




Restorative Justice & Workplace Bullying

PSC CUNY **Thursday, December 7, 2023 | 6:30 PM – 8:30 PM**
<https://www.psc-cuny.org/issues/anti-bullying>




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Zoom Housekeeping Items




RECORDING OF PRESENTATIONS ONLY




ALL PARTICIPANTS WILL REMAIN MUTED, UNLESS SPEAKING.



ALL SPEAKERS WILL UNMUTE AND MUTE THEMSELVES.



USE THE CHAT TO SHARE USEFUL INFORMATION OR HAVE A TECHNICAL QUESTION.



USE THE ZOOM RAISE HAND DURING THE Q & A SESSION TO ASK A QUESTION LIVE

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Community Norms And Practices

Respect for every person's worth is fundamental - to a university, and particularly to CUNY, which was founded on principles of inclusion. We commit ourselves to nurture a work environment that honors the dignity of all, is respectful and free from discrimination, harassment or bullying; and we therefore, agree to respect each other's differences, and to create a healthy, safe and rewarding environment that nurtures, challenges and supports the community.

In order for our community to function in this way, it is useful for its individual members to make the following commitments:

1. I commit to conduct that is mutually respectful and not discriminatory, harassing, bullying or threatening.
2. I take responsibility for my actions and my personal perspectives, recognizing that there may be disagreements with another's.
3. I will respect everyone's contributions and honor the roles and responsibilities of all members through my words and actions.
4. I will be mindful and reflect on how I might be using or misusing my power and privilege in my interactions.
5. I will intend to be inclusive and support others with the same respect and compassion that I want for myself.
6. I am willing to be an active ally (upstander) by speaking, intervening, or acting on behalf of a person being attacked or bullied.
7. I will seek to understand others and assume best intentions in all interaction.
8. I will seek to understand other perspectives and avoid making assumption.
9. I commit to listen actively and with compassion at the workplace and in all union meetings.



<https://psc-cuny.org/about-us/psc-community-norms-and-practices/>

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SPEAKER BIO. Clara Wajngurt is a professor of mathematics at Queensborough Community College who has written extensively on workplace bullying. She has lectured on this issue, appeared in anti-bullying panel discussions, and presented on radio and television programs. Her goal is to work on eradicating workplace bullying once and for all.

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USING RESTORATIVE PRACTICES TO SOLVE ISSUES OF WORKPLACE BULLING

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Presentation Outline

- Restorative Justice Summarized
- What is Restorative Practice?
- Restorative Justice Practices in the University
- Learning About Restorative Circles
- Solving Workplace Issues Through Restorative Circles
- Discussion

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Restorative Justice Summarized

"Restorative Justice is a philosophy and set of practices, rooted in indigenous teachings, that emphasize our interconnection by repairing relationships when harm occurs while proactively building and maintaining relationships to prevent future harm."

- Amplify RJ

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The Rise of Restorative Justice

Restorative Justice rose as an alternative to approaches to the court process in the 1970s.

Restorative justice practices have its precedents and roots in the ancient traditions of indigenous peoples around the world. In these indigenous communities, justice processes reflect the understanding that crime and other acts of wrongdoing do not just violate laws, but most importantly cause harm to people, communities, and relationships.

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Restorative Justice Can Deal with the Following:

- Unwarranted or invalid criticism
- Blame without factual justification
- Being treated differently from the rest of your work group
- Being sworn at
- Exclusion or social isolation
- Being shouted at or being humiliated
- Being the target of practical jokes
- Excessive monitoring

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Definition

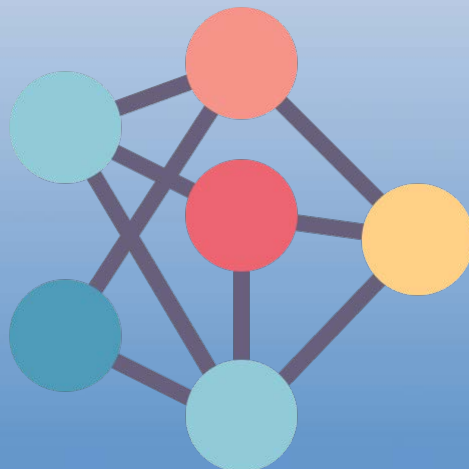
Restorative Justice Practices are a set of informal and formal strategies intended to build relationships, and a sense of community, to prevent conflict and wrongdoing, as well as to respond to wrongdoings, with the intention of repairing any harm that was the result of such wrongdoing. (Jessica Swain-Bradway, 2016)

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Restorative Practices

Restorative practices help people connect to communities and find ways to interact and address conflict / problems / harm using knowledge, practices and customs of the community.



