

Editorial: Fair process works: equitable problem solving for educators and students

It happens to us all. It has been a challenging day. Seemingly out of nowhere, at dismissal, the mother of a child in your classroom who has been relentlessly emailing you races up to you and clearly is not happy. She waves at you, your last nerve snaps and the desire to avoid gets the best of you, and what comes out is, “Not now!” She leaves in a huff as the buses begin to roll out of the parking lot.

The next day, you are summoned to the principal’s office for reasons initially unbeknownst to you. The mother, in her ire, decided to take matters into her own hands, and instead of waiting for you to answer her emails or call her or even complaining to your principal or superintendent, she went directly to the school board chair, who lives in her neighborhood. When you realize the reason for the impromptu summons to the meeting, you take a deep breath and hope for the best. Certainly, if you work in a school and/or district with a moral compass and an enlightened adult culture, and perhaps in general, you would be certain you will be welcomed in and told respectfully what has happened. You are certain you will have an opportunity to tell your side of the story, and you are sure you will be given an opportunity to assist in crafting a solution pathway to achieve harmony once again. After all, her son is in your class. You expect “fair process,” a conflict resolution process, which was initially studied at the Harvard School of Business. It is essentially adhering to a process, the components of which are three elements: engagement (“Involving individuals in decisions that affect them by asking for their input and allowing them to refute the merit of one another’s ideas”), explanation (“Everyone involved and affected should understand why final decisions are made as they are. This creates a powerful feedback loop that enhances learning”) and expectation clarity (“Once decisions are made, new rules are clearly stated, so that individuals understand the new rules and penalties for failure”). Fair process is at the core of *restorative* problem-solving. We would suggest modifying the definition in a school context and replacing “penalties” with “supports” or “accountability.” In the school context, *restorative* questions should be used to achieve a fair process. This *restorative* questioning process begins with “What happened?” to explore feelings and the impact on anyone involved. The final question is some version of “How can we fix this?” The goal is to keep honest dialog alive rather than putting individuals on the defensive by asking, “Why did you do that?”, “What were you thinking?” or “What better choice could you have made?”

In moments of adversity or conflict, adults expect to be engaged restoratively to solve problems and when that is not what happens, we feel treated *unfairly*. We expect and count on this process, and when a peaceful resolution is achieved, even though we may not get our desired outcome, we still experience success and are validated in our belief that the best pathway to resolution is working respectfully (and restoratively) *with* others.

Despite adults embracing, supporting and *expecting* this kind of conflict resolution and/or problem-solving with each other or at least hoping for it, it is unfortunately *not* commonly used when *students* experience conflict, have problems or misbehave. When *students* “step in it,” they are most frequently “punished” (AKA subjected to exclusionary discipline). Until adults can experience success and see the value of using the same fair restorative process with *students*, exclusionary discipline will continue to be the remedy of choice, which comes with an abundance of *known* unintended negative outcomes (e.g. disproportionality, inequity, escalation, repeated misbehavior and/or conflict, etc.). Importantly, not providing students with teachable moments regarding how to solve problems appropriately dooms them to repeat unwanted behaviors and prove the “bad” kid label.



Our collective professional work is approaching a century of educational experience. For both of us in our leadership roles at the national, state and local levels over the past 50 years, we've come to the realization that unless we have a hard reset in school district priority and practice, students will continue to experience diminished success. Since "A Nation at Risk" shocked the country in 1983, improving academic achievement has been molding educational priority and practice, and in truth, we've gotten further behind than ever before. It is now more than ever glaringly apparent that *all learning is relational*. When relationships and community building become the "north star" in school policy and practice, academic achievement improves, and students are more successful in all aspects of their development. This includes social, moral and/or character growth. When relationships are the priority of everything done in schools, both building them and *repairing them when they've been harmed*, students thrive.

This is why we have successfully advocated for and helped create state-wide policy supporting this kind of school approach to conflicts and behavior management. Likewise, when author Ciccone was superintendent of the Westbrook Public School District, she was recognized by *Education Week* in their inaugural cohort of "Leaders to Learn From," where she was showcased for her work and focus on improving school climate. Author, Freiberg, considered the Connecticut "Czar" of "bullying," currently serves on multiple legal cases as an expert witness nationally, advocating that the ultimate remedy for "bullying" is to create environments that do not support *any* kind of inappropriate, mean behaviors.

There is a much better, well-researched and proven way to work with students when they break rules, experience conflict or have problems to solve. And, shockingly, it should be no surprise that it is the same way reasonable adults successfully face the same challenges or at least wish they could, regardless of whether they ever learned how to do so! It is a reality that far too many adults never learned how to engage in difficult conversations. This may be why adults manage student problems inconsistently and punitively and, in the process, too often sacrifice their own relationships with them, while very often avoiding their own adult and/or peer issues because they don't know how to do it consistently to achieve positive "win-win" outcomes. Educator preparation programs, whether for teachers or administrators, gloss over or ignore this critical realization and competency.

We believe that when success is experienced by the adults who work with students by engaging in a fair restorative process, then they are much more likely to continue to do so. Success breeds success, and the challenge for those of us who have thoroughly bought into working restoratively is to encourage resistant adults to try it, share the results and keep at it in the same way we do not sacrifice and/or give up on those who struggle with academic content. Those achievements always include student social and/or emotional, character and problem-solving growth and development.

