

City of Cambridge

In City Council July 30, 2001

CIVIC UNITY

COMMITTEE MEMBERS

Councillor Marjorie C. Decker, Chair

Councillor Kathleen L. Born

Councillor Kenneth E. Reeves

The Civic Unity Committee conducted a public meeting on Tuesday, June 12, 2001 at 4:11 p. m. in the Sullivan Chamber.

The purpose of the meeting was to continue planning and implementation of a catalogue of existing mediation resources and to receive a presentation on circle justice.

Present at the meeting were Councillor Decker, Chair of the Committee; Cathy Hoffman, Director, Peace Commission; Nancy Ryan, Executive Director, Women's Commission; Duane Brown, Affirmative Action Officer; Malvina Monteiro, Executive Secretary, Police Review and Advisory Board; Mary Wong, Kid's Council; Mercedes S. Evans, Member, Human Rights Commission; Susan Ostrander, Member, Human Rights Commission; Gail Packer, Conflict Dispute Settlement Center; Jody Sammons, Conflict Dispute Settlement Center; Jamie Suarez Potts, American Friends Service Committee; Kazi Toure, American Friends Service Committee; Bill Madsen, Public Conversation Project; Jennifer Clammer, Center for Peaceable Schools; David Porter, 29 Essex Street and Donna P. Lopez, Deputy City Clerk.

Councillor Decker opened the meeting and gave a brief overview of the work of the committee to date. A previous meeting was held and mediators were invited to address issues of race, class and justice. It came out of this meeting to address the issue of injustice. It was decided that mediators should talk to each other and that it would be helpful to catalogue services available. A process, she said, is needed to catalogue resources so that a discussion can occur on the services. She stated that she would like a brief presentation on circle justice and was happy that representatives of the American Friends Service Committee were in attendance. This meeting was a follow-up on the catalogue on services and what should be done with this information. The committee received an outline of serviced from the following groups:

- Community Dispute Settlement Center (**ATTACHMENT A**)
- Public Conversation Project (**ATTACHMENT B**).
- Harvard Mediation Program (**ATTACHMENT C**)

Councillor Decker stated that she would like to get a list of the agencies and their services on the City's Web Site.

Ms. Hoffman, Peace Commission, stated that she invited Jennifer Clammer, Center for Peaceable Schools, to the meeting to give a description of the services of this agency.

Councillor Decker asked if there were ideas on the collection of data for the catalogue. Ms. Nancy Ryan, Executive Director, Women's Commission, suggest a summer intern to go to the agencies and obtain the information about the services offered by each agency. This information could then go on the city's Web Site. This information should include who is being served, who is not being served and if there are communication issues.

Ms. Gail Packer, Community Dispute Settlement Center, stated that she supports this suggestion. She further informed the committee that a more diverse group of mediators is being missed. More Spanish-speaking mediators are needed. She stated that a brochure with collective information is needed. Ms. Mary Wong, Cambridge Kid's Council, stated that there is a need to go beyond written information. Visual as well as other medium forms should be used, she said. Ms. Hoffman stated that a multi-faceted approach is needed that includes resources and marketing.

Councillor Decker stated that she would like this subcommittee to offer a creative place to have this conversation and nurture this dialogue. A network may be provided using the subcommittee as a thread. Can this committee foster this dialogue, she asked. Ms. Packer responded in the affirmative. Ms. Ryan stated that Peter Shapiro has ideas and thoughts to create a culture for conflict resolution.

Councillor Decker stated that the City of Melrose is undertaking an Alternative Dispute Resolution (ADR) program for city employees. She stated that there is no accountability and no one city department for this work to see that support is given to employees. In the city budget there is funding for a constituent services position. This committee discussed the position of an Ombudsman. Ms. Hoffman stated that roots of this came from wanting to make Cambridge comfortable for all people. The marketing piece is to see who lives here, what they like and/or dislike about the city and to invite people to notice how people are being treated.

Ms. Mercedes S. Evans, Human Right Commission member, stated that effectiveness together with the marketing piece need to be discussed. Perception, she said, will either make or break the marketing aspect.

Mr. Bill Madsen, Public Conversation Project, suggested the idea of preventative ombusmanpersonship to have people envision what the city could look like, rather than what are the problems and solutions.

