

# RESTORATIVE JUSTICE

## RESTORATIVE JUSTICE MINDSET

Escuela Verde/TransCenter for Youth, Inc. is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible. Escuela Verde practices Restorative Justice. We believe that those who have violated certain school rules should have to face or restore damage done to the victims or property. The consequence should address the issue of repairing the damage or correcting the behavior in respect for and remorse toward the victim(s).

The restorative justice mindset relies on five key principles:

1. Focus on the harms and consequent needs of the victims, as well as the communities' and the offenders'
2. Address the obligations that result from those harms
3. Use inclusive, collaborative processes
4. Involve those with a legitimate stake in the situation, including victims, offenders, community members, and society
5. See to put right the wrongs

*- Adapted from The Little Book of Restorative Justice by Howard Zehr*

## COMMUNITY BUILDING THROUGH RESTORATIVE JUSTICE

While Restorative Justice is used in instances of student misconduct and discipline, it is also an essential tool for building community among the students and staff of Escuela Verde. Under guidance by the students in the Circle Keepers group, all students and staff are expected to participate in regularly scheduled Circles of Common Understanding. This means that the Circle leaders plan a topic for discussion and facilitate that discussion in an attempt to listen to and understand each other. While participating students are not forced to share, all are expected to listen and be present within the Circle. Circle topics may be created by the Circle Keepers, may stem from an issue occurring within the school, or may be requested by any students or staff.

*Escuela Verde staff believes this is an essential component to fulfilling the Escuela Verde Vision and Mission; we therefore expect all students to be willing to participate in Circles of Common Understanding.*

## CONDUCT AND DISCIPLINE

### *Treating Our Building, Ourselves, and Each Other with Dignity*

#### Commitment to Justice

##### **Non-Discrimination Policy**

Escuela Verde does not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), language, disability, marital status, sexual orientation, or military status, in any of its activities or operations. These activities include, but are not limited to, hiring and firing of staff, selection of volunteers and partner organizations, interactions with students, and provision of services. We are committed to providing an inclusive and welcoming environment for all members of our staff, students, parents, volunteers, partner organizations, and community members.

##### **Non-Disclosure Policy**

At Escuela Verde, we believe that all students have the right to learn in peace and security. We believe that no student, staff member, or EV community member should feel threatened based on their documentation status. We commit to vigorously protecting the privacy and civil rights of the undocumented members of our community. To that end, we have created a set of principles that we will follow.

- No confidential student records will be released without a judicial warrant, subpoena or court order, unless authorized by the student or required by law.
- Escuela Verde staff shall not ask about a student's immigration status or that of the student's family members, and pursuant to FERPA shall not disclose, without parental consent, the immigration status of any student.
- No Escuela Verde staff will assist local, state or federal law enforcement agencies to investigate, detain or arrest individuals for violation of federal immigration law.
- Escuela Verde will not cooperate with any federal effort to create a registry of individuals based on any protected characteristics such as religion, national origin, race, gender or sexual orientation.

#### Technology Use Policy

It is important that when we use the internet we recognize the impact of our actions and use of resources on our community. When we use the internet we do it to learn individually and collectively. Therefore, our use of the internet should strengthen our dignity and the dignity of others.

The staff and students alike are expected to do the following:

- Be polite. Do not be abusive in any messages to others.
- Social networking is prohibited during school hours.
- Use language appropriate to public settings. This means that profanity, obscene comments, sexually explicit material, and expressions of bigotry, racism, or hate will not be used for communication.
- Keep personal information confidential.
- Do not use the network in such a way that you would disrupt the use of the network or other users.

- Do not upload or create computer viruses. This is considered vandalism. (Vandalism is defined as a malicious attempt to harm or destroy electronic information including data or equipment).

## Conflicts

When minor conflicts with students, staff, or the EV community at large, arise all parties are expected to sit down in a Restorative Justice Repair Harm Circle. At a mutually agreed-upon time, the parties involved will be asked to sit down with members of the Circle Keepers group in order to determine what harm was committed and what must be done to repair the harm. Parents will be informed if their child is involved in a Repair Harm Circle, either as victim or offender. Participants will be subject to periodic check-ins after the Circle to ensure that the agreements are being upheld.

## Theft

Escuela Verde will not tolerate theft of property – either from a student, staff or school. We consider this a major offense against our whole community.

## Cleaning

Everyone at Escuela Verde is expected to pitch in to keep the school clean. This is an expectation with no exceptions. This includes helping to keep the school tidy, clean and safe.

