



Longmont Community Justice Partnership

Restorative Conversations and Agreement Meetings *Structured Conversations for Resolving One-on-One Conflict*

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Understanding Restorative Practices in the Context of Restorative *Justice*

Retributive vs. Restorative Justice

In the conventional criminal justice system, when a crime is committed, three questions are typically asked:

1. Who did it?
2. What laws were broken?
3. How will we punish the responsible person?

Howard Zehr has proposed that if we are to shift to a restorative way of thinking, three rather different questions should be asked when a crime is committed:

1. What happened?
2. Who has been affected and how?
3. What will be done to repair the harm and who is responsible for doing it?

Retributive Justice	Restorative Justice
Offense is thought to be violation of law.	Offense is thought to be harmful to another person and the community.
Approach is based upon debate and opposition.	Approach is based on dialogue and negotiation.
Goal is to give punishment & equivalent pain.	Goal is to restore all parties to harmony.
Community is represented by the courts.	Community participates in the process.
The responsible person is punished and often does not take responsibility for harmful actions.	The responsible person accepts responsibility for harm done and takes action to repair the harm.
Depends on professionals for outcome.	Depends upon participation by all parties involved-a partnership.
The harmed party(ies) concerns are considered last.	The harmed party(ies) are central to the repair plan.



The 5 R's of Restorative Practices

Beverly B. Title, PhD; adapted by LCJP 2013

Relationship—Restorative practices recognize that when crime or conflicts occur, individuals and communities feel violated. Rather than viewing wrongdoing as an offense against rules, laws or authority, it recognizes that all communities, especially closed communities like schools and classrooms, are impacted. Restorative practices seek to address the damage to relationships and trust by acknowledging how people have been affected physically, mentally, financially, and professionally. Relationships may be repaired through a willingness to be responsible for one's choices and to make repair of harms done. Relationship is also a central tenet in maintaining a healthy community in which there is open communication, clear expectations and ongoing growth and learning. Relationship is key to maintaining a healthy community and Restorative Practices seek to address the impacts of conflict to relationships.

Respect—Respect is the key ingredient that holds the container for all restorative practices, and it is what keeps the process safe. It is essential that each person show respect for others and for themselves. As part of respecting others, removing judgment and the presumption that we know what the speaker is going to say is of utmost importance. Our focus on respect allows us to understand the ripple effect of a person's choice without assigning labels or intention to that person's behavior so that, even if we disagree with their thinking, we can comprehend each person's perspective. Keeps the process safe for everyone involved. Respect for process, for participants, respectful communication and interaction.

Responsibility—For restorative practices to be effective, personal responsibility must be taken. Each person needs to take responsibility for any harm that was caused to another, admitting any wrong that was done, even if it was unintentional. Taking responsibility also includes a willingness to give an explanation of the harmful behavior. Everyone needs to be willing to accept responsibility for his or her own behavior and choices.
Willingness to talk about the incident, to listen to harms, and to make things right.

Repair—The restorative approach is to repair the harm that was done to the fullest extent possible, recognizing that harm may extend beyond anyone's capacity for repair. It is this principle that allows us to set aside thoughts of revenge and punishment. It is through taking responsibility for one's own behavior, hearing how others have been affected and making repair that persons may regain or strengthen their self-respect and the respect of others. Repair should be built off of the individual capacities and strengths of the person who caused harm and be directly correlated with the effects of the offense.
Related, strengths-based repair

Reintegration—For the restorative process to be complete, persons who have caused harm and may have felt alienated must be accepted back into the community. Reintegration is realized when all persons have put the hurt behind them and moved into a new role in the community. By completing the repairs, the person has shown him or herself to have fully taken responsibility and re-established right relationships. The outcome of successful reintegration is recognition that the person was good to their word of following through on repairs and learning from his or her actions. It is now important that the community is able to reintegrate the person as a member of good standing who has upheld his or her obligations for repair.
When harm is caused by an individual, they are marginalized from their role within themselves and within their community. Reintegration happens once that individual successfully takes responsibility and repairs the harms they caused. Only then can they feel like and be seen as a community member in good standing again.



Why are we here today?

- **Conflict happens** and needs to be addressed, especially when people are living and working in cooperation
- Every person has a **different relationship to conflict** and different ideas/skills for how to approach it
- Restorative Conversations & Agreement Meetings are specific models for addressing conflict
- These **models offer a map** you can follow for having a difficult conversation
 - This style of addressing conflict can be **modified** according to your specific context or group culture and environment
 - Restorative Conversations can be **integrated and normalized** so that the whole group knows what to expect when conflict arises- take the charge off



Introduction to Restorative Conversations

A Restorative Conversation is a guided conversation that addresses a behavior, conflict, or concern from the perspective of the Initiating Member (person leading the conversation) and the individual (person invited to participate in the conversation). By focusing on building common ground at the beginning, the two parties are able to reach a workable agreement that is collaborative.

