

Conferencing: A Public Health Approach to Student Misbehavior

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A conferencing approach to student discipline not only addresses the infraction but also decreases repeat offenses.

I answered the phone and heard the vice-principal of my son's high school saying "Mrs. Walker I have Trent in my office. He's all right, but he's been hit in the head by another student." I felt a quick wave of nausea and asked, "Does he need a doctor? Should I come and get him?" "No, he saw the health aid and he seems fine, just shook up" responded the vice principal reassuringly. When he told me that, "it was Victor who hit Trent," my mind flashed to an earlier image of the two boys about 10 years before. They were in their soccer uniforms scrambling for goals down a grassy field. They played together on the same soccer teams for a few years. Although they were friendlier in those days, Victor tended to get physical quickly when things didn't go his way.

I convinced the vice principal not to call the police and I pleaded with him not to suspend Victor. "Kicking him out of school will just make him angrier with Trent. Besides he needs to be in school," I argued. But the vice principal insisted he must follow "policies" and suspended Victor for three days. Although Trent seemed fine when I saw him later that day, my nerves were a wreck. I couldn't stop worrying about what could happen to him after Victor came back to school.

When this incident occurred, I happened to be coordinating a restorative justice research project for juvenile offenders. I am a former trial lawyer, turned public health educator. I went to law school because I wanted to help people solve problems. After being a trial lawyer, however, I realized adversarial processes mostly perpetuate problems and do not solve them. When I studied public health, and the health education approach to helping people solve problems, I learned that empowering people to solve their own problems is the most effective way to help them. This concept applies to conflict resolution where victims and offenders are best served by participating in a problem solving process.

We know that participatory education is more effective than the lecture format for learning (Tharp & Gallimore, 1988). The same is true for dealing with student misbehavior. Instead of a teacher or principal simply telling an offending student that their behavior was wrong and asking them *why* they acted badly, it is more effective to have students participate in a process where they can personally experience the consequences of their behavior and then participate in problem solving to try and repair the harm that their wrongdoing caused. This process begins with getting the offender to consider who was affected by their misbehavior, how they have been affected, and finally, strategizing about what can be done to make things right. *Conferencing* is such a process.

The Conferencing Process

Conferencing is a group conflict resolution process that focuses on repairing relationships when offenders admit wrongdoing. Victims, offenders and the affected community, including the victim's and offender's families and friends, participate in

conferences. The process is mainly based on ideas from indigenous people including the Maori's of New Zealand. Many other cultures including Hawaiian, Native American and Native Canadian have similar conflict resolution practices (Maxwell, 1996; Shook, 1985; Schiff, 1998; & Stuart, 1996).

Conferencing is a restorative justice practice. Restorative justice is an “alternative approach to criminal justice” that began evolving about 15 years ago in response to the ineffectiveness of our current justice system (Pranis, 1996). Our current system is based primarily on retributive values where: “Crime is a violation of the state, defined by lawbreaking and guilt. Justice determines blame and administers pain in a contest between the offender and the state directed by systematic rules” (Zehr, 1990). In contrast, restorative justice is based on the principal that “Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victims, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance” (Zehr, 1990). Conferencing can reduce recidivism. Student re-offending significantly decreases after conferencing is introduced at schools (Cameron & Thorsborne, 1999).

When Victor hit Trent, we were conferencing similar cases through a federally funded diversion project for the Honolulu Police Department. Juvenile offenders who admitted wrongdoing were having their cases diverted to conferences instead of going to the usual police and court interventions. I realized that we needed a conference as well. Our high school principal was familiar with conferences and readily agreed that the school would participate. One of the conference facilitators from our police project, who

lived in our neighborhood, volunteered to convene and facilitate the conference. He contacted Victor's dad who also agreed to attend the conference along with the boy.

A Real Justice Conference

We used the Real Justice conference model for our police project and for Victor and Trent's conference. Several conference models have developed including family group conferencing, community conferencing, family group decision making, and Real Justice conferencing.

Real Justice conference participants sit in a circle. Participants include victims, offenders, supporters (family and friends) of the victims and offenders, and other members of the affected community which is often a school when incidents happen on campus or involve students. The conferences are facilitated by a neutral third party who does not participate in decision making and who uses a script which provides a series of open-ended questions to ask each of the participants.

There are basically four phases to a Real Justice conference (O'Connell, Wachtel & Wachtel, 1999). First, offenders describe what they did, explain what they were thinking at the time and since, and whom they think has been affected by their misbehavior. Second, the other individuals in the group discuss how they have been affected by the offender's wrongdoing. Third, the group discusses and then decides what can be done to repair the harm caused by the misbehavior to make things right. Finally, a written agreement is entered which all participants sign, and the conference ends with the participants having refreshments together—a ceremonial *breaking of bread*.