## Clothing

Escuela Verde expects students, staff and the EV community to dress appropriately for school activities and in keeping with community standards. When a member of the community is offended by another member's clothing, that individual could call for a mediation to discuss how to resolve the issue. It is not the intention of this policy to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, or profane. Students may be asked to turn shirts inside out or to cover up that which is inappropriate.

## Tobacco

Escuela Verde is a tobacco-free place. This includes the area around the school as well, including the sidewalk and sides of the building.

## Drugs/Alcohol

Escuela Verde is a drug and alcohol-free place. This includes the area around the school as well, including the sidewalk and sides of the building.

## Weapons

The school takes a position of “No Tolerance” in regard to the possession, use or distribution of weapons and firearms by students. The consequence for students possessing, using or distributing weapons or firearms may be immediate expulsion.

## Aggressive Behavior

Escuela Verde is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. Aggressive behavior is defined as inappropriate conduct that is repeated or serious enough to negatively impact a student's educational, physical, or emotional well-being. These behaviors may include but are not limited to bullying, cyber-bullying, intimidating, menacing, coercion, name-calling, taunting, threatening, hazing or stalking. Every student is encouraged, and every staff member is required, to address any situation they believe to be aggressive behavior directed toward a student. Staff of the school will make every effort to prevent dangerous, disruptive, destructive and undignified student conduct that may impede the educational process.

Employees found to have participated in aggressive behavior (in any of its forms), or having become aware that aggressive behavior was taking place and failed to report the behavior, are considered to be in violation of the prohibition expressed by the policy. They may be subject to disciplinary action.

### Definitions

- **Bullying** is when a person willfully and repeatedly exercises power or control over another person with hostile or malicious intent. Bullying includes aggressive or hostile behavior that is intentional and involves an imbalance of power between the bully and the bullied. It is a form of victimization that is typically repeated over time, although it is not necessarily a result of, or part of, an ongoing conflict. Bullying takes many forms, including, but not limited to, physical or verbal assaults, nonverbal or emotional threats or intimidation, social exclusion and isolation, extortion, and the use of a computer or telecommunications to send embarrassing, slanderous, threatening, or intimidating messages (cyber-bullying). It can also be characterized by teasing, put-downs, name-calling, cruel rumors, false accusations, and hazing. Bullying encompasses the following behaviors:
  - **Intimidation** - Intimidation is any threat that interferes with another's property, causes substantial inconvenience, initiates unwanted physical contact, or inflicts serious physical harm based on race, color, religion, national origin or sexual orientation.
  - **Harassment** - Harassment is any act that subjects another person to unwanted abusive behavior. It can take many forms including verbal, physical, and sexual behavior. Harassment of a student or staff member by any other student or staff member is contrary to our commitment to a safe learning environment. It may be a violation of state and federal law and will not be tolerated.
  - **Menacing** - Menacing includes any act intended to place a person in fear of imminent serious physical injury.

In reference to bullying, each of the following are prohibited:

- ▶ Student-to-student behaviors characterized as bullying per the adopted definition, provided it takes place at school, during a school-sponsored activity, on school buses, or through the use of school equipment in the case of cyber-bullying.

- A student bullying an adult staff member, using the same criteria.
- An adult school staff member bullying a student or another staff member.

## Complaint Procedures

- It is considered the responsibility of all students and school staff members to report acts of bullying in any of the above-described situations to an advisor, designated to be a recipient of such reports.
- Students and staff making prompt, accurate, and thorough reports, either verbally or in writing, will have those reports recorded by the staff receiving them.
- All such reports are to be taken seriously by the advisor. The school staff will support students and coworkers making such reports and protect them against any potential retaliation for making such a report.
- An investigation to determine the facts will take place immediately or as soon as practicable, in order to verify the validity and seriousness of the report. Such files will remain in a confidential file for anonymous reporting purposes only.
- Filing a report in good faith will not reflect upon the individual's status, nor will it affect his or her grades or employment status by the district, if the complainant is an adult staff member. The district shall keep the complaint confidential for both the accused and the accuser, until such time as the misconduct is confirmed and sanctions are imposed.

## Communication

Parents and students will be informed when a student faces disciplinary action due to inappropriate conduct that endangers the property, health, and safety of others, or disrupts the educational process. Communication procedures attempt to keep parents and students informed. These communications include mail, e-mail, telephone calls and texts, and in-person conferences. Students under 18 will not be sent home without parent notification.