Restorative Conversations Are Useful When:

- A person's actions harmed his/her relationship with another person
- Both people respect each other and the relationship
- Both people are voluntarily willing to participate in the conversation

Goals of a Restorative Conversation:

- Address a specific incident
- Focus on impacts
- Repair relationships
- Reintegrate into community

Special Note!

Restorative conversations are not designed to address long-term, ongoing conflicts within a relationship.

More structured conflict models, usually with a non-biased facilitator, should be implemented if more than one incident of harm needs to be addressed.

Restorative Questions Focus On:

- What happened?
- Who was affected by it and how?
- What is needed to make things right?
- What part of this situation can you take responsibility for?
- How can we best use your strengths?

The Initiating Member's Responsibilities Are to:

- Establish ground rules if necessary
- Ensure that both parties have a safe space to discuss their concerns
- Recognize the value of the individual and model separating person from behavior
- Demonstrate active listening
- Frame concerns in a non-judgmental, non-threatening way
- Solicit ideas for moving forward and make suggestions
- Structure the agreements made and ensure they are doable
- Thank the individual for participating



Initiating Member’s Outline for a Restorative Conversation

<p>Ask Permission</p>	<p>Ask the Responding Member about their willingness to have a conversation, and establish that it is a good time for him/her.</p>
<p>[Establish Ground Rules]</p>	<p><u>If necessary</u>, set ground rules for the conversation. (ex: confidentiality)</p>
<p>Express Respect for the Person and Relationship</p>	<p>Talk about a few strengths and positive attributes of the Responding Member, and share appreciation for the relationship. (Establish why it is important to you to have this conversation.)</p>
<p>Identify the Incident</p>	<p>Identify the specific incident by naming the actions that caused harm, and check-in with the Responding Member for their acknowledgement of his/her actions. <i>The Responding Member must be taking responsibility for his/her actions in order for the conversation to proceed.</i></p>
<p>Identify Impacts</p>	<p>Describe who has been affected and how (focus on “how I was affected, and how the professional situation was affected”). <i>Check-in with Responding Member to see if there is understanding.</i></p>
<p>Explore and Validate Needs</p>	<p>Inquire if the Responding Member has any relevant needs, and validate his/her needs. If appropriate, explore ideas for how his/her needs may be met.</p>
<p>Make Agreement(s)</p>	<p>Collaboratively discuss ways that the Responding Member may repair the harm and/or help prevent similar harms in the future. Determine specific and measurable actions that he/she may take to “make things right.” <i>Try to avoid agreements that are too vague, as it may be challenging to evaluate whether it was upheld. (Bad Ex: “John will become a better sales person.”//Good Ex: “John will use his outgoing, friendly demeanor to identify and develop two new customer opportunities in the next 12 months.”</i></p>
<p>Seal with a word of commitment or symbolic gesture</p>	<p>Offer a handshake, congratulations, or another culturally relevant gesture to signify reaching an agreement.</p>
<p>Thank the Responding Member for Participating</p>	<p>Thank the Responding Member for participating. If appropriate, offer words of appreciation for the relationship, rebuilding trust, and expectation of the Responding Member’s reintegration into the “community.”</p>



Introduction to Restorative Agreement Meetings

A Restorative Agreement Meeting is a more formalized version of a Restorative Conversation. Instead of a verbal contract, the Restorative Agreement Meeting ends with the Initiating Member and the Responding Member signing a written agreement.

Restorative Agreement Meetings Are Useful When:

- The incident of harm occurs in more formal settings (ex: between a supervisor and an employee)
- An Responding Member has a difficult time remembering what agreements were made in previous Restorative Conversations
- Documentation of the meeting and agreement will serve those involved

The Initiating Member’s Responsibilities Are To:

In addition to the Initiating Member’s responsibilities in a Restorative Conversation listed above, the Initiating Member of a Restorative Agreement

Meeting has a few additional responsibilities:

- Invite Responding Member to participate
- Follow-up regarding the agreements made
- Recognize and celebrate when goals have been accomplished

Five Questions to Focus On

- What happened?
- Who was affected by it and how?
- What is needed to make things right?
- What part of this situation can you take responsibility for?
- How can we best use your strengths?

Special Note!

Restorative Agreement Meetings are the result of a specific incident and will likely not happen “in the moment.” If you use this tool when tensions are high, there is an increased chance that the individual will tell you what you want to hear to get it over with or sabotage the agreements made afterward.

It is preferable to be strategic about choosing a time to hold the meeting when all parties have deescalated and do not feel rushed.