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Roots of Restorative Practices

The roots of restorative practices are ancient – and found in many Indigenous nations around the world.

Practices / processes vary, but commonalities such as communal healing, processes to make things right and hold people accountable are found in many of them.



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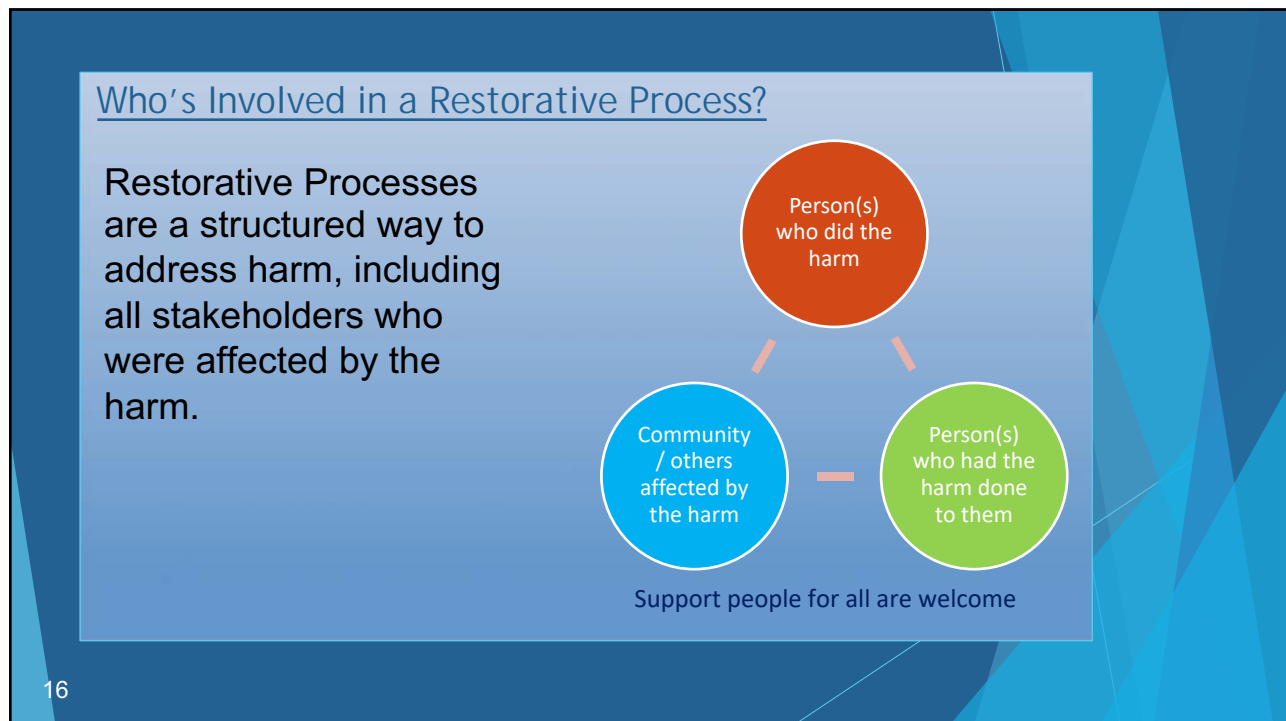


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Restorative Justice Typology

Types & degrees of restorative justice practice



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Move from a punitive response to a restorative response