Ms. Hoffman asked Ms. Packer if her agency gets complaints on racial exclusion. Ms. Packer responded that interpersonal issues have been worked on at the Community Dispute Settlement Center. Mediation training is conducted and mediation skills are built into work skills. Conflict resolution groups are also located at the Community Dispute Settlement Center.

Ms. Evans stated that outreach to the community has been done on some issues, such as employment and housing. This invokes complaints in the agency and then education is conducted.

Ms. Ostrander, Human Rights Commission Member, stated that there is a large potential for circle justice. Ms. Hoffman stated that the Peace Commission has held conflict resolution training for city employees. If there are skills used to diffuse conflict resolution a different environment is created.

Councillor Decker stated that a presentation will be given on restorative (circle) justice.

Ms. Potts called the process a "circle of value". She began justice work twenty-five years ago and uses a process taught to her in the neighborhood where she grew up. Circles are used to resolve problems and address conflicts. She views this process as a non-professional, peaceful model. The starting point, she said, is to agree on commonality. Next define what is justice work. Values are established. The circle process is used to agree on points and use resolution to affect institutions in the city. There is a cottage industry growing around restorative justice, she said. She stated the most inspiring story using circle was the Hollowwater Story. She proceeded to tell the story.

Hollowwater is a small city in Ontario, Canada with 600 residents. Eighteen of the children in Hollowwater, under the age of twelve, were found intoxicated from inhaling gasoline. Health workers and professionals in the community met to discuss the situation. It was discovered that the commonality was sexual abuse. Eighty percent of adults in the community were abused as children. Fifty percent of adults in the community were actively abusing children. The professionals met for three years to develop a model to develop a peaceful community. One hundred persons have gone through the program that was developed. Two people have rectifate; one is in training. The inhabitants have reclaimed this community, she said.

The circle process, she said consists of:

- Small groups of people gathering in a circle;
- Two keepers, one a facilitator and one an adjuster;
- A talking piece that goes from person to person in the circle;
- Circles are used to sentence people; and
- Crime is defined as a hurtful act to the community.

The issue is to heal the harm and the circle comes together to accomplish this.

Circles are set up for victims and offenders. Victims explain what happened, how they were harmed, what the harm did and what is needed to feel whole. Offenders work on developing a plan on how to heal the hurt. Both circles meet individually until they are ready to come together as one circle to heal the hurt. The process is confidential. The victim tells the offender what it felt like to be hurt and this gives the offender an

opportunity to say that they are sorry. An agreement is reached within the circle. The circle, she said, gentles the responses and recognizes the environment of what is deeply human about us. The process is indigenous, balanced and respectful. She further stated that there needs to be a web of protection for the circle. Circles look different in each community. She distributed a pamphlet describing a Restorative Justice Circle. (ATTACHMENT D).

Mr. Kazi Toure, American Friends Service Committee, stated that the concerns are professional versus non-professional and how to address the root problem of poverty.

Councillor Decker thanked Ms. Potts and Mr. Toure for their presentation.

The committee now heard from Jennifer Clammer, Center for Peaceable Schools at Leslie College, who stated that her agency was a network of community activists who work on alternatives to violence and share knowledge with other practitioners. The core of the circles is to be gentle and human. Circles, she stated, address questions before the issues are discussed. Circles are not training but are experiences. Ms. Potts stated that adults need to be included in circles.

Councillor Decker stated that neighborhood and tenant groups are all different. The focus is on particular neighborhood issues. Her goal is to utilize her role to bring people together to have conversation. Ms. Hoffman stated that leaders and resources can be found in every person.

Ms. Potts suggested using a "small" pilot circle project. She informed the group that there is funding available for this process. Volunteers create a better circle, she said.

Councillor Decker stated that Cambridge is different today than it was years ago. Ms. Potts stated that there is a deeply segregated feeling in the City of Cambridge. There is a real divide. The challenge is what is done from the shared values.

Councillor Decker stated that work needs to be done to collect the data and the city needs to get information out to the community. The issue of how conversation is done in the community needs to be addressed.