Additional Helpful Questions

Addressing and Understanding Emotions and Reactions:

- Help me understand what you mean when you say _____.
- When you’re silent like that, what does that mean for you?
- Why do you think he/she reacted to this in that way?
- What was _____ (use emotion he/she names, i.e. embarrassing) about that?
- Responding Member: I felt x because y. Initiating Member: What about y made you feel x?
- What do you wish _____ (name of person) had known at the time?
- How might _____ (name of person) have experienced it differently? What do you think he/she saw/felt?

Questions for Forming Agreements:

- What needs to happen next?
- What do you need to put this behind you?
- What are you willing to commit to?
- What happens if you don’t follow through?



Initiating Member’s Outline for a Restorative Agreement Meeting

<p>Ask Permission and Schedule a Meeting Time</p>	<p>Ask the Responding Member about their willingness to have a conversation, and schedule a time to meet with him/her. <i>Plan to meet in a space that offers privacy and no interruptions.</i></p>
<p>Establish Ground Rules</p>	<p>Set ground rules for the conversation. (ex: confidentiality)</p>
<p>Express Respect for the Person and Relationship</p>	<p>List about a few strengths and positive attributes of the Responding Member, and share appreciation for the relationship.</p>
<p>Identify the Incident</p>	<p>Identify the specific incident by naming the actions that caused harm, and check-in with the Responding Member for their acknowledgement of his/her actions. <i>The Responding Member must be taking responsibility for his/her actions in order for the conversation to proceed.</i></p>
<p>Identify Impacts</p>	<p>Describe who has been affected and how (focus on “how I was affected, and how the professional situation was affected”). <i>Check-in with Responding Member to see if there is understanding.</i></p>
<p>Explore and Validate Needs</p>	<p>Inquire if the Responding Member has any relevant needs, and validate his/her needs. If appropriate, explore ideas for how his/her needs may be met.</p>
<p>Make Agreement(s)</p>	<p>Collaboratively discuss ways that the Responding Member may repair the harm and/or help prevent the similar harms in the future. Determine specific and measurable actions that he/she may take to “make things right.” Establish a timeframe that he/she will complete the agreement, as well as any support he/she may need to be successful.</p>
<p>Create a Written Agreement</p>	<p>Write the agreement, include all details that were discussed, and have both parties sign the agreement.</p>
<p>Thank the Responding Member for Participating</p>	<p>Thank the Responding Member for participating. If appropriate, offer words of appreciation for the relationship, rebuilding trust, and expectation of the Responding Member’s reintegration into the “community.”</p>
<p>Follow-up</p>	<p>[Later] Follow-up with the Responding Member regarding his/her progress, and congratulate him/her when they complete the contract.</p>



Restorative Agreement Contract

This Restorative Agreement contract is to be used in more formal settings and when documentation is needed.

Name: _____

Date: _____

If necessary, establish ground rules for the conversation.

POSITIVE ATTRIBUTES

About the Responding Member

- 1.
- 2.
- 3.

About the environment (program/process/classroom/office)

- 1.
- 2.
- 3.

CONCERNS: WHO HAS BEEN AFFECTED AND HOW?

From the Responding Member:

- 1.
- 2.
- 3.

From the Initiating Member:

- 1.
- 2.
- 3.

AGREEMENTS TO INCREASE SUCCESS/MAKE THINGS RIGHT

- 1.
- 2.
- 3.

WHAT CAN I DO TO SUPPORT YOUR SUCCESS?

Date to check in on progress of Agreements: _____

Responding Member Signature

Initiating Member Signature



Four Components of Non-Violent Communication

Non-Violent Communication, a communication process authored by Dr. Marshall Rosenberg, defines the four key-components of communication as observations, feelings, needs and requests.

Observations

- The facts
- What we are seeing, hearing, or touching
- Distinct from our evaluation of meaning and significance.

NVC discourages static generalizations. When we combine observation with evaluation, others are likely to hear criticism and resist what we're saying. Instead, focus on observations specific to time and context.

Feelings

- Emotions or sensations free of thought and story.

Feelings are to be distinguished from:

- Thoughts (i.e. "I feel I didn't get a fair deal")
- Words colloquially used as feelings that actually convey what we think we are (i.e. "inadequate")
- How we think others are evaluating us (i.e. "unimportant")
- What we think others are doing to us (i.e. "misunderstood" "ignored")

Feelings reflect whether we are experiencing our needs as met or unmet. Identifying feelings allows us to more easily connect with one another. Allowing ourselves to be vulnerable by expressing feelings can help resolve conflicts.

Needs

- Universal human needs
- Distinct from particular strategies for meeting needs
- Everything we do is in service of our needs.

Examples of universal human needs include safety, belonging, and sense of purpose.

Requests

- An interrogative directed at another person for a specific action, free of demand
- Must be formed with clear, positive, concrete action language.

Requests are different from demands because you are open to hearing a response of "no" without this triggering an attempt to force the matter. If you make a request and receive a "no," do not to give up. Instead, empathize with what is preventing the other person from saying "yes" before deciding how to continue the conversation.