

High School Hazing Incident - A Conferencing Case Study

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The Incident

On Tuesday, September 26, 2000, 14 varsity and 10 junior varsity soccer players from a rural Vermont regional high school, along with the varsity and junior varsity coaches, were on the bus coming home after a victorious away game. They were halfway through the season and had just improved their record to 4 wins – 4 losses. As darkness fell, several varsity players diverted the coaches, who were sitting in the front of the bus, and two junior varsity players were individually dragged to the back of the bus and beaten by some of the other varsity players. They were kicked and punched repeatedly. One boy ended up with a black eye, the other with cleat marks on his back. Apparently, such incidents of hazing or “initiation rites” had occurred over the years on various teams at this high school but had never risen to this level of violence.

The Initial Response

School officials didn't find out about the attack until Wednesday, when a parent of one of the victims contacted them. On Thursday, varsity players arriving for a scheduled scrimmage were instead separated and interviews were conducted by school officials to piece together the events on the bus. Disciplinary action was taken against the 14 varsity players who were on the bus, with the severity of the punishment depending on their roles in the attack. The seven students who allegedly did anything physical were suspended from school for different lengths of time. All 14 varsity players were suspended from participating in extracurricular activities for six weeks. This mandate, based upon a relatively new hazing policy adopted by the school district, effectively canceled the remaining varsity soccer season. In addition, all 14 varsity players faced the possibility of receiving civil citations from the Vermont State Police, and several of the boys possibly faced criminal charges as well (for access to recently passed Vermont legislation re: hazing, see www.leg.state.vt.us/docs/2000/bills/passed/s%2D076.htm).

On Saturday, September 30, coverage of the incident hit the front page of the regional daily newspaper and continued for almost two weeks thereafter. Other newspapers statewide picked the story up shortly after it broke locally. This is a good indication of the public nature of and public interest in the incident and its aftermath. There had, in fact, been a number of hazing incidents recently reported in Vermont at both the college and high school levels which had received a great deal of media coverage, including a spot on national television network news. The coverage of this incident in the regional daily newspaper included ongoing articles, an editorial piece from the newspaper's editors, a number of letters to the editors from community members, and even a “street talk” section that featured five individuals' pictures and responses to a question about the school administration's handling of the incident. The coverage was generally favorable to the administration's handling of the incident.

About 40 community members attended a special meeting of the School Board that was convened six days after the incident to hear from school officials about how they were handling the situation. The principal gave a full report to the Board and audience about what the school

officials' investigation had revealed. The beatings were apparently planned as part of an initiation rite inflicted on younger players by older varsity team members. The superintendent reportedly noted at the meeting that, "The number one question I've heard is, 'Where were the coaches?'" A number of parents had become quite angry about how the incident was being handled. In fact, one parent at the meeting circulated a petition calling on the school to fire the head coach, and a number of people signed it. As it worked out, such action was not necessary as the head coach resigned shortly thereafter.

The Next Step

Just after the hazing incident was reported in Vermont newspapers, Dr. Charles Johnson, the Safe Schools Coordinator with the Vermont Department of Education, contacted the principal of the high school. Charles had an established relationship with the school community as he had previously facilitated a series of meetings with students, parents and teachers to encourage civility in all aspects of school life. A meeting was arranged with the principal and his staff to discuss the incident, the disciplinary steps that had been taken, the disgruntled parent reactions and the fragmenting, rippling effect that was taking place in the school and the community. Charles suggested the use of restorative justice conferencing as a method for bringing everyone together and reaching a conclusion that would be acceptable to the entire community. The idea was well received.

The victims and their parents were not satisfied with the suspensions alone as an appropriate response to the incident. They had desired a face-to-face meeting from the beginning. Charles had a meeting with the victims and their families to hear what they were experiencing and whether the conferencing idea might be acceptable to them. They were relieved that finally something was being suggested that would help them communicate to others what their sons and families were going through. They agreed to the conferencing idea.

On October 10, an 18-point "Action Plan for Dealing with Issues of Hazing" was developed by the school administration. The principal, vice principals, guidance counselor and athletic director all worked together to determine a course of action to follow in response to the incident. The first step in this plan was to "continue to offer counseling and support services to the two targets of the hazing assaults (and) provide (an) opportunity for the two targets to meet in a supervised environment with the varsity players who participated in the hazing assault."

One week later (three weeks after the incident), a memo was sent from the superintendent of schools to the principal (with a copy to the school board). The superintendent directed that the seven varsity players who had been suspended must provide "verification from an appropriate counselor, psychologist or psychiatrist that they have successfully participated in a program of counseling that has specifically addressed issues related to violence prevention, anger management, hazing and harassment." Until this verification was received, they would not be permitted to "participate in any extra-curricular or athletic activities or events sponsored by the school." The superintendent went on to explain that, "If the students so choose, these conditions may alternately be met by their successful participation in the Real Justice program currently being arranged by Dr. Charles Johnson of the Vermont Department of Education. 'Successful participation' means: (1) that the students actively and voluntarily participate in the Real Justice

process, (2) that they follow through in a timely manner with any and all conditions and agreements resulting from that program, and (3) that I receive certification of successful completion from Dr. Johnson and/or the designated Real Justice facilitator.”

Pre-conference Preparation

Two days later, an organizational meeting to plan for the restorative justice conference was held at the high school. This meeting included the principal, two vice-principals, a guidance counselor, the athletic director, Dr. Johnson and Chris Dinnan. Chris, who is a Community Resource Coordinator with the Vermont Department of Corrections, became involved at this point to assist in preparing the participants and, as it worked out, to co-facilitate the conference. It was agreed that the conference should be held as soon as possible. It was decided to announce it for Tuesday, November 2, 2000 at 6:30 p.m. This would allow for only two weeks for conference preparation. Everyone present agreed that the participants would include the two coaches, the bus driver, school administration officials and all soccer team members. The victims and the boys accused of active hazing would be allowed up to three supporters as it was envisioned that they would be more actively engaged during the conference, and the other team members would be allowed up to two supporters. It was also determined that the two coaches would not be actively engaged as the incident was between players. There was initial discussion about the seating arrangement since we realized we were looking at upwards of 80 participants.

The principal then sent out letters to all participants outlining the process and the options as directed by the superintendent. He indicated that the participants should expect to be contacted by Charles or Chris. A variation of the same form letter was sent to the victims, the active hazers, the passive hazers and to the other team members (junior varsity players not victimized and the two varsity players not on the bus). A copy of the superintendent’s memo was included with the letters to the active hazers. While the four categories of letters were different, they also contained some identical language that is included below:

“The recent hazing incident that involved your son and other members of the boys’ varsity and junior varsity soccer teams has left us with many unresolved issues to deal with. While the initial response to the hazing incident focused on ascertaining what happened and on dealing with the immediate disciplinary consequences as outlined in school policy and state law, our attention has now turned to restoring a sense of community to the school. It is vital to the well-being of all of our students, especially those who were in any way involved in the hazing, to find a way to bring closure to the situation in such a manner that all students are able to participate successfully and comfortably in all aspects of school life.

“... While participation in this Restorative Justice Conference is voluntary, we highly recommend that all involved students and their families take this opportunity to bring closure to this situation in what we believe will be a very positive and restorative manner.

“There are a number of advantages to participating in the Restorative Justice Conference, including the following:

“The Restorative Conference will...

- provide an opportunity for all of the involved students to express and discuss their feelings and concerns about the hazing incident and the resulting actions taken by the school.
- allow victims, active participants and observers to face each other on an equal basis as they strive to restore a sense of mutual trust and respect.
- engender a feeling of community among the parents of the soccer players.
- permit students to resolve the remaining disciplinary issues resulting from this case.
- provide closure to the situation that enables the school community to move on beyond the hazing incident while at the same time setting the groundwork that will prevent future hazing incidents from occurring.

“...I strongly encourage your son and you to participate in the Restorative Justice Conference scheduled for Thursday, November 2. I believe this process offers us the best opportunity to move our school community forward.”