Councillor Decker stated that a planning committee would meet to discuss what are the next steps to be taken. The City Council has provided funding for an ombudsman-type position and she would like the committee to outline how this position could help the work of the committee.

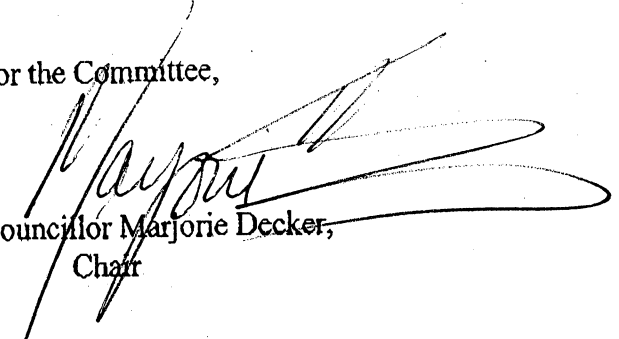
Ms. Ryan suggested posting a notice for an intern on "Volunteer Solution Partnership".

At the conclusion of the meeting Councillor Decker thanked all attendees and scheduled the next meeting of the Civic Unity Committee for Wednesday, July 25, 2001 at 4:00 p.m.

2

The meeting adjourned at 5:45 p.m.

For the Committee,


Councilor Marjorie Decker,
Chair

010612.ReportCivicUnityComm.cont.ofmediationresourcesandcirclejusticepresentation.

ATTACHMENT A



Formerly Cambridge Dispute Settlement Center, Inc.

872 Massachusetts Ave., Suite 2-9
Cambridge, MA 02139

Tel: 617-876-5376
Fax: 617-876-6663
email: cdsc1@juno.com
website: communitydispute.org

Community Dispute Settlement Center (CDSC)

Mission: CDSC is a private, not-for-profit mediation center dedicated to providing an alternative and affordable forum for resolving conflict. With a sliding fee scale, CDSC is committed to ensuring access to mediation services.

Location: 872 Mass Ave. Suite 2-9 (Central Square), Cambridge, MA 02139

For information or to make a referral, call: 617/876-5376

Services Provided: Mediation and Training

MEDIATION SERVICES :Types of Disputes

- **Couples Separating: Divorce & Paternity & Gay/Lesbian**
Issues: parenting arrangements, finances -child support & alimony, property
- **Housing**
Tenants & Landlords, Condo Association Members, Property Managers, Roommates
Issues: property repairs, rent payments/increases, noise, eviction, access to units, maintenance of common areas, communication
- **Neighborhood**
Issues: noise, pets, property issues, communication
- **Workplace**
Co-workers, Supervisors/employees, Executive Directors/ Board members
- **Family Matters**
Adult siblings: issues- aging parents, division of property
Parents/Teenagers: issues- curfew, communication
- **Court-related**
District Court - Small Claims and other civil; Minor criminal matters
Juvenile Court - CHINS cases and delinquency issues; Parent/Teenager conflict
Probate & Family Court - parenting arrangements, financial , property
Superior Court- civil cases

TRAINING PROGRAMS

- 30-Hour Mediation Training
- Advanced Training in Divorce Mediation - 23 Hours
- Advanced Training: Gay and Lesbian Issues in Mediation - 8 hours
- Conflict Resolution workshops

WHAT IS THE PUBLIC CONVERSATIONS PROJECT?

MISSION

The Public Conversations Project (PCP) promotes constructive conversations and relationships among those who have differing values, world views, and positions related to divisive public issues.

PCP fosters ways of talking across difference that decrease polarization, and increase mutual understanding and possibilities for collaborative action. Even when people are in protracted, polarized conflict, and have indelible differences, the relationships among them can shift and the "problems" and the range of possible solutions can shift as well. Our work facilitates such shifts.

ACTIVITIES

As an organization, PCP straddles the intersections of theory and practice, research and training, service delivery, and publication. Part "think tank," part service provider, and part training center, we house an unusual range of capacities under one roof.

