rude names (Jane). Jane and Sarah used to be best friends but now they can barely be in the same room as each other. Sarah used to date a boy called Henry for almost 2 years, he was her main support person that she relied on. Neither of her parents have ever been that present in her life and so she found emotional support in Henry. Besides Henry, Jane was the other person that Sarah relied on. Sarah has some issues but Jane has always been there to support her.

Jane had found out that Henry had been cheating on Sarah. She decided she should tell Sarah this but when she did Sarah got really mad, blaming Jane for the whole situation and even suggesting that Jane wanted to be with Henry. Now Sarah has lost her two closest support people and is starting to struggle a lot.

- Once one role-play scenario is completed:
  - Have participants who were engaged in the activity reflect on how they did.
  - Have the observing participants give some feedback:
    - What did they do well?
    - What could have been done differently?
  - Have one of the observers read the more detailed version of the situation to the group:
    - Ask participants if they would have done anything differently now knowing the more detailed version of the situation.
  - Questions for whole group:
    - Do you think there was the correct balance of support and accountability?
    - Were the influencing factors of the harm explored/addressed?
    - Were they any closer to repairing the harm?
    - Was anything done to help ensure a similar harm doesn't happen again?
    - Was anything done to ensure the "offender" felt comfortable and safe to authentically participate in the process?
    - Do you think the victim's needs were met?
  - Ideas of how to look past the specific situation to offer support (are we able to offer that support?)
    - "Do you have anyone in your life you are able to talk to about this?"
    - "I found it really useful to talk to the counsellor/therapist when I was sad/stressed/angry, do you think that would be useful for you?"
  - Have participants switch roles and move on to the next scenario.

### **Activity 4.3**

#### ***Reflecting on the Unit***

Through this activity participants will reflect on the unit thinking about their biggest challenges, lessons learned or takeaways.

#### **Looking Back:**

- Using a Circle Process have participants quietly reflect and then share one or two answers with the group:
  - What was your favourite thing during the unit?
  - What was the most challenging thing for you?
  - What were some of your biggest takeaways or lessons learned?

- Unit:** 5
- Topic:** Course Application and Program Development
- Themes:** Application of theory; Strengths, Weaknesses, Opportunities, Threats (S.W.O.T); Moving Forward; Action Steps.

### Goals and Objectives:

1. **Learn** how to do a S.W.O.T analysis of the current restorative practices participants engage in, analysing how to improve and incorporate new ideas into the existing processes.
2. **Inspire** participants to incorporate the *Oppression Theory* based ideas covered in this course into the restorative practices they engage with.
3. **Act** by demonstrating a holistic approach to restorative justice, one which acknowledges and tries to address support and accountability, the deep rooted influencing factors behind any given harm, and rampant societal inequality.

### Overview:

In this unit, participants will analyse the restorative processes they currently engage with, assessing their own communities needs and capabilities of introducing *Oppression Theory* based concepts into the work that they do. Participants will engage in an action planning activity to develop some solid steps moving forward. Finally, they will reflect on the course as a whole, identifying their biggest takeaways and lessons learned.

### Resources:

- Large paper and pens for brainstorming activities
- A ball of string

## Activity 5.1

### *How Restorative Are Our Practices?*

Through this activity participants will analyse the restorative practices they currently engage with and assess the ability to implement *Oppression Theory* approaches in these processes.

S.W.O.T Analysis:

- Participants will be introduced to the analytical technique of Strengths, Weaknesses, Opportunities, and Threats.
- Remind participants of *Oppression Theory* based concepts: encourage them to evaluate their practices through this lens.
- Have participants discuss in partners then group share:
  - Strengths of the current RJ program (things working well, resources, people, skills...)
  - Weaknesses of the current RJ program (things that don't work so well)
  - Opportunities for the program (its ability to grow/expand/adapt)
  - Threats for the program (difficulties or potential issues it may face)
- Group Discussion:
  - What are the best things about the current program?
  - What are some things that could be improved?
  - Does the current program think about systems of oppression?
  - How could it do this more thoroughly?
  - Does the current program take into account the panel members' social identity positionality?
  - How could it do this more thoroughly?
  - Is there anything learned through the course that could be implemented into the program?
  - Initial thoughts on how to do this?
    - Write down a list of potential ideas.

## Activity 5.2

### *Action Planning*

Through this activity participants will develop detailed action plans to help achieve the implementation of the top three ideas for developing the current restorative program.

Moving Forward:

- Participants will continue to brainstorm the ways in which the restorative programs they engage with could be adapted or changed:
  - The top three suggestions will be used to design action plans
    - For example: Outreach to the community; redesigning the process/steps of the practice; and implementing a Harm and Impact statement.
- Participants will break into three groups to tackle each action point:
  - Each group will spend time developing a tangible plan for addressing and implementing their action point.
  - All three groups will come back together and present their action plan.
  - The rest of the participants will give feedback and help refine the action plan.

### **Activity 5.3**

#### ***Reflecting on the Course***

Through this activity participants will reflect on the course thinking back to their biggest challenges, lessons learned and takeaways, as well as sharing an appreciation for other participants.

#### Looking Back:

- Using a Circle Process have participants quietly reflect and then share with the group:
  - What was your favourite thing during the course (activity, discussion, etc)
  - What was the most challenging thing for you?
  - What were some of your biggest takeaways or lessons learned?

#### Appreciation Circle:

- Participants will sit in a circle. The facilitator will start with a ball of string and select one participant to pass it to:
  - The first participant will pick one other person to say an appreciation for (something they were impressed by/liked/appreciated during the course)
  - They will pass the ball of string to that person whilst holding onto a piece of the string: at the end everyone will be holding a piece of the string.
  - The string will be passed round to each participant once so everyone gets to say one appreciation and receive one appreciation.
  - At the end the string can be cut up so that each participant gets to keep a part of the string and a token of the experience.

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