Prior to the conference, there were a number of e-mail and telephone communications between the facilitators and the school administration. As co-facilitators, Charles and Chris began to develop a “creative tension” which persisted throughout the pre-conference period. A number of issues were worked through. For instance, the facilitators and school administrators all agreed on who the participants should be but disagreed on the issue of observers. It had been suggested that perhaps local municipal and law enforcement officials, school board members, student council representatives, etc., be invited to attend. Charles felt that being as inclusive as possible would provide an education for the observers, develop goodwill for the process and reduce the amount of time and effort needed to explain what happened at the conference. Chris suggested that observers should only be present if all conference participants agreed. In the end, the sensitivities of the majority of the participants were respected, and no observers were allowed. In fact, a third facilitator was posted at the entrance with a checklist of names to ensure that no one who was not invited (like the press, for instance) would be in attendance.

All participants were afforded the opportunity for a pre-conference face-to-face meeting with a facilitator or were given as much phone time as was necessary to prepare them for the conference. Due to the number of participants and the fact that the conference was slated to occur in just two weeks, Chris recruited two other individuals trained in the conferencing process to assist in this effort. Chris concentrated his efforts on the victims, the active hazers and the parents of both, while the two individuals he recruited contacted the coaches, the bus driver and the other players (including the passive hazers) and their parents. Charles was also in contact with many of the participants through numerous telephone calls prior to the conference. The Real Justice script that was to be used as the basis for the conference was freely shared with participants, and any questions about the process were answered. 50 hours altogether is a conservative estimate for the amount of time spent by the four individuals preparing the

participants. When meetings were requested, they lasted between 1 – 2.5 hours. Telephone conversations were also extensive in terms of time.

The Criminal Justice Aspect

Chris agreed to connect with the Vermont State Police to determine the status of the case. The troopers had taken the case based on the fact that the incident had occurred on the bus returning from an away game outside of the town in which the high school is located. Sergeant James Hogan, the investigating officer, was the key decision-maker in the justice system but was away at training until three days prior to the conference. Based upon his investigation, he would ultimately determine how the case would proceed. Prior to Sergeant Hogan's return, Chris sent the 14 varsity players a report to prepare them for possible scenarios. The following e-mail from Chris to Sergeant Hogan is included in its entirety below, as it contains references to recently enacted state policy re: restorative justice and contains the report which was given to the 14 varsity boys who were on the bus and faced the citations. Worth noting is that Sergeant Hogan had indicated to the principal that the citations would be issued and that the active hazers would be fined \$500, while the passive hazers would be fined \$2,000. This issue of \$500 versus \$2,000 citations was the source of a good deal of confusion and was dealt with in the report to the 14 varsity players who were on the bus.

Full text of e-mail from Chris Dinnan to Sergeant Hogan (dated 10/30/00)

“Sergeant Hogan-

“I realize you were at training all last week, but I am assuming you have received word (from Lieutenant Stanton) about the Restorative Justice Conference which is being convened re: the (high school) soccer team hazing incident. The incident occurred on 9/26 on the bus back from an away soccer game. The conference is scheduled for this coming Thursday, November 2, at 6:30 p.m. at (the high school).

“I am enclosing a report that has been shared with the 14 varsity players who were on the bus. There is a great deal of apprehension going in that what is said may be used against them. In fact, some may not attend unless they are reasonably assured that they can be comfortable speaking freely. Ultimately, full participation would give this conference the most potential to resolve this issue so that the community can begin to heal. At this point, there is a tremendous amount of conflict in the community. It has become a festering wound.

“My understanding is that you will return to work on Tuesday, October 31. Please make it a high priority to contact me by return e-mail or by giving me a call. I believe it would be best for you (or a representative Trooper) to attend, but only if you (or they) would be willing to agree not to use the boys' statements against them. This is the most important issue we need to deal with. In some jurisdictions, anything said in a conference such as this can not be used against a participant, whereas in Vermont there is nothing on the books to restrict this. There is, however, new legislation enacted during the last session of the Legislature (coincidentally along with the hazing statute) which reads:

* * * Beginning of Restorative Justice; Amendments * * *

“Sec. 62. 28 V.S.A. § 2a is added to read:

§ 2a. RESTORATIVE JUSTICE

(a) State policy. It is the policy of this state that principles of restorative justice be included in shaping how the criminal justice system responds to persons charged with or convicted of criminal offences. The policy goal is a community response to a person's wrongdoing at its earliest onset, and a type and intensity of sanction tailored to each instance of wrongdoing. Policy objectives are to:

(1) Resolve conflicts and disputes by means of a nonadversarial community process.

(2) Repair damage caused by criminal acts to communities in which they occur, and to address wrongs inflicted on individual victims.

(3) Reduce the risk of an offender committing a more serious crime in the future, that would require a more intensive and more costly sanction, such as incarceration.

(b) Implementation. It is the intent of the general assembly that law enforcement officials develop and employ restorative justice approaches whenever feasible and responsive to specific criminal acts, pursuant to sections 163 and 164 of Title 3, concerning court diversion, chapter 221 of Title 13, concerning sentencing, and the provisions of this title, concerning persons in the custody of the commissioner of corrections. It is the further intent of the general assembly that such restorative justice programs be designed to encourage participation by local community members, including victims, when they so choose, as well as public officials, in holding offenders accountable for damage caused to communities and victims, and in restoring offenders to the law-abiding community, through activities:

(1) Which require offenders to:

(A) acknowledge wrongdoing and apologize to victims;

(B) make restitution for damage to the victims, consistent with provisions of chapter 221 of Title 13 and of this title;

(C) make reparation for damage to the community by fulfilling a community service; and

(D) when relevant, successfully complete treatment addressing the offense or other underlying problematic behavior, or undertake academic or vocational training or other self-improving activity.

(2) Which aid in the recovery of victims, recognizing that victims, particularly of violent crime, often suffer lifelong effects and, accordingly, must feel safe and involved in any program offered to assist them.

(3) Which help in identifying the causes of crime and ways community members and municipal and state government can reduce or prevent crime in the future.

* * * End of Restorative Justice; Amendments * * *

“This legislation clearly states that the new policy relates to how the criminal justice system responds to persons "charged with or convicted of criminal offenses." Since the two targeted victims and their parents are supportive of employing the restorative methodology of "conferencing" in this case, however, I would hope that we could work

something out "pre-charge" before this conference in order to encourage the greatest amount of participation.

"The report I sent to the 14 varsity players on the bus (and their parents) is included below. It was the best I could do for them without having had the opportunity to speak with you first.

"Thanking you in advance for responding at your earliest possible convenience,

Chris Dinnan
VT Dept. of Corrections

Enclosure in e-mail to Sergeant Hogan...

(High School) Hazing Incident

Possible Scenarios for Varsity Players on the Bus

Report from Chris Dinnan, Conference Co-facilitator (10/26/00)

"In advance of the restorative justice conference scheduled for Thursday, November 2, 2000, at (the high school), I have been attempting to establish the possible scenarios within the justice system for the 14 varsity soccer players on the bus (7 active and 7 passive hazers). Their options within the school community have been clearly stated by (the superintendent and the principal). At this point in the justice system, they have not been formally charged with any civil or criminal offense. Since the alleged offense occurred outside of (the town), State Police Sergeant Jim Hogan has become the investigating officer. Sergeant Hogan met with (the principal) and indicated to (him) that 14 citations would be forthcoming. Sergeant Hogan has been in New Hampshire all this week at training so I have been unable to contact him personally. I have sent an e-mail to him. I have also spoken to his supervising officer, Lieutenant Stanton, to see what action is contemplated (and when). He is supportive of employing the conferencing process to attempt to resolve this situation.