Our major services include:

- **design, convening, and facilitation** of dialogues, meetings, and conferences;
- **consultation** to those who want to build on or apply our resources;
- **training**, both packaged and customized;
- **publications** for academic, professional, and general audiences;
- **presentations** to professional, civic, religious, and community groups; and
- **public information** through a resource-laden and interactive website:
<http://www.publicconversations.org>

We have a solid and spreading reputation for providing responsible and effective service, conducting thorough research, writing useful articles about our thinking and methods, and delivering outstanding trainings. PCP is recognized as a unique and valuable resource by our many clients, investors, and peers.

Our clients include schools & universities, non-profit organizations, community groups, government agencies, churches, issue advocates, professionals in mediation and dispute resolution, and private citizens. Among those served in the past year are: the **University of Massachusetts**, **Harvard University**, **Tufts University**, the **Episcopal Diocese of Massachusetts**, the **City of Cambridge (MA)**, the **United States Congress** bi-partisan retreat in Hershey (PA), the **Maine Forest Biodiversity Project** and participants who enrolled in our training workshops in **Seattle**, **San Francisco**, **Las Vegas**, and **Boston**.

Public Conversations Project

46 Kondazian Street • Watertown, MA 02472-2832

Phone: 617-923-1216 • Fax: 617-923-2757 • E-mail: info@publicconversations.org

Our investors are the individuals and private foundations that support our work financially, among them **The Boston Foundation, The Ford Foundation, The William and Flora Hewlett Foundation, The John D. and Catherine T. MacArthur Foundation, Pew Charitable Trusts, and Surdna Foundation.**

PCP presents and conducts workshops regularly at a variety of professional conferences, among them the **Society of Professionals in Dispute Resolution** (which in 1997 presented PCP with the Mary Parker Follett Award for Excellence and Innovation in Dispute Resolution), the **American Family Therapy Academy** (which in June, 1999 will honor PCP for its innovative contributions to the field), the **National Conference for Peacemaking and Conflict Resolution (NCPDR)**, the **Communications Institute of Australia**, and the **Kensington Consultation Centre** in London, England.

PROGRAMS AND SERVICES

The Public Conversations Project began in 1989 as a brainstorming group at the Family Institute of Cambridge which explored the possibility that family therapists have ways of working with hot and costly personal conflict that can be fruitfully applied in the public arena.

Dialogue Facilitation

Since 1990, PCP has designed, convened, documented, and evaluated numerous dialogues on a variety of public issues, including abortion, the environment, population and development, sexual orientation and religion, social class, and end-of-life issues. Dialogue contexts include confidential sessions among committed advocates on opposing sides, public conversations between concerned citizens, and meetings of leaders with shared concerns seeking to improve collaboration.

Consultation

Increasingly, our services are being sought by networks and groups experiencing difficulty working together, e.g., boards of non-profit organizations, religious institutions and faculty-parent groups. In situations where the perceived obstacles to collaboration involve political or demographic differences, we work with such groups ourselves or in partnership with organizational consultants.

Conference Design and Facilitation

As awareness of the multidimensional costs of any gathering spreads, so does the willingness to invest in preparation that will make the most of expensive face-to-face time. PCP's collaborative approach to conference design, facilitation, and consultation is especially attractive to those who want their conferences to be participatory, synergistic, and community building.

Training

The PCP training program is directed both toward: 1) professionals in mediation and other "third party" practitioners; 2) organizations, networks and individuals who want to enlarge their capacity to convene, facilitate, and engage in more constructive conversations in their professional or civic lives. The cornerstone of our program is *The Power of Dialogue* workshop which has been adapted to meet the needs of a variety of audiences.

PROGRAM OPPORTUNITIES

Lectures and Panels

To complement its field endeavors, the Harvard Mediation Program sponsors periodic lectures and panel discussions of topics that are of abiding interest.

Mediator Meetings or "War Stories"

These events are opportunities for mediators to exchange ideas and mediation experiences. Not only do these meetings develop mediation skills; they also foster a sense of shared commitment to the program and the field.

On the Web

The Mediation Program maintains a Web site with Program information and links to related sites at: http://www.law.harvard.edu/Academic_Affairs/Clinical_Program/hmp/index.html.

HMP Board

The Board is a policy-making group of HLS students including a president and chairpersons responsible for training, scheduling, communication, development and expansion. Other members are encouraged to participate on committees in the above areas.

