

PEACEMAKING IS A JOURNEY TO CHARACTER DEVELOPMENT

A comparison between Peacemaking School Policies and Standard School Policies on Student Disciplinary Proceedings for Regular Education Students

by

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The following is a discussion of the differences in philosophy between the standard public school policies regarding student discipline and the Navajo Peacemaking policies being proposed by the authors for school boards and school administrators to provide as an alternative manner of handling student justice.

The basic thrust of standard American public school policies regarding student discipline is to punish or remove the offending student from company of students who are following the rules. These policies have been molded to a large degree by a series of significant court cases involving school disciplinary procedures versus student rights (see *Goss v. Lopez*, 419 U.S. 365 (1975) and *Dixon v. Alabama State Board of Education*, 294 F. 2d 150 (5th Cir.), cert. Denied 368 U.S.930 (1961). Because schools and school districts are highly motivated not to get caught up in lengthy and expensive court battles, much attention is paid by school administrators in collaboration with their attorneys to make sure that their policies comply with due process requirements. It is for this reason that most school policies on student discipline, particularly on suspension and expulsion, are remarkably similar throughout the state, and presumably throughout the country.

The standard American school policies on suspension and expulsion are mainly focused on isolating the offending student from the rest of the students and the staff. Generally in American public schools, a student who does not follow the rules (or significantly interferes with the learning of other students in some way that is not the result of a defined disability) is subject to disciplinary action that removes the student progressively further away from the school community eventually leading to total removal of the student from the school. While this 'progressive removal' approach to student discipline appears to be more humane than corporal punishment, which used to be very common in schools throughout this country, it is still basically an adversarial approach. In the practical application of this approach in the schools, once a student gets to the stage of potential suspension from school, an antagonistic situation between the student and the school is established. The student is considered the offender, and it is the job of the school to carefully document his bad behavior and opportunities presented by the school for him to tell his side of the story so that he will be sent home and not allowed to return for an extended period of time if at all.

The 'progressive removal' approach to student discipline is so guided by court decisions and so widely used in schools throughout this country, it is nearly always the only policy available for student discipline beyond minor infractions. Certainly if the goal of student discipline is to isolate and exclude the offending parties, then this kind of discipline policy is aimed at achieving that goal. There are significant difficulties with this approach, however. Firstly, the protections offered to students covered by the

Individuals with Disabilities Education Act, make it extremely difficult to suspend or expel those students if their behavior is a result of their disability. In these cases, other means for discipline must be found. Secondly, the student who is expelled or suspended by this approach does not get presented with help in modifying his behavior. Once the student is suspended or expelled, the school assumes the position that the student's behavior is no longer the school's concern; it is the concern of the parents and the community (as if the school could truly isolate itself from the community it is in). Thirdly, many rural community school boards who may know the families of the offending student, (especially Indian school boards responsible for schools serving Native American students) are increasingly dissatisfied with discipline policies that do not include any method for effectively re-establishing harmony among the school, the parents, and the student.

The Navajo Peacemaking approach to student discipline advocated here addresses each of these shortcomings of the 'progressive removal' approach because peacemaking is built on different assumptions and oriented to a different goal. The goal of including Navajo Peacemaking as an alternative student discipline procedure is to allow for healing. Healing and regaining harmony, not punishment or removal, are the focus of Navajo Peacemaking. The term we are using to describe Navajo Peacemaking is: *K'e ye yini nayolshool*. Our translation of this Navajo description of Peacemaking is: *By feeling our relationship with one another, we can restore peace and harmony*. This is a fundamentally different orientation to student discipline than one that is focused on removing the student. Progressive removal will not focus on reintegrating the student into the school and community, but rather will determine that the student is no longer welcome to be part of the school, thereby allowing the remaining students to have peace.

Perhaps these two approaches also reflect a fundamental difference in what it takes to have peace and harmony. From the dominant cultural perspective, at least reflected in how society has chosen to deal with the issue of student discipline in the schools, peace is the absence of disturbance. Peace can be regained by excluding from our presence those who disturb our peace. From the Navajo cultural perspective, indeed from the perspective of many indigenous cultures, peace is the balancing of the male and the female, the positive and the negative, when all elements are in harmony. According to Navajo philosopher and Peacemaker trainer, Philmer Bluehouse, "peace is the moment of transformation; the balancing of the male and female." From this perspective, peace can be regained by finding a way to re-integrate into the group those that disturb the peace. This person, who has disturbed our peace is not different from us; he is part of us. Thus when he is re-integrated into our group, I feel more whole as well.

In terms of the offending student and the school considering suspension or expulsion, the goal of the Navajo Peacemaking in student discipline is to show the student how he is imbedded in relationships – close relatives, distant relatives, and friends. As Mr. Bluehouse puts it, the Peacemaker's approach would be to show the student that "I don't know you except through your relations" and to get him to recognize that "his relations are his medicine".

Peacemaking Procedure to Follow in Student Discipline Situations

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Step 1: Start with a prayer.

Method: The student or the family involved in the discipline situation would be encouraged to pray in their own way, but it is permissible for anyone to volunteer to pray. If no one volunteers, then the Peacemaker offers a prayer, a moment of silence or a song that asks for strength and wisdom from the divine in dealing with the situation. If the family refuses to participate in a prayer, the Peacemaker may call for a moment of silence in which all those present seek guidance and strength.