Victor and Trent's conference was held about two weeks after the incident. Although the high school principal agreed to participate, no one from the school was

available the day of the conference. Luckily our neighborhood elementary school, which both boys attended, has a flexible and caring staff. With only fifteen minutes advance request, the vice principal of the elementary school (who was also familiar with conferencing) agreed to participate and hold it at her school.

The facilitator of Victor and Trent's conference began the process by explaining that its purpose was "to discuss the way people have been affected by the wrongdoing" and "to try and find ways to repair the harm." He explained that the conference was voluntary, but if Victor did not participate the case could be referred to the police. Victor spoke next admitting that he had "slapped" Trent on the face and explained that he meant it as a joke. He said he was surprised that Trent cried. Next Trent, my husband and I described how we were affected by Victor's behavior, e.g., Trent said it hurt, I said I was worried about Trent getting hurt again and that Victor would get in more serious trouble in the future.

Next Victor's father spoke. What he said surprised my husband and I. Before the conference we thought that he was an unconcerned parent, but we learned the opposite. He shared his worries about Victor and told us what he was doing to try and influence him not to fight. The conference also made Victor's father aware of our concerns and situation. While he thought we were born privileged, he learned that I was a high school drop out who experienced the juvenile justice system myself as a youthful offender. The conference was an opportunity for all of us to learn about each other and connect our experiences with each other. From this process we built better relationships and ended up with compassion for one another. It was a remarkable experience.

The vice principal of the elementary school was there as a supporter for Victor (since we already had two people for Trent and Victor only had his father), but she actually supported both boys because the dynamics of the conference group process often encourage participants to support one and other. The vice principal told us how she'd known Victor and Trent since they were third graders and how much she cared for them both. She said she wanted Victor to learn to control his impulsiveness. She said that Trent needed to understand his feelings more and not just verbally attack others when he was hurt. She and I both got teary when she passionately said that she was proud of both boys for coming back to the elementary school and working on solving their problems in a constructive way.

After we'd all discussed how we'd been affected by Victor's hitting Trent, we collectively decided what could be done to "promote repair, reconciliation, and reassurance." Our agreement was simple. We decided that Victor would not hit others and Trent would think about how he felt when his feelings were hurt and work on articulating his feelings instead of insulting whoever hurt him. The facilitator prepared a written agreement that we all signed. The group then shared some cake, cookies and juice together. The vic principal hugged everyone, Victor's father and I hugged each other, and my husband and he shook hands. Community was built that day as a result of the conference. It has been over six months since the incident and Trent and Victor have had no more problems.

Conferencing Provides an Opportunity to Learn from Bad Behavior

Conferencing is a powerful learning strategy. First, by taking responsibility for their behavior, offenders recognize that they are in control of their actions, which is the

foundation for developing self-efficacy and effective learning (Bandura, 1977). In Real Justice conferences, offenders speak first, admitting their bad behavior. Second, by hearing from the true community affected and harmed by their wrongdoing (not just a third-party explaining how others have been affected, e.g a judge or principal), offenders have the opportunity to develop empathy which is an important quality for preventing repeat offenses especially for youth (Goldstein and Pentz, 1984). In Real Justice conferences the victims personally tell offenders how they have been harmfully affected. Third, because the group uses consensus in decision making, moral development is more likely than what results from autocratic decision making (Kohlberg, 1964 and 1969). In Real Justice conferences, all participants agree on what can be done to repair the harm.

Finally, offenders experience reintegrative shame at conferences (Braithwaite, 1989). Reintegrative shame is more effective for changing behavior than stigmatizing shame which is when an offender is distinguished for his or her bad nature, e.g. the offender holds a sign "I am a cheat." Stigmatizing shame also puts the offender outside the group. In contrast, conferences focus on the offender's bad behavior; *not one's bad essence or nature* and offenders are surrounded by supporters. These aspects of a conference allow the offender to continue as an accepted member of the community after the group processes the effects of the bad behavior. Continued membership in the group makes it more likely that the offender will conform to the community's standards in the future. This communitarianism element of the conference is necessary for preventing repeat offenses (Braithwaite, 1989).

III. Conclusion

Conferencing is a public health approach to wrongdoing that meets the needs of victims, offenders, their families, friends and schools. It can become a school's standard conflict resolution practice when an offender admits misbehavior. It is a process that can teach empathy and problem solving skills. Additionally, it teaches that those most affected by wrongdoing can come together in a positive way to work toward repairing harm. This aspect of conferencing leaves participants feeling hopeful and optimistic. Optimism is vital for individuals to develop coping skills and resiliency (Seligman, 1990). Conferencing is a powerful process that can build relationships and community out of wrongdoing—it is something that can strengthen schools.

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