"The new hazing law under which these boys may be charged was enacted this past legislative session. 16 VSA Sec. 153 indicates that "a person who commits an unlawful act under this subchapter shall be subject to a civil penalty of not more than \$5000.00." At his meeting with (the principal), Sergeant Hogan indicated that the 14 tickets would be in the amount of \$500 for the 7 "active" hazers and \$2000 for the 7 "passive" hazers. I have obtained an "Informational Bulletin" from Dean Martin at the Judicial Bureau which indicates that the waiver penalty for hazing or soliciting hazing in a secondary school is \$500 while the penalty for "failing to prevent hazing" is \$2000. He feels, and I agree, that this latter category is probably meant for coaches or administrators rather than for students. In fact, the specific language of the statute is that it shall be unlawful to

“knowingly fail to take reasonable measures within the scope of the person’s authority to prevent hazing” [16 VSA Sec. 152 (c), *Italics are mine*]. Anne Winchester with the Legislative Council also agrees that this was the intent of this language in the new statute.

“Thus, it is reasonable to assume that, if tickets are issued, all 14 students will be receiving the same \$500 citation. Seven allegedly did “engage in hazing” and seven allegedly did “solicit, direct, aid or attempt to aid, or abet another person engaged in hazing” [16 VSA Sec. 152 (c)]. A real possibility is that the tickets will not be issued. This is left to the discretion of the investigating officer. The investigating officer is also able to amend or dismiss the ticket after it has been issued. If the citations are issued and the investigating officer decides against dismissing or amending the tickets, the matter then goes to the Judicial Bureau. The individual cited would then have three options: plead not guilty (in which case a hearing would be scheduled), plead guilty (and pay the fine), or plead “*nolo contendere*” (and pay the fine). If determined innocent at the hearing, the individual would obviously not pay any fine but if found guilty, might be subject to a civil penalty up to \$5000.

“I also have a call into the State’s Attorney’s Office as the statute is clear that, “Nothing in this subchapter shall limit or preclude a criminal prosecution or any criminal or civil action based on any act that may constitute hazing.” (16 VSA Sec. 154) The Judicial Bureau deals solely with civil offenses (like traffic and other ordinance violations, possession of malt beverages, etc.) which deal with fines. There could also be criminal charges (such as Simple Assault) filed by the State’s Attorney which would be dealt with in Family Court (for those individuals charged as minors) or District Court (for those individuals charged as adults). This would all be contingent upon the State Police sending an affidavit to the State’s Attorney’s Office, which they may or may not do in this case.

“The question has been raised as to whether anything said in the conference can be used against the alleged hazers in subsequent criminal action. The short answer is, “Yes.” However, the likelihood that this would happen is so minimal that the more accurate answer would be, “Yes, but it is almost certain that it will not be.” According to Jane Woodruff, Executive Director of the State’s Attorneys and Sheriff’s Association, there is also the possibility that Jim Mongeon, the State’s Attorney for Rutland County, could issue a “grant of use immunity” for what is said at the conference. This would exempt any statements from future use. Mr. Mongeon is on vacation until next week so I will be unable to determine whether this is a possibility until then. It could also be argued that anything said could not be used against them because they had not been advised of their Fifth Amendment rights, although they have not been charged at this time. The bottom line is that it is an understandable concern but that it is not, in fact, a huge issue. Participants should feel that they can speak freely at the conference.

“I will continue to clarify the situation up until the conference takes place and, if necessary, afterwards. As explained in detail above, the primary player in the justice system at this point in time is Sergeant Jim Hogan of the Vermont State Police. I have encouraged him via e-mail to attend the conference and will follow up next week. I do

believe it would be beneficial for all alleged offenders to actively participate in the conference in that it will be much less likely that citations will be issued (and that a criminal affidavit will be forwarded to the State's Attorney's Office) in the cases of those boys who participate. (The principal) has indicated in his letters to the parents of the 14 boys involved that if they do choose to voluntarily participate in the conference, 'school and Vermont Department of Education personnel will work with the State Police and courts to bring any possible legal issues resulting from the hazing to a satisfactory conclusion.' I am confident that we will be able to do just that."

End of 10/30/00 e-mail to Sergeant Hogan

Upon returning to the area, Sergeant Hogan made it clear in a meeting with Chris that it had been his intent to issue the \$500 citations. Chris indicated to him that there was some feeling (in the school administration and by the victims) that it would be best to issue the citations and then dismiss them if appropriate action by the offenders was taken. This would emphasize the seriousness of the offense and provide an additional incentive to comply with the agreement. Sergeant Hogan decided after this meeting to hold off on issuing the citations so long as the victims and school administration were satisfied with the outcome of the conference. He prepared a memo to Chris, which was subsequently provided to the conference participants, to clarify his position. His memo reads in part:

"...I believe involving the community and having the offenders admit their part in an incident and how it affected them and the victims is beneficial. I realize that this is a relatively new concept and not fully understood by everyone, myself included. However, I feel that as individuals and communities become more involved and have a better understanding of the program this could be used in a wide variety of ways.

"Having stated this, regarding the conference on 11/02 at (the high school) concerning the hazing incident on 9/26/00, I want to reiterate that my chief concern is for the victims and victims' families. This was a serious incident and the offenders need to know that their actions or non-action caused a lot of pain not only for the victims and their families, but for the school and the community.

"As was discussed at our meeting, it was my plan to issue hazing tickets to the 14 individuals involved in the incident. This determination was made from information I had gathered from the school administration as well as from one of the parents of one of the victims. After speaking with you... I learned that (the conference) may be of more benefit to them than a simple ticket. However, this is contingent upon the satisfaction of the victims, their families and the school administration. If those parties are agreeable to a solution...they deem appropriate and the offenders complete (this agreement)... to all the parties' satisfaction, then there will be no tickets issued.

"I wish you well at the conference and sincerely hope a resolution can be reached that will help ease the pain suffered by the victims, their families, the school and the

community caused by the offenders. I look forward to hearing from you about the conference and it's outcome."

After the meeting between Chris and Sergeant Hogan (and before receiving the memo referenced above), Chris sent a letter to the 14 varsity boys on the bus and their parents (with a copy to the victims and their parents). It read in part:

"I have just returned from a meeting with Sergeant Jim Hogan of the State Police, the investigating officer for the (high school) hazing incident. I laid everything out to him in terms of the restorative justice conference, which is planned for 6:30 p.m. on Thursday, November 2, at (the high school). He considered the options and has chosen not to issue the 14 citations, with the possibility of later dismissing or amending them as a result of what transpires during and/or after the conference. He is, however, prepared to put in writing that no tickets will be issued and no affidavit will be forwarded to the State's Attorney in the cases of those boys who participate in the conferencing process to the satisfaction of the victims and their parents. I will physically pick this letter up (rather than rely on the mail) on Thursday morning and will make copies available at the conference.

"Particularly with this development in mind, I would encourage you all to attend and actively participate in the conference. Please do not consider this an ultimatum, as I am personally in no position to issue one. The very real possibility does exist, however, that if you choose not to participate, a citation may be issued and criminal action may be pursued. This is, quite simply, where things stand at this point in the justice system."

The Conference

A total of 91 participants and three facilitators attended the conference, which began shortly after 6:30 p.m. (to accommodate some latecomers) and lasted for over three hours. 28 of 35 total soccer team members, including the 14 varsity players charged with hazing, attended with their supporters. The junior varsity coach, the bus driver, the superintendent and five school administrators attended. The varsity coach, who as noted previously resigned shortly after the incident, had been invited but chose not to attend. A single cordless hand-held microphone was passed back-and-forth between the facilitator and the one person speaking. The microphone served as a "talking stick" during the conference. No one spoke except for the person holding the microphone during the entire course of the conference.

The final seating arrangement was a cause for considerable dialogue and discussion right up until 48 hours prior to the conference. It was clear from the outset that the number of participants precluded forming one large circle. One option that was suggested by Chris was to create two concentric circles. The "inner circle" would consist of the primary hazers and their supporters along with the victims and their supporters. The victim supporters would include the principal and one of the vice-principals, as the victims and their parents had requested these two individuals. The "outer circle" would consist of other affected parties - the bus driver, the two

coaches on the bus, administration officials not requested by the victims as inner circle supporters and the other soccer team members and their supporters. The inner circle participants would be actively involved in the scripted Real Justice process throughout, while the outer circle participants would be brought in only toward the end of the process. Charles, on the other hand, had seen research on large group conferences that suggested the use of a “V format” as a more useful seating arrangement. The later arrangement was ultimately used.