Some possible explanations of the reasons for this step:

- a. Prayer articulates the problem
- b. Prayer focuses not on casting blame but rather on seeking a humble solution
- c. Asking for divine intervention recognizes that the solution is bigger than any one person
- d. Prayer reminds us that we all have the gift of life from the Creator
- e. Prayer reminds us that we are all related through our Creator
- f. Prayer creates a serious atmosphere
- g. Prayer creates an expectation that good will be the outcome
- h. Prayer recognizes that each person has a gift to share in the solution
- i. Prayer establishes parameters within which all things to be discussed can be placed

Dine' people like most Native people live spiritual lives in which prayer is one of the key ingredients. Native American prayers generally focus on family, life, health, prosperity and the community.

Step 2: Encourage participants to introduce themselves, say why they have an interest, and how they are all related.

Method: The Peacemaker asks participants to each give an introduction of their background, their clan (if applicable), their relationship to everyone in the room, and their reason(s) for wanting to be present at the Peacemaking session. The Peacemaker begins this step by introducing himself in this manner, and then asking others to introduce themselves in a similar way starting with the student who is the requestor of the session

and his or her family members. Then the Peacemaker asks the school personnel to introduce themselves in this way followed by the invited third parties. If the Peacemaker finds it necessary to speak on the subject of clanship and the interrelatedness of everyone, he can educate the group on the value of recognizing kinship ties at this point. The Peacemaker may seek to arrange all the participants in a particular manner (like a circle) in order to facilitate communication so that all speakers can be seen by everyone..

Some possible explanations of the reasons for this step:

- a. Introductions allows all participants to discover how they may be related
- b. It is customary in most Native cultures to do this to show respect
- c. Showing respect for one another leads to honor
- d. Disclosing kinship – a personal side of you – makes one more willing to share
- e. This can be a good time to assess social cooperation on everyone's part
- f. Through recognition of *k'e* (kinship), life-long relationships can be formed
- g. Through sharing the relationships, the Peacemaker becomes a part of the group and the issue

Step 3: Outline the rules of interaction in the Peacemaking session and the problem being addressed.

Method: The Peacemaker emphasizes to the entire group that all interactions are expected to be characterized by respect, relationship and responsibility. The Peacemaker is the main model of this behavior to the rest of the group. In Peacemaking, one must apply these rules and expectations to one's own behavior in the group. In addition to the basic guidelines of respect, relationship and responsibility (the 3 R's), the following rules apply:

A. Outlining the rules of interaction

- a. One person talks at a time, everyone else listens.
- b. Everyone needs to get to the point and speak to the issue without lengthy speeches or irrelevant statements
- c. Everyone has an opportunity to speak without using blame or discredit or punishment

- d. The purpose of everything said and done in the session is to regain peace and harmony among all concerned (the student, the school personnel, and the parents)
- e. School regulations and laws requiring confidentiality of student records will be maintained

B. Defining the problem

- a. Parties (requestor) who requested Peacemaking speak first and summarize the problem
- b. Peacemaker may add to or question or redirect requestor's story to make it more clear
- c. Main respondent (parties) give their side of the story to make it more clear
- d. Peacemaker may add to or question or redirect requestor's story to make it more clear
- e. Source documents (if any) from any of the parties are reviewed by the Peacemaker to determine which are relevant
- f. Peacemaker encourages participants to comment on relevant documents
- g. Participants can ask each other to clarify their statements and feelings

C. At this stage the Peacemaker should have a good understanding of the situation and the issues involved. The Peacemaker restates the problem and begins to negotiate with parties towards a resolution (presenting a possible solution).

- a. Peacemaker guides the negotiation reminding everyone of the rules
- b. Peacemaker may bring in relevant rules (e.g. truancy laws) from larger society and how they might apply to this situation
- c. Peacemaker may question the student to determine the student's understanding of the charges, acceptance of responsibility, and degree of remorse for wrongdoing
- d. Peacemaker may draw out feelings of participants in order to discover the gifts of each person that might contribute to the solution
- e. Peacemaker can state what he thinks is a reasonable solution

- f. Peacemaker requests consensus or modifications from the participants in order to reach consensus
- g. Peacemaker asks how everyone feels about the proposed settlement; is the proposed settlement really what everyone is willing to commit to
- h. Peacemaker asks the student how he or she is willing to change his or her behavior (especially if the student is willing to request forgiveness)

D. *If agreement or consensus cannot be reached,* Peacemaker could encourage parties to hold another Peacemaking session at a later date, or to refer the student disciplinary action back to the school personnel in order to pursue the recommended suspension or expulsion according to the school's standard disciplinary procedure.

E. *If agreement or consensus is reached,* Peacemaker briefly summarizes the issue, clarifying how everyone feels about the proposed settlement, then states the proposed settlement.

- a. Peacemaker restates the settlement and makes sure that everyone knows what they are agreeing to, and discusses final questions and comments
- b. Peacemaker writes down the main points of the agreement including apologies, referrals and/or individual assignments on which there is agreement ("The group expects you to...")
- c. Peacemaker opens session up to requests for forgiveness and conciliatory statements
- d. Peacemaker asks everyone to seal the agreement with a traditional handshake (as honored by Navajo common law) and to be willing to sign the written agreement when it is finalized
- e. Peacemaker offers a prayer that acknowledges thanksgiving and transformation
 - 1. *Kodoo hozhoodoo* (From here there is beauty)
 - 2. *Aheehwindzin* (Thanksgiving)
 - 3. *Nas go* (Moving on)
 - 4. *Hozho nahasdlit* (Beauty and harmony restored)
- f. Peacemaker acknowledges that everything has been transformed

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