## Consequences

### *Disciplinary Action and Support*

Consequences for inappropriate behavior and student conduct include, but are not limited to, a verbal apology, a written explanation, parent conference, Restorative Justice Processes, police liaison conference or action, suspension, legal consequences, exit procedures, and possible expulsion.

Specifically, with Restorative Justice Process Options:

1. Advisor decides consequences based on the student behavior infraction:
  - a. One-on-one conference
  - b. Circle of Support
  - c. Repair Harm Circle
  - d. Discipline Committee

Restorative Justice Circle Process is designed to: create a climate promoting dignity and dignified interactions, prevent bullying behavior, redirect students from continuing to bully, support both victims of bullies and the bullies themselves, address improper use of technology, resolve student conflicts, address theft, respond to inappropriate dress, and other violations of student conduct expectations where

appropriate.

Where it is determined that students participated in bullying behavior or other behaviors in violation of acceptable student conduct and policy, the school district staff responsible for maintaining order and discipline may take disciplinary action detailed in the Restorative Justice Circle Process which may include suspension, expulsion, and referral to law enforcement officials for possible legal action.

## *Restorative Justice Process Options*

### 1. One-on-One Conference

- Advisor and student are present
- Used to address minor issues and recurring bad habits (academic, attendance, general concerns)
- Encouraged to write agreements unofficially
- Possible Progress Monitoring (Advisor monitors/tracks behavior/performance)
- Parent/guardian will be notified if appropriate
- If progress is made, full degrees of freedom returned
- If progress isn't made, move into circle of support

### 2. Circle of support

- Advisor, student, circle keeper, student advocate (if necessary), parent (if necessary) are present
- Used as a second step when progress isn't made after one-on-one check-ins
- One circle keeper meets with student for initial support meeting
- Student agrees to participate in circle
- Circle keepers meet prior to come up with circle questions
- Parent/guardian are notified if appropriate
- If progress is made, move back to periodic one-on-one check-in
- If progress isn't made, move into Repair Harm Circle

### 3. Repair Harm Circle

- Advisor, involved parties, circle keepers, student advocates and parent (if appropriate) are all present
- Used to address conflict that harms the EV community
- **NOT TO BE USED** with occurrence of drugs, weapons, or serious violence. These situations receive a disciplinary committee meeting and eventual punitive justice (suspension or expulsion).
- One to two circle keepers meet with involved parties for initial support meetings
- Involved parties agree to participate in circle
- Parent/guardian are notified of results if appropriate
- If progress is made, move to periodic circle of support
- If progress isn't made, move to a disciplinary committee hearing

### 4. Disciplinary Committee Meeting

- Student is suspended pending a Discipline Committee Meeting (DCM)
- The Discipline Committee consists of one community member, one staff members, and two advisors.

- Advisor calls parent or guardian immediately to notify them of student suspension. Students under 18 should not be sent home without parent notification.
- A letter is sent to parent regarding suspension and notification of date, time and reason for Discipline Committee Meeting. The letter must be sent at least 5 days prior to the DCM.
- After the Discipline Committee Meeting, parent or guardian and student are notified of the Committee decision, which may include expulsion, and a letter is sent home.
- The decision can be appealed to the TransCenter for Youth Board of Directors. The appeal decision is final.

## *Suspension*

Every attempt will be made to resolve conflicts through Restorative Justice practices. However, in severe cases we reserve the right to suspend students. Suspensions will be handled on a student-by-student basis. Students under 18 will not be sent home without parent notification.

## *Expulsion*

While we view this as a last resort, we reserve the right to expel students for severe offenses, numerous suspensions, or repeated refusal to obey the rules. Causes for immediate expulsion include:

- Possessing a gun or other dangerous weapon to school
- Possessing of or intent to distribute drugs or alcohol
- Harassment or physical violence
- 5 absences per semester
- Other criminal offenses

## **Disclosure and Public Reporting**

- Escuela Verde will provide notification to all parties, subject to this policy defining and prohibiting bullying and student conduct and discipline annually. A summary of the policy will be incorporated into student and employee handbooks. It will also be distributed to organizations in the community having cooperative agreements with Escuela Verde.
- Data on the number and types of reports made under these prohibitions, the results of investigations undertaken to verify the details made in complaints, and the sanctions imposed for incidents found to be violation of the same are to be kept on an annual aggregated basis. No individuals, either complainants or violators, will be named in such reports.
- Annual reports will be reported as required for use in development of prevention programs and/or modifications of this and other related policies. The annual report is available to the public.