Another issue that was resolved less than 48 hours before the conference concerned the seven varsity players who were on the bus but did not physically take part in the assault. As previously noted, it was the seven boys who allegedly did something physical during the incident who were suspended. The others knew the hazing was happening and did nothing to stop it. Under the recently enacted Vermont statute (also referenced previously), all 14 were equally guilty. When the concentric circle model was being considered, it was envisioned that the seven “passive hazers” would sit in the outer circle and take a less active role in the conference. In the final seating arrangement, however, they were up front and actively involved. Unfortunately, this was a surprise to them. One reason for doing this was that there was some indication that one or more of the passive hazers were more active during the incident than had been originally determined.

The “creative tension” between Charles and Chris became particularly tense at this point in time. Besides the inclusion of the seven passive hazers in the active scripted questioning phase of the conference, Charles additionally suggested that the Real Justice script, which was all along the agreed basis upon which the conference was to occur, could become more of a “point of departure” at the conference. Both issues were concerns to Chris, since so much time had been spent preparing the participants both for the seating arrangement and for the scripted process. They discussed delaying the conference to “re-prepare” the participants but, in the end, agreed to proceed on schedule. After all, it was the eleventh hour and rescheduling the event would have been difficult. An effort was made to inform participants that the seating arrangement and script might be altered, but that the process would be essentially the same. It was not logistically possible to contact all participants.

Perhaps the tension increased significantly at this point because Charles became particularly creative in his approach. Conferencing is, in fact, a very pliable, multi-faceted process that is used in many different forms in many different venues. Chris’ experience had been in the application of conferencing in the criminal justice area, while Charles’ interest was to explore applications in public school settings. The tension between Charles and Chris may very well have been the natural result of a corrections and an educational professional teaming up to produce a conference such as this. The incident itself demanded a response from both “worlds” and both parties were, in the end, able to resolve the issues in order to accommodate both cultures. Our goals were the same - to address the needs of the victims, to hold the offenders accountable for what they had done, and to assist the school and greater community to begin a process of healing from the damage which resulted from this incident.

The following page represents the final seating arrangement at the conference. The third facilitator shown helped in the preparation effort, checked in participants at the door and helped with refreshments after the conference.

Prior to the scripted conferencing process, Charles had a 10-point “Restorative Justice Signposts” information sheet read aloud by some of the boys, alternately by both “victims” and “offenders.” This sheet, which had been placed on the seats of all participants, follows. On the reverse side was “What is Restorative Justice?,” a piece by Mark Umbreit which can be accessed at <http://ssw.che.umn.edu/rjp/Resources/Documents/cumb99c.PDF>.

Restorative Justice Signposts

We are working toward restorative justice when we

1. ...focus on the harms of wrongdoing more than the rules that have been broken;
2. ...show equal concern and commitment to victims and offenders, involving both in the process of justice;
3. ...work toward the restoration of victims, empowering them and responding to their needs as they see them;
4. ...support offenders while encouraging them to accept and carry out their obligations;
5. ...recognize that while obligations may be difficult for offenders, they should not be intended as harms, and they must be achievable;
6. ...provide opportunities for dialogue, direct or indirect, between victims and offenders as appropriate;
7. ...involve and empower the affected community through the justice process, and increase its capacity to recognize and respond to community bases of crime;
8. ...encourage collaboration and reintegration, rather than coercion and isolation;
9. ...give attention to the unintended consequences of our actions and programs; and
10. ...show respect to all parties, including victims, offenders, and justice colleagues.

Crime wounds... Justice heals.

Drawn from Kaleidoscope of Justice and "Restorative Justice Signposts" by Harry Mika and Howard Zehr.

With some slight variations, the lead facilitator then employed the “community” or “family group” conferencing script that has been developed by the Real Justice organization out of Bethlehem, Pennsylvania (www.rrealjustice.org for more information - copy of script follows this paragraph). One variation to the script was that a question was added to the list of offender questions - “What part did you personally play in this incident?” This question was added at the suggestion of one of the boys who was victimized. Another variation was that index cards had been placed on the seats of all participants. During a short break taken just prior to the agreement phase, participants were all invited to submit a question that might be asked of the offenders. Charles, as lead facilitator, filtered these questions, choosing not to ask most of them. He apparently felt that most of the questions were beyond the scope of the conference and/or were not specific to the incident at hand. He did ask this question - “How were the two boys who were victimized selected?”

Beginning of Real Justice CONFERENCE FACILITATOR’S SCRIPT

I. Preamble:

“Welcome. My name is _____ and I will be facilitating this conference.

“Thank you all for attending. I know that this is difficult for all of you, but your presence here will help us deal with the matter that has brought us together. This is an opportunity for all of you to be involved in repairing the harm that has been done.

“Before the conference begins, I will work my way around the group, introduce participants and indicate their reason for being here today.

Introduce each participant and indicate relationship to victim(s) or offender(s):

“This conference will focus on an incident which happened (date, place, nature of offense without elaboration). It is important to understand that we will focus on what (offender[s]) did and how that unacceptable behavior has affected others. We are not here to decide whether (offender[s]) are good or bad. We want to explore in what way people have been affected and hopefully work toward repairing the harm that has resulted. Does everyone understand this?

“(Offender[s]) have admitted (his/her/their) part in the incident.

Say to the offender(s): “I must tell you that you do not have to participate in this conference and are free to leave at any time, as is anyone else. If you do leave, however, the matter may be referred back to the court.

“This matter, however, may be finalized if you participate in a positive manner and comply with the conference agreement. Do you understand that, (Offender name[s])?

II. Offenders:

“We will start with (one of the offenders names):

Key questions:

- “What happened?”
- “What were you thinking about at the time?”
- “What have you thought about since the incident?”
- “Who do you think has been affected by your actions?”
- “How have they been affected?”

Repeat above questions to all offenders present.

III. Victim:

“Now, let’s find out from (first victim name) how s/he has been affected...

Key questions:

- “What was your reaction at the time of the incident?”
- “How do you feel about what happened?”
- “What has been the hardest thing for you?”
- “How did your family and friends react when they heard about the incident?”

Repeat above questions to all victims present.

IV. Victim Supporters:

- “What did you think when you heard about the incident?”
- “How do you feel about what happened?”
- “What has been the hardest thing for you?”
- “What do you think are the main issues?”

Repeat above questions to all victim supporters present.

V. Offender Supporters:

To the parents/caregivers ask:

“This has been difficult for you, hasn’t it? Would you like to tell us about it?”

Key questions:

- “What did you think when you heard about the incident?”
- “How do you feel about what happened?”
- “What has been the hardest thing for you?”
- “What do you think are the main issues?”

Repeat above questions to all offender supporters present.

VI. Offenders:

Ask the offenders:

“(Offender name), is there anything you want to say at this time?”

VII. Reaching an Agreement:

Ask the victims:

“What would you like from today’s conference?”

Ask the offenders to respond.

At this point, the participants discuss what should be in the final agreement. Solicit comments from participants.

It is important that you ask the offender(s) to respond to each suggestion, asking:

“What do you think about that?”

Then determine that the offender(s) agree(s) before moving on. Allow for negotiation.

As the agreement develops, clarify each item and make the written document as specific as possible, including details, deadlines and follow-up arrangements.

As you sense the agreement discussion is drawing to a close, say to the participants:

“Before I prepare the written agreement, I’d like to make sure that I have accurately recorded what has been decided.”

Read the items in the agreement aloud and look to the participants for acknowledgment. Make any necessary corrections.

VIII. Closing the Conference

“Before I formally close this conference. I would like to provide everyone with a final opportunity to speak. Is there anything anyone wants to say?”

Allow for participants to respond and when they are done, say:

“Thank you for your contributions in dealing with this difficult matter. Congratulations on the way you have worked through the issues. Please help yourselves to some refreshments while I prepare the agreement.”

Allow the participants ample time to have refreshments and interact. The informal period after the formal conference is very important.