For further information, contact:

Harvard Mediation Program
Harvard Law School, Austin 203
Cambridge, Massachusetts 02138
phone (617) 495-1854
fax (617) 496-2294

Harvard Mediation Program
Harvard Law School, Austin 203
Cambridge, Massachusetts 02138



A Student Organization of
Harvard Law School

WHAT IS MEDIATION?

Mediation is a form of dispute resolution designed to help disputants reach their own mutually acceptable solutions. The mediator works closely with the parties to discuss issues of mutual concern, identify interests underlying each party's claim and explore possible solutions. The mediator does not have the authority to decide an outcome for the disputants.

Mediation is a voluntary process. Each party must be willing to work out their own solution. Successful mediations do not necessarily end in agreement; the parties benefit if they leave the table with a better understanding of their and the other party's concerns and positions. Studies have shown another benefit of mediated agreements - the compliance rate of agreements reached through this process far exceeds that of court orders.

ORGANIZATIONAL HISTORY AND STRUCTURE

The Harvard Mediation Program was founded in the spring of 1981 by a Harvard Law School professor and several students interested in promoting mediation at the law school. The Harvard Mediation Program office in Austin 203 is staffed by Gabrielle Gropman, Administrator, and Darshan Brach, Case Coordinator. In addition to the Board of Directors, there is an advisory board of alumni, faculty and Law School staff.

THE PROGRAM

Purpose

The Harvard Mediation Program is a student based, independent clinical program of the Harvard Law School specializing in mediating small claims disputes in local district courts. Cases are mediated by Harvard Law Students and members of the community. Law students are given the opportunity to expand their education beyond the theoretical confines of the classroom by mediating actual cases in court. Participation in the program helps students develop their interpersonal and analytical skills.

Community members are given the opportunity to share their experience and skills with students and the HMP. By participating in the program, both HLS students and community members make an immediate and meaningful contribution to the public, to each other, and to the field of mediation.

MEDIATION IN THE DISTRICT COURTS

Program volunteers mediate in six district courts—Quincy, Malden, Cambridge, Roxbury, Brookline and Chelsea. Small claims cases are mediated at court on the hearing day. If the parties agree to try mediation, the clerk-magistrate assigns the case to a team of two mediators. If an agreement is reached, the written agreement is entered as a judgment of the court. If an agreement is not reached, the parties return to court and have their case heard by a judge or clerk-magistrate the same day.

Basic Training

The Harvard Mediation Program holds two basic training sessions each school year at the beginning of the fall and spring semesters. This training combines immersion in mediation theory with participation in numerous simulations. In addition to the 32 hours of weekend training, the volunteers join experienced colleagues to observe small claims cases being mediated in the courts of Brookline, Cambridge, Chelsea, Malden, Quincy and Roxbury. Mediators who successfully complete the training are then qualified, under the laws of the Commonwealth, to mediate with the confidentiality of their proceedings protected by statute. They will then mediate in a supervised setting in the district courts every other week each school year.

Advanced Training

Experienced small claims mediators may choose to receive additional training and mediate cases in the Advanced Mediation Program. These cases typically involve parent/child, minor criminal matters, restitution, landlord/tenant, neighborhood, and other community related disputes. Advanced Mediation cases are typically referred to the HMP from the courts and are assigned to advanced mediators by the Case Coordinator. Mediators in the Advanced Program receive an additional two days of training.

How can Circles help communities?

Circles are about community development, about rebuilding a sense of sharing the responsibility of citizenship. In building the social capital of communities, Circles revive and build what is now often desperately missing: a community-based capability to deal with conflicts, with problems, before they mature into harmful conflicts.

Informal social controls with families and communities have always proven to be much more effective and much less expensive than formal agencies in preventing and dealing with conflict.

By enabling individual families and communities to make decisions about conflicts within their lives, Circles strengthen connections to families and communities.

Resolving conflict in a respectful manner is an essential building block of any healthy relationship within families, within communities. Currently professionals, by monopolizing responses to conflict, rob communities of the key building material of community involvement in conflict resolution.

