The Fairness Committee:
Restorative Justice in a Small Urban Public High School

By Maria Hantzopoulos, Ed.D.

As zero-tolerance discipline policies proliferate nationwide, many studies reveal the disproportionate ways these strategies subject students to degrading treatment in the classroom, unfair disciplinary measures, and a threatening police and security presence. Rather than creating safer schools, these punitive policies appear only to have created hostile learning environments that increased drop-out rates, substantiating the claim that suspension history is one of the main predictors of dropping-out of school (American Civil Liberties Union, 2010; Lee et al., 2011; New York Civil Liberties Union [NYCLU], 2009; Suh & Suh, 2007; Sullivan, 2007). While student behavior certainly can contribute to suspension, negative school climate and racism can also play a part. For instance, many studies have shown the ways in which students, particularly students of color, are criminalized in their school environments and viewed as “trouble” (Fenning & Rose, 2007; Ferguson, 2001; Fine, 1991; Mazama & Lundy, 2012). Because of the empirical link among excessively punitive disciplinary policies, high suspension rates, and higher dropout rates (see Christie et al., 2007; Suh & Suh, 2007), many scholars and youth advocates prefer the term “push out” to describe the phenomenon of students leaving school (NYCLU, 2009; Sullivan, 200).

In response to over-policing in schools and the harmful impact of zero-tolerance policies on educational attainment and achievement, many advocacy organizations have urged schools to adopt a human rights framework. This framework should include “not only teaching essential academic knowledge and skills, but also creating a positive school environment, supporting the emotional and behavioral development of young people, and encouraging students to participate in developing school policies that impact their education” (Sullivan, 2007, p. 45). Many studies empirically validate this approach, revealing how strong student-teacher relationships, positive and caring school cultures, and student-centered academic curricula can reduce drop-out rates, successfully resocialize students academically, and diminish inequities in schooling (Antorp-Gonzalez, 2011; de Jesús, 2012; Hantzopoulos, 2011b, 2012a, 2012b; Rivera-McCutchen, 2012; Rodriguez & Conchas, 2008). Moreover, many schools that adopt a human rights framework also adopt restorative practices. Schools with restorative approaches have noted dramatic decreases in behavioral incidents and disciplinary sanctions (both in-school measures and out-of-school suspensions) since implementation (Community Asset Development Redefining Education [CADRE], 2010; Lewis, 200).

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This article focuses on one school, Humanities Preparatory Academy (Prep), a small New York City public high school that uses a restorative justice model called the Fairness Committee (Fairness) to address community norm violations. It is based on a two-year ethnographic study conducted between 2006 and 2008 that examined how both current and former students made meaning of their experience at this school that emphasizes democratic and participatory practices. Drawing on data collected through participant observation at the school, interviews with former and current students, and surveys, the article highlights youth experiences to illuminate the ways that Fairness contributes to their overall school experience. It specifically describes how the Fairness works in the school, and captures participants’ responses to this process.

The data suggest that most students believe the school creates a humane environment in which a culture of respect, tolerance, and democracy flourishes, crystallized in structures like Fairness. Many students feel the Fairness Committee positively contributes to a safe environment and helps them grow personally. They also view it as a fundamental mechanism to build community and forge stronger relationships among student peers and teachers. As a result, many students, including those who had previously felt marginalized from schooling, find refuge and acceptance at this school and are able to succeed and thrive academically.

SCHOOL BACKGROUND

Prep was originally created to not only re-engage students that were potentially at-risk for dropping out, but also to help prepare them for life beyond graduation, including college. While the school presently serves a mixed population of students who have succeeded in schools and those who have struggled, it continues to attempt to reach all students “by personalizing our learning situations, by democratizing and humanizing the school environment, and by helping students develop a sense of belonging” (Redford, 2008, September 12).

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environment, and by creating a ‘talking culture,’ an atmosphere of informal intellectual discourse among students and faculty” (Humanities Preparatory Academy, n.d., p. 2). Grounded in the school’s core values of respect for humanity, diversity, truth, and the intellect, and commitment to democracy, peace, and justice, Prep endeavors to provide a transformative schooling experience for those who come through its doors. It remains rather small for a New York City high school (under 180 students), though it shares space with other schools in a larger educational facility. (For more on the school, see Hantzopoulos 2011b, 2012a, 2012b.)

The school’s demographic composition reflects the racial and economic spectrum of New York City. In 2006–2007, 40% of the students identified as Latino, 38% as Black, 12% as White, 6% as Asian, and 4% as Other. Twelve percent (12%) received mandated services for special education (on par with the city average of 11%), and approximately 54% qualified for free and reduced lunch. The school’s graduation and college acceptance rates far surpassed New York City public school averages. For example, the school had between 91% and 100% college acceptance rates since it opened in 1997 while the city-wide rate never went above 62% (New York Performance Standards Consortium, 2010). The dropout rate had been consistently under 4% in contrast to the New York Department of Education documented city rate of approximately 20%.