End of Real Justice CONFERENCE FACILITATOR’S SCRIPT

After the Conference

All 14 varsity boys who had been on the bus had signed the conferencing agreement, which stressed activities to prevent future hazing incidents. The father of one of the victims sent the following e-mail out the evening of the conference to friends and supporters. He has agreed to make it public on the condition that it be printed in its entirety. Only names have been omitted, as they have been in this entire report. The e-mail includes the 5-point signed agreement:

Beginning of e-mail from a parent of one of the victims

“Dear Family & Friends: Well, after what seems like an eternity (a couple of weeks?) of meetings, planning, negotiations, behind-the-scenes string pulling, and a lot of angst, we finally got our Restorative Justice conference tonight (6:30 to nearly 10:00).

“We estimated that most of the junior varsity team and their parents, ALL 14 members of the varsity (including the 'evil seven') and their parents, the 5 or 6 relevant school administrators, (the two victims), and three facilitators were in attendance -- a total of nearly 90 people. We met in a 'triangle' in the gym: (the victims) and their parents on one side (single row), seven 'actively involved' varsity players 'opposite' us, with their parents behind them in two rows; two facilitators at the 'hinge' between these two sides, and all

the rest of the passive participants and families forming the large/multi-row 'end' of the triangle. Sometime we can get specific/detailed about the process, the order of presentations, the 'scripted-ness' of the process, etc. etc. if you are interested. The essential thing is that every 'offender,' 'victim,' 'victim supporter', (us), and 'offender supporter' was asked a series of questions and could respond at whatever length they felt appropriate. [I, for example, was allowed to say that I was physically sick as a result of the anger I felt for these boys, and that they should consider themselves lucky that they had not picked on a boy whose parent was a psychopath; I then told them that I had been advised, variously, to sue them, expel them from school, treat them as criminals and file charges, and/or abandon the legal process and just beat them. Instead, we chose this process of community healing....].

“This led, in turn, to the question: 'What do you think are the major issues to be addressed?' And finally, 'What are your suggestions for what these boys can do to address these issues?' Some other suggestions were filed more specifically under a category of what the administrators could take responsibility for.

“Bottom line was that (the two victims) got their fundamental request(s) met: All the offending players and by-standers showed up and had to acknowledge their role in, and feelings about, what happened on that bus -- and do so in front of a large group of pretty unsympathetic people (I was really kind of stunned at the level of dismay and trauma on the part of the parents of the offenders... interesting). (The two victims) also emphasized that what they wanted as a result of this process was remorse on the part of the other players, and respect and civility in the hallways and around school -- including being greeted normally and ensuring that the hall talk about what actually transpired was accurate. There was discussion about what this meant, and how the players could live up to that. Also players let them know that they were already making sure that the 'real' story was making the rounds and that no one was blaming the victims for the craziness and the ensuing penalties.

“The resulting “Agreement” is a kind of gentleman's agreement that everyone in attendance could live with, the administration will implement with them, and all 14 varsity players signed. There are 5 action items (details will be fleshed out later):

"We agree to show respect and civility to (the two victims) in future daily activities at school.

"We agree to participate in an activity at all five elementary schools [that feed (the high school)] and at (the) Middle School to educate younger students about hazing in order to prevent such activity from occurring again in the future.

"We agree to work with the School Board Policy Committee in the revision and further development of the Hazing Policy.

"We agree to participate in future 'team building' activities.

"We agree to work with the administration in the development of a team captain leadership program.

"This might not seem like a lot when you are sitting there reading this, but the fact that everybody was in one place, could see each other's faces, and express their fairly raw emotions was pretty impressive -- and then on top of it to come up with constructive ideas we could agree on was more so. We know going in that we were trading off some things for others (i.e., I had to leave the 'vindictive stick' in the car; on the other hand, those boys ate a bunch of humiliation burgers tonight).

"So now I am going to go downstairs and have a beer. Thanks for all your positive energy -- it really helped us [and (my son) even said so as part of his several very articulate opportunities to speak....]."

End of e-mail from a parent of one of the victims

Shortly after the conference, Chris sent the following letter to State Police Sergeant Jim Hogan:

"I am enclosing a copy of the Conference Agreement which was generated as a result of the Restorative Justice Conference held on November 2 at (the high school) re: the soccer team hazing incident of September 26. As you can see, all 14 "active" and "passive" hazers attended the conference and signed the agreement. A total of 91 participants and three facilitators attended the conference, which lasted for over three hours.

"In your memo of 11/1/00, you indicated that the hazing citations would not be issued 'contingent upon the satisfaction of the victims, their families and the school administration.' I can only attest to the fact that all 14 attended, participated in the conference and signed the agreement. There were varying levels of remorse expressed and clearly not all of the boys offered a sincere apology or admitted exactly what part they played in the incident. It remains to be seen whether they all live up to the agreement. At the very least, the conference gave the victims and their parents an opportunity to express their anger and disappointment and gave the offenders and their parents the opportunity to express their feelings as well. I sincerely hope that this was a positive intervention and that all participants were reasonably satisfied with the outcome.

"If you would like to contact me for further information or input, feel free to call or e-mail me. I would also encourage you to contact the victims and the school administration to assess their satisfaction with the process.

Participant Feedback

Approximately two weeks after the conference, Chris mailed out a "Restorative Justice Conference Feedback Form" to all 91 participants. The cover letter and form follow:

“It has been over two weeks since the Restorative Justice Conference was held at Otter Valley Union High School in response to the soccer team hazing incident of September 26. Thank you again for attending and participating in this process. Please consider providing us with feedback based upon your personal experience of the conference.

“Enclosed you will find one or more double-sided Restorative Justice Conference Feedback Forms, along with a stamped self-addressed envelope. Up to four forms could be returned in this one envelope. Based upon our checklist from the conference, I am attempting to get one of these forms to everyone who was present to assess your unique perspective. Your replies will be entirely anonymous, as all 91 participants will be receiving the exact same form. Please take the time to respond in order that future applications may be positively influenced by your input.

“If you have any questions or concerns or would prefer to give input over the phone, please give me a call. I could also send the form to you by e-mail and you could respond in that manner. If this option appeals to you, please send an e-mail to me. Of course, your response may no longer be anonymous if you choose either of these options.

“Thank you for your assistance!”

Restorative Justice Conference Feedback Form

(High School) Hazing Conference- 11/2/00

Scale: 1 = Lowest Score, 10 = Highest Score

Please rate your overall satisfaction with the conference:

1 2 3 4 5 6 7 8 9 10

Please rate the process as to how fairly participants were treated during the conference:

1 2 3 4 5 6 7 8 9 10

Please rate your level of satisfaction with pre-conference preparation efforts:

1 2 3 4 5 6 7 8 9 10

- Do you feel the conference properly addressed the offense? YES NO
- Did you personally experience any benefits from participating? YES NO

Explain:

- Were you given ample opportunity to have input? YES NO
- Did the facilitators do a proper job in leading the conference? YES NO
- Would you like to see conferencing used more frequently in the future? YES NO

Please explain, including any ideas as to how and in what situations this might be done:

- Please take some time to reflect on the experience of being a participant and share your thoughts with us in writing, including what you think was the worst/best thing about this specific conference and how we might improve the process for future applications.

Thank you very much for taking the time to give us your feedback!

28 forms have been received back of the 91 sent out - a good return by most standards. The numerical responses have been averaged, the Yes - No responses have been collated and almost all of the narrative responses are included below. Only names and other references that might identify someone who responded have been eliminated.

Please rate your overall satisfaction with the conference: **6.2**

Please rate the process as to how fairly participants were treated during the process: **6.8**

Please rate your level of satisfaction with pre-conference preparation efforts: **6.4**

- Do you feel the conference properly addressed the offense? **21 - YES 4 - NO**
- Did you personally experience any benefits from participating? **23 - YES 4 - NO**

Explain:

- It was a valuable opportunity to fully discuss what happened. I am still disappointed that some students failed to use this time to fully acknowledge their role, as well as an administration which continues to ignore their failings.
- I felt that they made everyone realize what they had done and what they could have done differently.
- I felt humiliated and uncomfortable.
- Even though my son was not on the bus, I feel the conference helped readjust his attitude to how serious and awful this offense was to the two junior varsity boys.