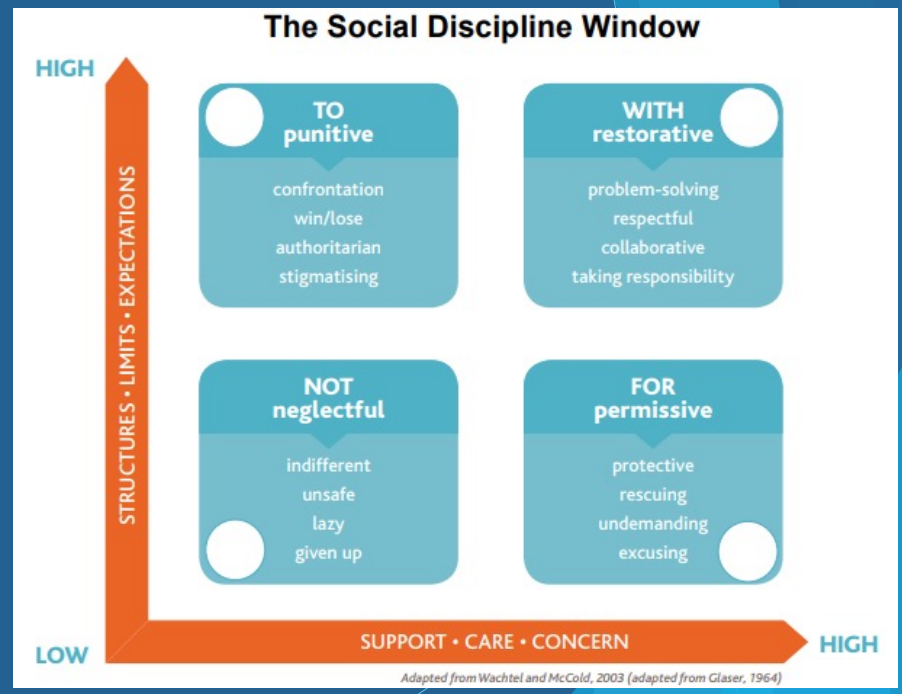


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Discipline Approach for Offender

Actions that engage all parties are more likely to evoke positive changes to behavior, happier and more cooperative individuals because these actions are done with them as opposed to for them and or to them.



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Fair Process for Restorative Practices

Fair process refers to the ways leaders demonstrate their authority and determine their actions.

- Engagement: including individuals in decisions that impact them by listening to their views and genuinely taking their opinions into account.
- Explanation: explaining the reasoning behind decision making to everyone that has been involved or affected by it.
- Expectation clarity: making sure that everyone clearly understands a decision and what is expected of them in the future.

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Framing Questions Restoratively

- What happened?
- Who has been harmed?
- What are their needs?
- Whose obligations are these?
- Who has a stake in this situation?
- What is the appropriate process to involve stakeholders in an effort to put things right?
- What needs to happen to make things as right as possible?

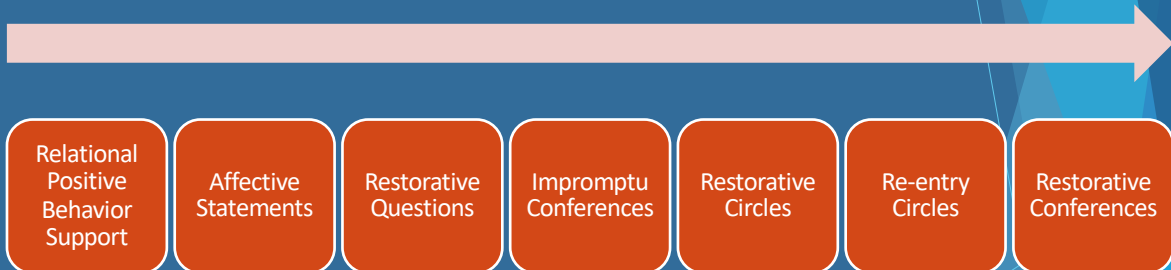
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Restorative Practices Continuum

Informal, Proactive
Less time & structure, higher frequency

Formal, Response
More time, planning & structure



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Elements of Successful Restorative Practices

- To reintegrate those affected by wrongdoing back into the community so that they may become resilient and responsible members of the community => focuses on harm done rather on discipline / rule-breaking
- Improves self-esteem, self-control and a personal sense of responsibility
- Allows flexibility for different opinions, needs and situations
- Empowers change and growth
- Enhances responsibility

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Restorative Justice Practices in the University

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Restorative Justice Practices in the University

Range of focus is from BUILDING and MAINTAINING relationships and positive university climate and culture to RESTORING relationships when harm/wrongdoing has occurred.