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HOW THE FAIRNESS COMMITTEE WORKS

Fairness at Prep operates much like a rotating reparative committee that involves all members of the school community including students, teachers, and office staff. It originated in the school as a way to have a more inclusive “discipline” policy. Inspired by a Scarsdale Alternative School in New York State, Prep’s founders implemented a model that fit the needs of the school’s student body. In this sense, they decided that the committee hearing the “cases” should have two students and one teacher, as well as a teacher facilitator. Because the aim is to include all school community members in the process, the committee is not fixed and is put together on a case-by-case basis, drawing on the pool of the school population (much like how juries are comprised).

While the structure of Fairness has evolved over the years, it is essentially designed for members of the community to grapple with the broader core values of the school when infractions arise. Through dialogue and by consensus, the committee seeks out appropriate consequences for those infractions, rather than simply mete out prescribed “punishments.” The committee is considered a safe and supportive mechanism by which one member of the community can confront another with his or her actions, and explain how they have affected others. Examples of issues that might be brought to the Fairness Committee range from cutting classes, unfair grading policies, and missing homework, to disrespectful and hurtful speech, vandalism, and silencing other community members. The intention is to determine how to best restore and mend the community in the wake of actions inconsistent with its values, as well as discern ways to reintegrate the community member who has violated school values back into the fabric and culture of the school (Humanities Preparatory Academy, n.d.).

Because the school population is small, students are selected to serve on the committee in an ad-hoc fashion, and committee members rotate on a case-to-case basis. If a student is called to serve on the committee, s/he can abstain no more than twice and only on the grounds of conflict of interest, personal circumstances, or illness. Faculty that coordinate Fairness reach out to new and veteran students and staff, so that the entire school community is involved in the process and socialized into the school culture. In the end, the “hearing” is comprised of 1) the person who called it to order (the “grievant”) who may have been directly violated or simply witnessed the violation, 2) the person who is being taken to Fairness, and 3) the Committee: one facilitator teacher, and a talking committee of one teacher and two students who are unfamiliar with the situation at hand. Students and teachers can take other students to Fairness, and students are even able to take teachers, though this happens less frequently.

Fairness sessions typically begin with the facilitator convening the meeting and going over the ground rules. Each party is then asked to give her/his side of the story, with the grievant explaining the issue in relationship to one or more of the school’s core values. For instance, if a teacher is taking a student to Fairness for cutting class, s/he might couch the grievance as a violation of “Respect for the Intellect.” During the session, the committee is encouraged to ask questions, listen to all parties, and help uncover all the various truths of the situation. The discussion remains confidential to respect the privacy of those involved in the process. Since the structure emphasizes dialogue and process over product and predetermined outcome, the end result is never predicted prior to the meeting. Consequences, if any, are determined after everyone has discussed the issue, including the person being taken to the Fairness Committee. Sometimes, the committee discovers that the infraction was simply a misunderstanding, while other times, it uncovers a deeper conflict, one that would be better addressed in a different venue (which could be one of the consequences).

Most often, it unearth a community norm was violated, and thus, a process to discuss and analyze the effects of this violation (on the individual and the community at large) ensues. In this

1The administration of Prep estimates this as much higher as high school students do not often submit the requisite forms that qualify them for these services.

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sense, Fairness remains open-ended and contingent upon the specifics of the case (see Hantzopoulos, 2011a).

Yet, Fairness extends beyond consequences and reparations, and also contributes to generating a positive school environment. For instance, since grievances must be framed in relationship to one of the core values, Fairness also builds positive school culture by supporting the diffusion of the core values in the school. Moreover, it is also seen as a fundamental democratizing and inclusive space as the composition of the committee draws from the entire school community, and anyone can be “taken” to the committee (including teachers).

**STUDENTS AND ALUMNI PERSPECTIVES**

During the ethnographic study, students and alumni repeatedly praised Fairness, remarking that not only was it a structure that was unique in dealing with community concerns, but also one that cultivated voice, allowed for questioning, and reinforced a caring community. For example, Diego, a former student, urged:

> Please keep doing Fairness. I’m telling you, it works, even though I hated it at the time. When I was having some issues in Mark’s class, he took me to Fairness…it showed me that [they] cared, but even more it brought me closer to my teachers. I felt closer to Mark and Perry after that (Focus Group, January 11, 2008).