- I feel that the format was generally humiliating for the so-called “active participants” and their supporters.
- I was glad to have a chance to face the other boys and their families; share our reactions to and feelings about the incident; hear their reactions and feelings – somewhat of a “clearing of the air.”
- Seeing the varsity players face-to-face; realizing the extent to which “offenders” parents were upset, too; opportunity to speak out about (at least some of) my feelings in a public setting; forcing offenders to be “identified” in a public setting, not just on paper, made me feel a little more confident they would not repeat the offense.
- Before the conference, I felt the situation was still open, and that the offenders did not fully understand the situation’s emotional, physical and mental stress. All this felt understood and “wrapped-up” afterwards.
- I felt satisfied with many of the “offenders” apologies. Since the conference, I have also felt more respected by other kids. During the conference, I was even able to get rid of some hard feelings.
- I was a spectator – watching a very emotional replay of an incident that was hurtful to everyone in that room.
- For my son’s sake, and (the other boy’s), they had a face-to-face meeting with the offenders, which they wanted all along. I wished I had been more aggressive in follow-up questions.
- One of the major benefits of the conference was that it provided a face-to-face, public confrontation between all parties affected.
- It was a four-hour guilt trip for the varsity team members. It did address the issues, but did not conclude with any clear resolution to the matter.
- I saw that the victims received just apologies.
- I got to hear and see the other side of the situation. You realized that you were not alone in having to deal with this issue and that others were also feeling the same way. Just being able to talk about it openly made me feel better, in trying to understand the whole thing.
- It was important for the (school) community to have this opportunity. I needed to have some point/activity that identified the change in course from punishment/retribution to healing and moving forward. This conference provided that.

- I participated in the outer circle. I do feel the conference was professional and serious— lending itself to participants realizing the gravity of the situation. Hopefully, the boys understood that parents and the community were serious and sincere in their support.
 - I was very interested in knowing how Real Justice worked. I could relate to parents - both sets. I felt that it was an extremely sad situation and this put closure on it to some extent.
 - It was beneficial to see the process firsthand.
 - I didn't realize how severe the crime was until I heard in detail the mother describing her son's back.
 - To have the experience of a restorative justice intervention rather than to read about the application of the concepts.
 - For the school, the purpose was to prevent future incidents. We did as well as could be expected.
 - I had a better understanding of the impacts of the hazing on the victims, their parents and the parents of the active seven.
 - Hearing first hand accounts of events given by participants and victims.
 - I felt that it was good to actually see how people felt because it gave everybody a better understanding as to whom was affected and how.
- Were you given ample opportunity to have input? **17 - YES 7 - NO**
 - Did the facilitators do a proper job in leading the conference? **18 – YES 8 - NO**
 - Would you like to see conferencing used more frequently in the future? **22 – YES 5 - NO**

Please explain, including any ideas as to how and in what situations this might be done:

- But the facilitators need to have more flexibility in leading the discussion. The script is too rigid, and began to receive parroted answers. I believe the facilitators could effectively guide the discussion if allowed.
- Any kind of violence.
- I feel that the conference became very dragged out and that due to the hours we sat there I became restless and bored with the procedure – my mind then became more focused on getting out of there.

- Dr. Johnson was allowed to change the format and questioning to suit his and the administration's agenda thereby rendering the process invalid.
- Other incidents involving school activities particularly if the numbers were lower. Dealing with this large a group felt unwieldy at times (and constantly changing during the pre-conference period). On the other hand, the conference seemed to bring us to a point of healing as a community.
- I would think that cases of vandalism, harassment (sexual, racial, physical), low-level violence, petty theft, incivility, cheating, and other anti-social behaviors could benefit from this process. If a team consisting of staff, students and parents (or other community members) coordinated such a forum, it could be very productive.
- I think the reparative justice program works well, allowing both sides to state their feelings and present situation. It also gets people talking, and perhaps allows for positive conversation. I think it should be used whenever possible. But, it should only be used in situations where it will be taken seriously.
- I think that the conferencing should be used when there is a conflict among a group of people (like a click, etc.). It's much more effective when there is a larger group of people.
- This format was repetitive and lengthy. I do think it was important for the offenders to face the victims and apologize – smaller group would be better – less formal questioning – closer seating – no mike – the boys were slumped forward – looking down – responses unclear.
- I believe the concept, with closer coordination with the facilitators, can be far more satisfying than a trial. Groups as large as this one, however, need far more clarity of purpose, and more consideration of how much time (and time of day) it will take to go through the process.
- This process would probably work well in any situation. I'd be leery of the size and time of day... (smaller group; maybe Saturday a.m.). I guess I also think that a more spontaneous dialogue, within the same structure, would be more effective.
- It was too repetitive, and too stretched out. The varsity team members should have been addressed as a team and not singled out. Every member should have been addressed when they wanted to be.
- I would like to see more positive programs installed in the children's extra curricular period.
- Any situation where someone's rights have been violated by others. A controlled, structured environment for this type of discussion is best because you don't have all

the yelling and criticizing and blaming. Yet you still get to express your feelings and opinions.

- My experience with Real Justice conferencing has been positive. It seems that the local police would have greater use than we would.
 - I like the way it was non-threatening and face-saving for the boys. The scripting was safe in that regard. However, some of the boys answered in the same pat manner as previous respondents. I wonder if a few of them “hid” under the cover of others.
 - We kept hearing many of the same responses from the boys – perhaps the questions should have been changed or reworded. I was disappointed that the “innocent” varsity players did not express anger/disappointment with their teammates.
 - I believe there were too many participants involved in this conference for it to be effective.
 - Getting into people’s lockers – stealing.
 - Other conflicts that occur may benefit, such as acts of discrimination, bullying, etc., where the effects of the actions on others can be expressed.
 - Putting faces with situations and having people sit together in a controlled setting seems to help defuse anger, especially when young adults are involved.
 - Perhaps for things like small fights, theft, family disturbances, etc.
- Please take some time to reflect on the experience of being a participant and share your thoughts with us in writing, including what you think was the worst/best thing about this specific conference and how we might improve the process for future applications.
 - Overall, I would give Real Justice high marks.
 - How the school handled the situation leading up to the conference was the worst part. Only the JV coach took any responsibility as an adult. The Athletic Director lied to the press and contradicted himself with the team. The varsity coach claimed ignorance. The principal exclaimed shock. The hazing law was written to hold children and adults accountable, but only the children were asked to acknowledge their guilt. The conference did allow closure for the kids, but won't fix a system which has been more concerned with liability than taking true corrective action.
 - I thought that the whole conference was good. The hardest or worst thing was seeing everyone that was at the other end of the hazing. I thought that the best part was that they made everyone realize what they did was wrong.

- Having refreshments at this conference made me feel like I was at a spectator's event. It did not seem necessary to have 89 people at this meeting. Only those actively involved should have been there.
- I think the idea of this conference was very good. I felt bad for the two JV boys who had been violated – having to face their peers in this type of situation. The good is that my own son was not on the bus, but it was upsetting to me that his attitude towards the hazing incident was to lightly brush it off as not a bad thing. This conference I feel mentally challenged these boys to really think and realize how bad it was and how this is not an acceptable social practice. I was angered at a couple of the main violators and their lack of remorse for what they had done- one boy and his parents in particular. I don't feel this conference helped me as a parent change my view towards this particular family and actually I feel more angered towards them. Good ideas for future sporting events came out of this conference. I think in the future when a student takes on the responsibility of team captain or co-captain they will realize how responsible a position this is. I was very disappointed the varsity soccer coach did not attend. His position in the whole incident was important and he let his team down.
- I hope this brought some closure for the victims and their supporters. Unfortunately, this format enabled the coaches and the administration to avoid any and all responsibility for the incident. I feel that this was merely a show trial to avoid litigation against the school and administration. The administration never conducted a proper investigation of the incident nor fully identified all the "active" participants. This process caused the offenders to become the victims.
- The repetition of questions lent even-handedness to the conference. However, I would have liked the order of who was questioned...to be mixed up more to avoid the more than occasional, "Sure, what he said..." responses from some of the perpetrators. The best part about this conference was that we were all in the same room, at the same time, in a safe environment. The rumors, phone calls, private conversations, non-conversations up to this point had been exhausting to us as a family. The most difficult part for me was the time lapse between the incident and the conference. While I am glad we took this route rather than pursuing "justice" through the court system, the waiting/anticipating the conference and its outcome wore us down, particularly in the last few days when the conference set-up kept changing. We knew our son just wanted to put this behind him (but only after he had had a chance to confront the other boys) and it was very hard to prolong his anguish. I am very concerned with the agreement part of the process... The agreement portion felt a bit rushed and put us under pressure to come up with ideas which I had hoped would come more from the "perpetrators." I would have liked more time to give it the thoughtful consideration it deserved. I would have liked a timeline for accomplishment, designated person in charge and evaluation tool for any one boy's completion of each portion of the agreement. It was up in the air when we left that night, we have heard nothing from the school as to a progress report in meeting the goals and are wondering if we, once again, have to approach them (or you) to make