History repeatedly demonstrates that handing over responsibilities within our families and our communities eventually undermines the well-being of these vital institutions that sustain us as individuals and as a society. Maintaining our responsibility as members of families, of communities, and as citizens, is demanding. This work cannot be substantially delegated to others. Participating in doing the work of citizenship, in the life of the community,

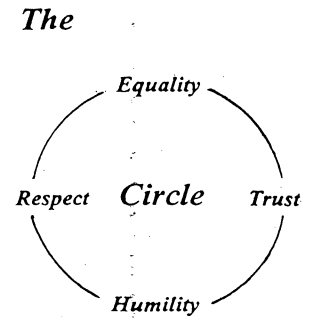
in the daily demands of the family, generates community well-being and assists families in providing a vital sanctuary for everyone's needs. This belief in meaningful participation in conflict resolution by those affected enhances the relationships and connections within communities supporting the peacemaking Circle process. In many respects, peacemaking Circles are about community development.

"The more Circles there are, the easier it is for new Circles to form." (The Millionth Circle)

The Circle of Values Group of Roxbury extends an open invitation to both youth and adults that have read this pamphlet to come to one of our meetings. We meet every other Thursday at 6:30 p.m. in City Councilor Chuck Turner's Roxbury office located at 51 Roxbury Street in Dudley Square. For information on meeting dates call Jamie Suarez-Potts at (617) 661-6130.

The Circle of Value Group of Roxbury's Values

- | | |
|----------------------|-----------------------|
| <i>Patience</i> | <i>Love</i> |
| <i>Understanding</i> | <i>Integrity</i> |
| <i>Loyalty</i> | <i>Accountability</i> |
| <i>Dependability</i> | <i>Caring</i> |
| <i>Sharing</i> | <i>Supporting</i> |
| <i>Circle</i> | <i>Values</i> |
| <i>Communication</i> | <i>Discipline</i> |
| <i>Courageous</i> | <i>Honesty</i> |
| <i>Peaceful</i> | <i>Caring</i> |
| <i>Family</i> | <i>Nurturing</i> |
| <i>Perseverance</i> | <i>Thoughtful</i> |
| <i>Compassionate</i> | <i>Creative</i> |
| <i>Motherhood</i> | <i>Fatherhood</i> |
| <i>Brotherhood</i> | <i>Sisterhood</i> |
| <i>Resourceful</i> | <i>Forgiveness</i> |



The Circle of Value Group of Roxbury

A Restorative Justice Circle

"Back to the Roots of Healing"

A project of the District 7 Prison Committee

What is a Restorative Justice Circle?

Restorative justice is both a philosophy and a set of practices. Restorative justice defines crime as harm that is done at both the individual and the community levels. With this definition in mind, the aim then becomes repairing the harm that has been done. In practice, this can mean a number of different things.

What Circles Do

In the Circle, participants take responsibility for decisions affecting their lives, their families and their community. The environment of a Circle gathering is a different world, especially for those accustomed to an adversarial process. The Circle creates a problem-solving environment that fosters the desire to share the work of finding mutually beneficial, respectful solutions to extremely emotional, complex issues.

Circles encourage people to seek ways of moving beyond differences in a "good way" to build better relationships. It is not that all Circles draw out only the good in people, but Circles do profoundly encourage and enable people to take the "high road," to share with others in a "good way."

What often separates Circles from mediation and other forms of professionally dependent dispute processes lies in the spirituality flowing from everyone sitting as equals, sharing the pain of conflict, sharing the struggle to find answers to difficult, emotionally volatile issues and

sharing the joy in connecting to each other and to their community.

The Sentencing Model

One model of restorative justice is known as the Sentencing Circle. This Circle typically consists of the offender, the victim, their family members, members of the community, criminal justice officials, possibly lawyers, and always two circle "keepers" who facilitate the Circle discussion. Through a process of deliberation, the Circle develops a set of core values upon which everyone involved can agree. In accordance with these values, the Circle tries first to understand the problem at hand and design a tailor-made solution for repairing the harm done. The Circle also explores the changes that need to be made in communities and how to hold systems accountable so that this harm will not be repeated. In this way, the community works together in an effort to ensure everyone's well-being and safety.