Restorative Justice is a philosophy of justice and specific set of practices that bring together those who experienced harm with those who caused harm to "make things right"

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- Acknowledges that when a person does harm to another person they also harm themselves and the whole community.
- Within an university setting, it views inappropriate behavior as harm to relationships within the university community rather than breaking university policies.
- Harm done to people and relationships in the university setting needs to be explored and to be repaired

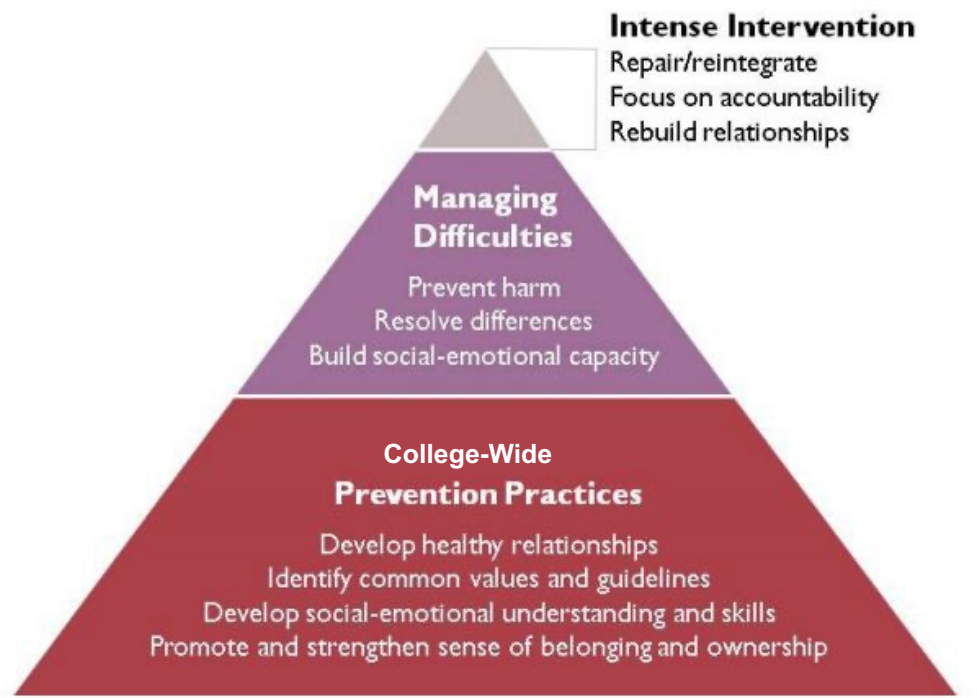
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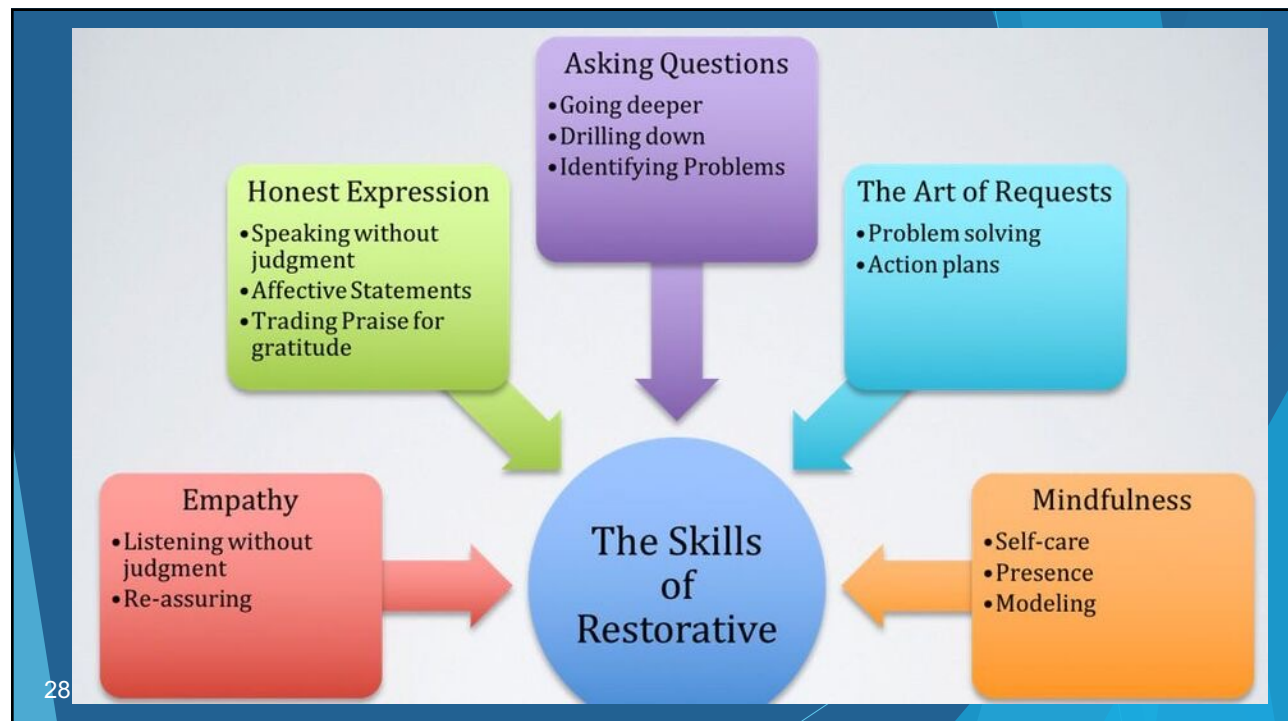
College Approach