sure the agreement is met. Who's in charge?? A final note – we do appreciate your work on this and thank you for helping us through a sad and difficult situation.

- I was frustrated that there was so little follow-up to questions to get below the surface of their (the offenders') responses to questions. Very "flat" answers in many cases. Charles Johnson's facilitation was excellent but I thought it was a terrible oversight (on my part, too) to have forgotten to include (school) administrators as part of the verbal/participatory part of the conference. I felt that the relatively late date deciding to do this (i.e., the amount of time passed since the incident) and uncertainty about attendance, format, result, etc., left me feeling more anxious than desirable. On the other hand, reality dictated having all those loose ends... So, I guess the effort was a "10," but reality sucked! The best thing was the "in person" confrontation rather than through a 3rd party or lawyers or never even meeting. Also, realizing how "supporters" of offenders were affected. The worst thing was that clearly 2 or 3 offenders were just there to meet a requirement and seem unlikely to really change their behavior much in the future. Improvements might include (1) more opportunities to push for deeper or clarifying answers to questions (2) a policy or protocol specifying how pre-court conferences affect subsequent processes (this process seems originally designed for the sentencing phase, but in this case it was a little ambiguous) (3) specification of monitoring the implementation of the agreement. I'm not clear on who is going to ensure "stuff" happens.
- I think the best part was hearing 12 players apologize and seeing the two most involved sit there. I think it was good for everyone to see that they still didn't fully realize what they had done. I thought it was good to have a chance to talk, but I think there should be more effort on the purpose being to talk. One pair of parents "didn't feel it was appropriate to comment at the time." Well... WHEN ELSE IS MORE APPROPRIATE!!? They seemed to think that by ignoring the problem it was going to go away. I think everyone realized that "attitude problems" run in the family. I think it was important to keep the speaking number of people low. I think it would have been good though to invite people, ANYONE, to come and hear what was happening. I think people, at school, were getting their information from the main offenders. These offenders were playing it down, which gave the impression that (the other boy) and I were little crybaby wussies. Sorry to get so negative at the end, I'm just a little sad that (two of the offenders) couldn't be mature enough to apologize. Thanks for your time!
- All in all, I think the conference was pretty effective. Everybody was given a chance to speak and to share their side of the story. I definitely felt better after I walked out those gym doors. The question in my mind is whether some of the perpetrators gained something from the meeting besides avoiding getting a citation. But anyhow, I was quite satisfied by the responses of many of the offenders. I think the worst thing about the conference was the fact that it was so scripted. I would have liked it if it was looser and if the conference leader wasn't so "by the book." The best thing about the meeting was the way the whole seating was laid out. Everybody could see

everybody face-to-face. As I stated before, to improve the process, I would have the whole conference less scripted.

- If the victims and their families feel some resolve from the conference, I am glad. They deserved the truth and apologies for the torment they have been through. I had hoped something would have been organized much sooner than the conference date – it took too long to plan. The varsity soccer team should have met with the JV players soon after the hazing incident. Weeks of uncomfortable feelings surrounded (the school) and the community. The conference had good intentions but hearing the same question and weak responses from offenders was redundant. Students not directly involved in the actual hazing sat through the whole evening without an opportunity to speak and yet they were directly involved with the consequences of the hazing. Charles Johnson is a respectable man who could have monitored a smaller sized group of students and parents to accomplish the goals set forward at the conference we attended.
- The best aspect of this conference was that it provided an opportunity for the victims to directly confront the offenders in a semi-public venue, where all the involved parties could see and hear each other without second-hand reporting. The sheer size of the group of offenders did complicate the process in a number of ways. Time constraints (and perhaps fatigue) made the “agreement phase” seem very rushed, and there didn’t seem to be much preparation in that area. It was eventually left up entirely to the victims to make suggestions – why weren’t the offenders and/or their family members asked for their ideas rather than simply reacting to our suggestions? Better preparation between Dr. Johnson and us would have made it clearer how tightly he was going to follow the script. I would have been ready with secondary questions to get the offenders to explain themselves more in-depth. I wish Dr. Johnson had at least changed the wording from one offender to the next – by the time the third person answered, they all knew what answer would “pass muster.” I realize that Chris’ role in preparation was needed with the number of people, but it made me think of dealing with a contractor and then having a carpenter showing up to do the actual construction. Were we really satisfied re: full participation/citation?? No!
- The restorative justice process was effective in that it allowed involved parties to provide their input on a face-to-face level. However, it was so tightly scripted that it did not get at any personal reflection. There was never any full accounting of the event, in terms of what each individual was specifically responsible for. Each perpetrator relayed the incident in an objective manner, analogous to something that “just happens... like lightning!” It was unfortunate that the facilitator didn’t take the many opportunities to use the boys’ language to probe further, rather than just wait with pregnant pause only to ask the next scripted question. Another weakness of the process, maybe due to the size of this particular conference, was that the agreement process felt hurried and rushed. Most people were ready to go home and acted desensitized (including myself!). I still feel unsettled about the citation issue as well. Sgt. Hogan’s letter stated that the citations were “contingent upon the satisfaction of the victims, their families, and the school administration.” I really did not want to do

the State Police's job of issuing citations, that should have been a separate punishment. However, in terms of what was stated in the letter, I still have never been asked the question of satisfaction. Has anyone else?

- I would like to see it move along at a faster pace. Since most participants were fed questions prior to the conference, there was no need for redundancy in question asking.
- I am glad we had the opportunity to work through this incident in this manner. We got to express our feelings and opinions and to listen to what others had to say. It made for a much smoother and easier healing process to start. I think it was good for the boys, too, because they really had to think about the whole situation and their role in it. I believe it was a real learning experience for all. The best part was being face-to-face with everyone involved, although it was the hardest also, but necessary. Perhaps the worst part was the repetition of the questions, although I do understand why it was necessary.
- The best: (a) The young men having to hear their parents talk about how this impacted them. The image of their heads hung down, with their parents behind them, was very powerful. (b) The chance for the victims to face the boys and speak directly to them about how they felt, why it was them. (c) The chance for the parents of the victims to speak directly to the boys and share/vent their anger. The worst: (a) Changing the format as it was explained to the participants. This was a highly charged, emotional meeting, people felt betrayed and lied to. (b) There is not a mechanism to ensure that the boys comply with the final agreement signed, it leaves you with a "so what" feeling. I was deeply hurt by the hazing incident and was disappointed that I was not able to share that. I understand that time dictated a change in format, but it was disheartening. Thank you for all your hard work.
- The scripted questions became bothersome after many times hearing the same questions/responses. I wondered how sincere some people were. I did feel the process was a good one - both as an observer and as a parent. It certainly made all of us think. Perhaps questions could be altered somewhat to be more appropriate for different age levels (?). Through no fault of yours, the sound system made it difficult to hear responses. Thank you for your time and effort in helping all of us through a difficult process.
- I felt it was very emotional for me personally. I was glad my son participated in it, although I think he was extremely uncomfortable there. It is important for folks to see how their actions can impact others. I truly hope the boys there learned an important lesson – only time will tell. The conference was long – it was hard to hear some of the speakers. Even though it was long, I feel that the school administration, coach (both should have been there) and bus driver should have spoken. Perhaps it should have been scheduled for a Saturday morning or more breaks scheduled. Also, more input from the crowd on consequences – I would've liked the boys to speak to

younger kids about harassment issues. I thought the (victimized boys) and their parents did an amazing job – I hope it is over for them!