Recently, in an elementary school in Rhode Island, two nine-year-old boys, one white and the other a boy of color, were brought together by the principal and the school psychologist to discuss the cruel, racist and inappropriate names they were calling each other on the bus. Historically, in this school, they did not know that a misbehavior would not be solved by a lunch detention. The repetition of behaviors was burying adults and the kids and placing them in lunch detentions bore no positive results. This time, they decided to engage in a fair process instead. During the *restorative* conversation, beginning by asking them, "What happened?" the boys acknowledged and owned their bad language, expressed that they were just mimicking what their parents were modeling and knew it was wrong. They also shared that they did not like being called names and acknowledged there was no chance of friendship if they continued and did not want that to happen. They understood the impact and agreed never to use such language again. And they haven't. This is how they "fixed" the problem. The entire conversation took eight minutes, and this successful, simple outcome was achieved not by punishing but by engaging in this fair *restorative* process and holding both to account. The adults were elated and experienced the success needed to take this profound lesson into the mainstream. It is now the process that is regularly used for misbehavior and problem-solving throughout the school, rather than turning to exclusionary discipline. The children are

collectively learning from this process and are already reported to be using these practices on their own. Surrounded by adult role models, who are bolstered by their own firsthand experiences and those of their students, both the process and the successful outcomes have been brought to scale.

The next story coming from Northwestern Regional High School in Winsted, Connecticut, similarly speaks for itself in the same vein. “In 2011–2012 our high school had chronic absenteeism of 23.7%. With intention, we focused our efforts on improving our school climate and implementing restorative practices [fair process] in our way of being. Positive relationships were at the heart of everything we did, and we focused on people over problems. Our administrative and school counseling offices became areas of refuge, places where students came to proactively problem-solve situations. This shift had a major effect on our attendance and learning. Because of this shift, our chronic absenteeism dropped to 3.1%, and in 2017–2018, our high school was honored as a school of distinction [for academics] in the state.” The superintendent and school administrators, experiencing a drop in behavioral challenges, saw instead behavioral learning and character development growth and have had no interest in returning to the old ways.

Recently, an assistant principal in another Connecticut elementary school who had worked with us to learn how to work restoratively rather than punitively sent us a jaw-dropping email that illustrated a potential disciplinary situation turned into a strategy-building learning lesson on conflict resolution for both the educators and the children, who don’t often understand the difference between *intent* and *impact*. When adults work with students in the way we are advocating, the outcome is a model example of character growth and development, as evidenced in the following story. “My secretary noticed a student who was in the office multiple days in a row because she forgot her jacket. Instead of starting with ‘Why do you keep forgetting your jacket?’ we asked how she was. She eventually shared she was upset about how kids have been commenting about her weight [and in order strategically to avoid recess, where much of the ‘commenting’ was happening]. As part of the fair process *restorative* discussion, she asked to speak with one student in particular, and she was so brave and vulnerable in our conversation, to the point where the other student was in tears. He said he had no idea how powerful his words were and the impact they had on his classmate. As part of his reflection, he asked me to help him share this impact with other kids who had joined in with him. The next day, he was a true leader and told the group they have only been thinking of themselves, and they need to understand the perspective of the other student and the impact they had on her. I saw the lightbulbs go off in their heads as he spoke. It captured everything we spoke about – the importance of not making assumptions, listening, following a fair process and lifting student voices.”

This perspective, life skill and habit are even more important today. With students spending more and more time on cell phones and social media, such as TikTok and YouTube, and with their unfettered access to the Internet, relationships and the need to problem-solve have been marginalized; it is easier and becoming even more pervasive just to quit, block, be mean, etc. behind the barrier of devices. Many reputable sources are coming to this unquestionable reality; students are suffering *relationally*. From the American Academy of Pediatrics to the Pew Foundation to Jonathan Haidt in *The Anxious Generation* and many others, there must be intentional counteractive work to stem the tide of the damage already done and turn it around so that young people are once again invested in relationships and community and desire to repair any damage when harms have been done to them. Relationships matter, and as forementioned, *all* learning is relational.

Adults in schools throughout the world need to work *with* students to give them the experience of what can be achieved when problems are solved appropriately and relationships are restored. When that happens, multiple goals are achieved, chief among them a high degree of character development – the outcome of social and/or emotional growth that we all acknowledge is of paramount importance.

Due to the growing body of successes around working in the way we are describing and, importantly, because trying to make schools safer simply by attempting to eliminate “bullying” is a documented futile effort, in our state of Connecticut, our anti-bullying legislation has been replaced with the statutory requirement that all public, magnet and charter schools must adopt the first in the nation (Connecticut) School Climate Policy, which requires them to work restoratively. The original 2014 School Climate Policy had to exist alongside anti-bullying legislation; therefore, it was modified and updated. The 2023 CT School Climate Policy now *replaces* existing anti-bullying legislation. Both authors were collaborators and/or writers of both the original 2014 School Climate Policy and the 2023 Connecticut School Climate Policy, as they were for the Connecticut School Climate Standards, which updated the 2010 National School Climate Standards. In the Connecticut versions of the policy and standards, restorative work is a key required element.

In the updated version, we intentionally incorporated restorative practices because of the moral and practical imperative to do so. This policy was strategically written to be used universally throughout the country. Our state may be the first in the nation to do this, but we believe we will not be the last because it’s the right thing to do for student character growth and development. We hope other states will follow our lead sooner rather than later. Holding ourselves as educators accountable for providing opportunities for young people to learn how to solve problems and repair harms done is the right thing to do for our students.

Patricia A. Ciccone, C.A.G.S., L.P.C., Co-Founder
School Climate Consultants, LLC
Jo Ann Freiberg, Ph.D., Co-Founder
School Climate Consultants, LLC
<https://schoolclimateconsultants.com>

Jo Ann Freiberg and Patricia Ann Ciccone

Further reading

Kim, W. C., & Mauburgne, R. (2003). Fair process: Managing in the knowledge economy. *Harvard Business Review*.