When a college is infused with restorative principles, it becomes easier to create a positive, supportive, and caring culture.

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Learning About Restorative Circles

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What Happens At a Restorative Circle?

The process brings all participants together to meet, to talk about what happened, and to settle on a plan that repairs the harm.

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Restorative Circles Generally Deal with these Questions

- Who has been hurt?
- Who has the responsibility to help address these needs?
- What is the most effective process that we can use to resolve the issues?
- How to preserve dignity and respect of all affected?

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Who is Involved?

- Person(s) who caused harm - the individual(s) whose actions have harmed or affected others.
- Impacted People - those who were directly harmed or affected by what happened.
- Affected People - others who've been affected by what happened.
- Supporting People - people who would like to attend the circle to support participants in the circle.
- Facilitators - trained professionals who support the process.

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Restorative Process Characteristics

- Focus first on the relationship.
 - Help the person who caused harm to understand how others have been affected by their behavior.
 - Involves a plan for future behavior.
 - Always includes the bully, target and others affected
- Requires significant preparation and interviews with all involved and affected.
- Often finalized by an agreement that **MUST** be followed up by those with monitoring responsibilities.

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Process Explained

- The facilitator guides the process by welcoming the participants.
- Each person introduces themselves and states their relationship to what is happening.
- People who have caused harm share what happened before, during and after the incident(s) and how they feel about what happened.

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- Impacted Participants share what happened before, during, and after the incident, how they feel about what happened and any questions that have arisen as a result of the incident(s).
- Supporting Participants are invited to share any thoughts/feelings about what they've heard.
- Facilitators are equitably partial to everyone involved in the process. They ensure that all participants have the opportunity to share their thoughts, feelings and experiences about the conflict and what can be done to make things better.

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1. Once everyone has shared their thoughts and feelings about what happened, the group will brainstorm options for repairing the harm.
2. The group decides which options could best repair the harm and for those who caused the harm, to share how they are willing to repair it.
3. If the group chooses to create a written agreement, the facilitators will record and compile this agreement, signed by all participants.
4. Facilitators will provide formal closure to the process.

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Agreement Characteristics

1. Agreements should encompass:

- Repair the harm to the person (s) who were harmed.
- Repair the harm to the community.
- Assist the person (s) who caused harm to make better choices in the future. →

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2. Agreements should be written / stated in SAM format:

- Specific --written specifically enough so that all parties know who, what, where, when (date) (do not have all tasks due on the same day; stagger completion dates).
- Attainable - written so it is achievable and appropriate.
- Measurable - written so it is objective rather than subjective.