- It was very hard to hear what people were saying and it was too long.
- (1) I accompanied a youth who...was coerced to participate. He could “freely” and “voluntarily” participate – yet there were punitive sanctions if he chose not to participate – nothing free or voluntary about this aspect of the process. The word “voluntary” should be removed from the format. (2) The student I accompanied... observed the assaults. To hold him as co-responsible as those who participated was absurd. There is a clear “student pecking order” on this as in all varsity sports teams and to disregard the imbalance of power within the team is not acknowledging the real dynamics of this situation. The “no action” responsibility lies with the coaches not the observing students – varsity or junior varsity students. (3) Parent and community input was invited and of the ten or so cards sent forward for comment, only one was read – the rest were ignored – this discounting was insulting. (4) The youth who responded as the active participants presented minimized answers to the questions – this was a revictimization of the two boys who were beaten and to their parents. The active offenders needed better preparation. (5) The elements of the agreement referenced only one reparation to the two victims and their families and many were restricted to “soccer-“ almost all of the participating offenders will be playing baseball this spring! (6) How will the victims or participating offenders or observing youth know when any of the elements of the agreement are completed – there was no priority or dates completed presented during or after the conference. (7) I understand that a request of the victims’ parents was made for them to not pursue criminal charges if they were satisfied by this process. The State Police have yet to investigate the assaults redefined as harassment!
- I thought the conference achieved the desired objectives in the face-to-face interchange with victims, perps and all the parents. The process bogged down in tediousness at a couple of places – likely due to so many people involved. Streamlining for such a circumstance seems warranted. Nevertheless, all in all, “Mission Accomplished.”
- The meeting of the participants and their families was helpful – maybe more so for the adults. There were a lot of emotions that, as adults, we were not in a position to share with each other. This process made it possible for everyone to gain perspective on the event and subsequent events as they played out in each household. I think it was good to keep discussion focused on the event and how people felt and what they thought. I’m not sure that all of the participants in the conference were satisfied with this approach. Perhaps that needs to be made clearer in preparing remarks and correspondence. I also feel that completing the contract and finalizing agreements that night was a good thing. My hope is that these agreements will be fulfilled in a timely way.

- When I first got to the conference, I was expecting only to be an observer, and did not know I would be up front with the victims and the active participants, because of this, I was caught off guard, and feel I should have been told earlier. I felt as though the process was rather redundant, and took a very long time, but for the most part was effective. I hope that this conference will be the factor that brings all of this to a closure, and I hope that everybody comes out of this as a better person.

Personal Reflections

While I think this particular conference was a good thing for most participants, there are certainly aspects of it that demand critical reflection. For instance, there are issues around "monitoring" or "follow-up" which remain unresolved. Unfortunately, there was not clarity going in or following the conference concerning this issue. The school administration ultimately needs to assume responsibility for seeing that the agreement is adhered to. If the agreement is not adhered to, the administration needs to take some kind of internal action or report to the State Police that this boy or that did not do what they agreed to do. It would also be appropriate for the State Police to check in with both the victims and the school administration to follow-up on the conference. Certainly, this "policing" function should not fall upon the shoulders of the victims. A conferencing agreement, particularly in an assaultive case such as this, should be far more than a symbolic "gentlemen's agreement." At the same time, I feel the conference itself, the process which arrived at the agreement, in many ways supercedes the agreement in terms of overall importance towards healing the harm done.

It was truly unfortunate that the seven unsuspended varsity players were told one thing (that they would be in the "outer circle" and not engaged in the process until the end) and got quite another (active questioning throughout). Participants in any conference should be prepared, not surprised. I am certain that they felt ambushed and betrayed. This issue was the single most contentious one that arose between Charles and me prior to the conference. The two colleagues who had helped me to prepare participants (one of whom also helped out at the conference) were very upset by this development. They felt that their credibility had been compromised. One school administrator also expressed dismay that this last-minute change occurred. Appropriate pre-conference preparation is vitally important in order that participants can build up trust in the process and trust in the people who are facilitating the process. In this case, that trust was violated.

Members of the school administration (at least the principal and vice principal, whom the victims had requested as "supporters") should have been more actively involved in the conference. As it was, they were seated in the "inner circle" but were not asked questions directly. Charles was concerned with casting them as "victim supporters," since they really need to support the offenders as well. While this is an understandable concern, the various "roles" do not need to be seen in such a limited way. In the ideal "community," we all support one another. It is hard to envision where support (or lack of support) may come from (or not come from). For instance, I felt that the victims and victim supporters/parents received a substantial amount of support from a number of the "offender supporters." Many of the parents of the offenders were very sympathetic and genuinely sorry for the actions of their sons, some to the point of tears.

The script can probably be credited in this conference with keeping the process on task and creating and maintaining a safe and controlled environment. 91 folks were engaged for over three hours and I do not believe that once did anyone "speak out of turn" or otherwise disrupt the proceedings. Generally, everyone knew what to expect. When Charles suggested prior to the conference that he might use the script as a "point of departure," I was genuinely concerned. "A 'point of departure' to where?" was my initial response. There is a fine line between order and chaos, and while chaos can be very creative, I would favor order in the conferencing environment. The down side is that the process can get tedious at times and the facilitator, if they "stick to the script," is not encouraged to use discretion and "depart" from the script when such a departure seems warranted. Perhaps a flexible guideline would be more useful to a facilitator than a rigidly applied script. I personally felt it was good that Charles added a question to the script that was suggested by one of the victims - "What part did you personally play in the incident?" The process for soliciting suggestions, however, backfired because only one question, out of a number submitted, was asked. The question was a good one (also suggested by a victim- "Why were we specifically targeted?"), but by ignoring the other questions which were submitted, any advantage to participation/inclusion was negated.

The tension which arose between the Charles and me in regards to how best to seat participants at the conference points to how important it is for co-facilitators to be on the 'same page' from the very beginning while at the same time retaining some flexibility. I do believe that the final seating arrangement was better in the end than the initial "concentric circle" concept. The "triangle" or "upside-down V" formation placed the facilitators and the victims/victim supporters in a position such that they could see everyone else face-to-face. Thus, the final seating arrangement was excellent both in terms of facilitator positioning and victim perspective. This could not have been accomplished using the circle concept. I resisted the concept when Charles proposed it. I had always used a circular seating arrangement, but the largest conference I had facilitated was for 25 participants. Again, as with the question of the script, flexibility, as opposed to rigidity, is key as conferencing is applied in more and more situations.

The issue of whether the 14 offenders were coerced or manipulated into participating in this conference was a big one. The bottom line is that the hazing incident occurred between the "offenders" and the "victims" on that bus, without the knowledge or assent of the coaches, and was then reported to school authorities. At that point, the school administration was required by policy both to initiate disciplinary action and to report the incident to a law enforcement agency. Yes, there was a "stick" being held over the heads of the 14 offenders (a \$500 fine for all and possible criminal prosecution for some) if they did not "successfully" participate in the conference. Regardless, participation still remained a voluntary choice. If not for the conference, the \$500 citations would have been issued and the criminal justice process would have proceeded on course. Perhaps some of the tickets would have been paid and others would have been challenged in court. In either case, would justice have been served?

It is ironic that one of the ways that restorative justice differs from the usual way of dealing with conflict (whether in criminal justice or social services venues) is that we should avoid getting hung up on procedural technicalities. Yet the details do matter, especially in the preparation stages, so that participants have a fairly clear idea of what to expect. It is truly a balancing act as we seek to respect the process and still be flexible and responsive.