Diego’s plea shows that Fairness went beyond discipline and helped nurture important relational bonds. While Fairness is based on the premise of a perceived violation of a core value(s), the processes and outcomes of the session often deepen the level of student and teacher engagement.

When speaking about Fairness, students felt that it was a safe place that allowed them to reflect, raising awareness about their behaviors. For instance, Rebecca, an alumna stated:

> Well, most of the time you don’t even think about the core values until you’ve broken one, or until you get pulled in to do a Fairness, and you’re like “oh yeah, those things we’re supposed to be living by.” But core values are good and we need to be reminded of them (Interview, January 5, 2007).

Thus, the Fairness Committee serves as an institutionalized structure for students to assimilate or contest the school’s core values. Jenkins, a current student, felt that Fairness was instrumental in his personal growth:

> …I went to Fairness like four times, and as I began to be in this environment more, I began to learn that even though there is the factor of freedom of speech, and you are liberated, there are boundaries within liberation that have to be understood… that’s what I learned the most from here (Interview, March 15, 2007).

By talking with others, Jenkins felt that he became more aware of his actions and their effects (creating the “boundaries” of his liberation). Yet, this awareness was not solely based upon a conversation with a teacher. The input from other students led to increased awareness about their actions and beliefs.

Moreover, students felt the process of Fairness modeled democracy. For example, Luis, an alumnus, related:

> …I felt like they [the core values] got more important every year because…they’re the backbone of the Prep community and I especially loved the whole thing Fairness. …because usually people just get suspended. But Fairness actually allows people to speak both sides of their story… it’s a good process to go through…for people to have their voice heard (Interview, March 13, 2007).

1All names used are pseudonyms.

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By stating that it allowed for multiple perspectives, Luis explained how Fairness was a democratic and inclusive process.

Fairness also created room for important conversations. For instance, one student, Paul, took his best friend, Joe, to Fairness for “not respecting the intellect.” Joe was frequently missing school, and despite Joe’s teacher calling his home, Joe seemed to be declining academically and emotionally. Paul was concerned that his friend was going to drop out, so he brought him to Fairness. In that meeting, the students and teachers present tried to get to the heart of the reasons for the problems with Joe so that appropriate steps could be taken to reintegrate him back into school and help him catch up on his work. In the end, the Fairness Committee formed an academic advisory plan for Joe that involved interventions and checks from his advisor and Paul.

Because Fairness was viewed positively as a forum within Prep, some students thought it should be utilized beyond the school. For example, one alumna, Amelia, was particularly frustrated with the way that the administration at her college, a predominantly white liberal arts college, dealt with issues of race and gender:

> Three things that I think should really be at [College-X], you know how Prep has the whole Fairness thing? Well, [College-X] doesn’t have anything like that… for example, there was a guy who had a crush on me in the beginning of last term, and I didn’t say hi to him one day and he came and with a really powerful water gun, and squirted me one day… I was really angry. I wanted to call the police…I was really upset, and there’s nothing you can do for anything that’s not like, where you have like a physical scar…And even last term a sophomore actually who got on the radio station here at [College-X],… and he used [racial slur], a white person! And there were no consequences, it just makes me angry, nobody did anything… and I really feel at Prep, if you would do something to disrespect the community there’s going to be consequences, even if you don’t get in trouble by the teachers at Prep so much, the community thinks you’re a jerk. But instead, here, you’re just walking around, partying it up, having fun, it just makes me so mad (Interview, March 11, 2007).

While the purpose of Fairness is not necessarily to make students or teachers think “you’re a jerk,” Amelia highlighted how certain behaviors were not tolerated at Prep and how traditional retributive justice mechanisms did not necessarily
look at how the community was hurt as a whole when an individual violated implicit social values.

CONCLUDING THOUGHTS

This article provides insight into both the ways that Fairness operates on the school level and the ways that students respond to participatory and restorative practices. Fairness works well at Prep because it is one of many structures that encourages student voice, democratic participation, and integrates the school’s core values, creating a humanizing and dignified environment for young people. Through Fairness and other school structures, Prep both validates students’ humanity and worth, and serves as a form of dropout prevention and academic re-socialization as well. Further, as a structure that ensures intergenerational participation, Fairness is a democratic linchpin of the school.

Attention must be paid to context, however, particularly because Fairness at Prep developed organically and internally. While the concept was borrowed from another institution, it was tweaked and continues to be remade to meet the needs of the school population. In this sense, restorative justice should not be rigidly imposed on a school but rather should be integrated to embody the values of the school community. Nonetheless, Prep offers an instructive source of inspiration to both the realization of Fairness and the revitalization of public schooling in the United States.

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