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Agreements may include:

- Either or both monetary restitution and 'symbolic' restitution.
- Activities or plans that will prevent behavior in the future

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Restorative Circles Stages Summary

- Preparation - Agreements
- Stage One - What happened ?
- Stage Two - Who has been affected and how?
- Stage Three -What can we do to fix this situation and make sure it doesn't happen again?

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Benefits For Using A Restorative Circle To Resolve Conflict

1. Do not focus on which policies have been misused, but help to identify who has been hurt, and what must be done to amend the harm.
2. All participants work together to develop a resolution agreement that resolves the conflict.
3. The process helps people who have caused harm by restoring their standing in their communities and by repairing any relationships damaged by their actions.



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4. The process provides impacted participants a safe, facilitated space to face the person (s) who caused them harm, how these harmful actions affected the impacted participants.
5. The impacted participants play an active part in deciding how the person (s) who caused harm can best repair the actions of the harm.



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6. The process allows supporting participants to objectively express what has occurred and how the harmful actions have affected the impacted participants.
7. The process allows for absent participants to contribute their voices through impact statements shared/expressed by facilitators.

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Shortfalls of Restorative Circles

- Due to perceived lack of time, process is rushed and not enough preparation is done for facilitators.
- Must include all affected participants
- Inquire about feelings and perceptions
- Must follow through with agreements and monitoring of all involved
- Not necessarily a shortfall, but the question of legal process (or suing one individual against another individual) is downplayed
- Confidentially diffused so that everyone involved can participate

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Why Can Restorative Circles Work?

- Address underlying issues
- Build connection, limit isolation
- Impact of harm is better understood
- Targets have a voice, choice and safety
- Increased accountability
- Increases understanding of diverse perspectives
- Transforms university culture to a more positive climate

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Solving Workplace Bullying Issues Through Restorative Circles

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Definition of Workplace Bullying as Applied to Restorative Circles

Workplace bullying can be defined as:

Repeated inappropriate behavior, direct or indirect, whether verbal, physical or otherwise, conducted by one or persons against another or others, at the place of work and/or in the course of employment, which could reasonable be regarded as undermining the individual's right to dignity at work. An isolated incident of the behavior described in this definition may be an affront to dignity at work but as a once off incident is not considered to be bullying.

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Table - Types of justice sought by targets and textual cues

Examples from Target's perspective

Target says that bully deserves to be fired for screaming at me during the department meeting every month. I can't take it anymore.

Target filed a bullying complaint with HR and HR turned me away saying we have no policy for this action and therefore didn't investigate the complaint.

Target complained to the department chairperson was incompetent and unfair.

Co-worker admitted to teasing fellow co-worker and hurting co-workers feelings. Co-worker wants to apologize and get along.

Types of Justice	Textual cues or words that were used to signals
Distributive	Talked about "getting" or "wanting something done" or mentioned that they wanted a certain outcome like, "firing" or a positive end to a filed grievance or court case.
Procedural	Talked about the methods in the process of gaining an outcome, was the process "a sham" or "fairly conducted."
Interactional	Talked about the actual people involved in decision-making capacities in their situation and the words/adjectives used to describe them "competent" or "unfair" or how the person acted, "exaggerated" or "lied."
Restorative	Talked about the organization being responsible and repairing the harm done, "owned up" or "took responsibility" "admitted harm was done." Could also focus on healing because of the taking of responsibility or having a "breakthrough," "healing," or "feeling better."

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Members of the Restorative Circle

The bullying spectrum



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Heinz Leymann, outlined discrete categories of harm victims experience including physical, social and psychosomatic effects. Some of the negative effects he lists by category include:

- *Socially*: Social isolation, stigmatizing, voluntary unemployment, social maladjustment.
- *Social-psychological*: Loss of coping resources; many coping resources are lined to social situations, and as these change in a negative direction, the coping system breaks down.
- *Psychological*: A feeling of desperation and total helplessness, a feeling of great rage about lack of legal remedies, great anxiety and despair.
- *Psychosomatic and psychiatric*: Depression, hyperactivity, compulsion, suicide, psychosomatic illness. There are suspicions that the experiences deriving from this social situation have an effect on the immune system.

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Restorative Circles Characteristics As Applied to Workplace Bullying

- The restorative justice approach encourages healing amongst bullies, targets and the community, through analysis and discussion
- The restorative justice approach moves away from punishment, criminalization and focuses on strengthening and healing the community
- Punitive approaches towards the bully do not give targets a chance to vocalize how they have been affected
- One needs the bully to take complete responsibility for their wrongdoing-the bully must be fully engaged in the restoration process. →

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- The bully is expected to come face-to-face with the target, listen to the harm that the bully has inflicted, and to make amends for the target through the observance of the rest of the community aggressive (like community service)
- The opportunity for targets to express the harm they have suffered at the hands of the bully is extremely important for the target to heal from the actions of the bully
- Often university solutions have involved suspensions, further training which can seek to remove the bully or target for a certain period, but these actions fail to take in account the needs of the target (or bully). →

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- It is important to understand the social issues of those who bully - need for control, criticize, aggression etc. and it is the responsibility of the university to help heal the bully => so a more positive climate and culture is maintained and the root cause of bullying is challenged.
- The university needs to establish policies that bullying behaviors will not be tolerated and that the dignity and respect of all employees is supported



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- Restorative healing circles foster feelings of equality amongst its group members. Targets can speak about how they have been affected by the bully and their actions. Bullies can speak about past negative experiences they have perceived to harm them and to subsequently result in their aggressive behavior to targets

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DISCUSSION

Here are two examples of workplace bullying. How would restorative justice circles solve these issues?

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Examples of Work Situations

Sally has been employed at CUNY for 15 years. Her supervisor Jean, a former worker, feels threatened because Sally knows more about the college than she does. At least once a week Jean comes over to Sally's work area and begins to criticize her work. She talks in a very loud voice and tries to provoke Sally. She stays in the area criticizing Sally, walking around looking at her work for upwards of 45 minutes at a time. Sally is thinking of quitting.

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Rachel works in the Office of Student Conduct. In the last month on three occasions she was assaulted and verbally threatened by people in the waiting room. Her supervisor told her it is all part of the job and to quit complaining.

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Unpacking the Myths: Restorative Practices & Bullying, @Just Practices/Marg Armstrong 16

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- ❖ “Crime establishes a relationship in which one wounds another. But we seldom deal with the wound. We punish offenders, not for the harm done to the victim, but for breaking “the rules.” Then we have two wounds and no healing.
- ❖ The wounds multiply and affects friends, family, teachers and neighbors. They cause anger, fear, despair and motivate revenge.
- ❖ A restorative justice approach aims to heal the initial wound, not create new ones”.

Just Practices/Marg Armstrong

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- ❖ “Bullying is a relationship problem which requires relationship-based solutions.”

Debra J. Peplar

- ❖ “The conversation IS the relationship.”

Susan Scott, Fierce Conversations

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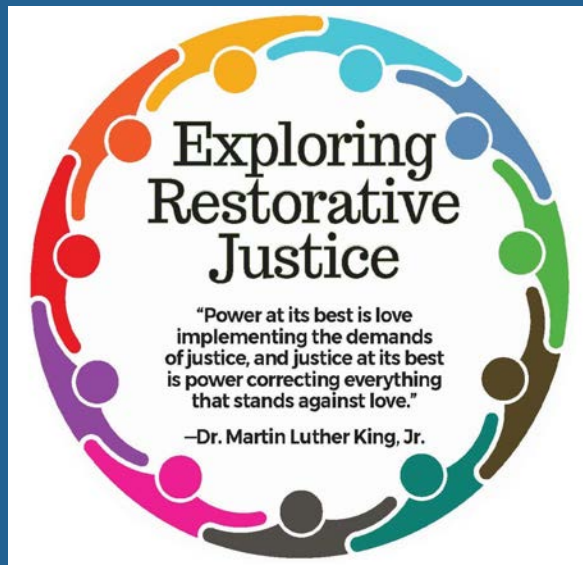
Q & A

Can Restorative Practices
Be a Solution to Workplace
Bullying at CUNY?

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Thank You!



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