A Story of Hope

The Canadian province known as the Yukon has become a story of hope for many because of its success in implementing Sentencing Circles. Ten years ago, 90% of the American Indian population (24,000) in the Yukon was spending time in prison. Today there are only fifty people in prison. Moreover, the Yukon has achieved amazingly low rates of recidivism and felonies.

Peacemaking Circles are based on the following beliefs:

- Conflicts are not simple, thus, solutions are not simple.
- There are many possible solutions to each conflict.
- The parties involved have the best understanding of solutions to their problems.
- The people who develop the solution are committed to making it work.
- Creative solutions emerge if interests, not positions, are developed and if time is taken to gain mutual understanding and respect.
- Every participant has something to offer to the process of finding a good solution.
- Multiple perspectives produce more innovative and durable solutions.
- Better relationships and new connections are essential to support new behaviors.
- The spiritual dimension of relationships is important.
- Working together to find solutions builds and heals relationships.
- All conflicts involve mental, physical, emotional, and spiritual dimensions.
- Not just the mental and physical, but the emotional and spiritual parts of a conflict must be recognized. Differences must be encouraged, embraced, and engaged to generate a deeper resolution and to promote the basis for creative breakthrough solutions, trust, understanding, and improved relationships.

Fundamental changes to attitudes, to power imbalances, to underlying circumstances and to causes of conflict can be achieved if the Circle engages all participants personally -not just professionally- and creates safe

spaces for all voices to be heard and respected.

The challenge is to find a way to harness the energy of a conflict in a positive manner. Thus, more emphasis must be given to *improving* the game, not winning the game, and to solving problems not head to head, but side to side. Circles create the spaces for disagreement without being disagreeable. Things change not only because of what we do, but how we do it.

Who Can Use Peacemaking Circles?

Circles can be used for many different kinds of decision making, problem-solving, support conflict resolution, sharing, mutual education, and brainstorming. For example, Circles have been used for:

- child abuse and support cases
- staff renewal and team building
- discrimination complaints
- grievances and workplace interpersonal conflicts
- school discipline
- institutional strategic planning
- resolving professional group conflict
- family conflicts
- assisting in the healing of crime victims
- developing solutions for public issues
- developing education plans for special education students
- juvenile and adult sentencing
- reintegrating ex-prisoners into communities upon leaving prisons
- environmental and planning disputes
- and many more.

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Councillor Kathleen L. Born

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Ms. Mercedes S. Evans, Human Right Commission member, stated that effectiveness together with the marketing piece need to be discussed. Perception, she said, will either make or break the marketing aspect.

Mr. Bill Madsen, Public Conversation Project, suggested the idea of preventative ombusmanpersonship to have people envision what the city could look like, rather than what are the problems and solutions.

Ms. Hoffman asked Ms. Packer if her agency gets complaints on racial exclusion. Ms. Packer responded that interpersonal issues have been worked on at the Community Dispute Settlement Center. Mediation training is conducted and mediation skills are built into work skills. Conflict resolution groups are also located at the Community Dispute Settlement Center.

Ms. Evans stated that outreach to the community has been done on some issues, such as employment and housing. This invokes complaints in the agency and then education is conducted.

Ms. Ostrander, Human Rights Commission Member, stated that there is a large potential for circle justice. Ms. Hoffman stated that the Peace Commission has held conflict resolution training for city employees. If there are skills used to diffuse conflict resolution a different environment is created.

Councillor Decker stated that a presentation will be given on restorative (circle) justice.

Ms. Potts called the process a "circle of value". She began justice work twenty-five years ago and uses a process taught to her in the neighborhood where she grew up. Circles are used to resolve problems and address conflicts. She views this process as a non-professional, peaceful model. The starting point, she said, is to agree on commonality. Next define what is justice work. Values are established. The circle process is used to agree on points and use resolution to affect institutions in the city. There is a cottage industry growing around restorative justice, she said. She stated the most inspiring story using circle was the Hollowwater Story. She proceeded to tell the story.

Hollowwater is a small city in Ontario, Canada with 600 residents. Eighteen of the children in Hollowwater, under the age of twelve, were found intoxicated from inhaling gasoline. Health workers and professionals in the community met to discuss the situation. It was discovered that the commonality was sexual abuse. Eighty percent of adults in the community were abused as children. Fifty percent of adults in the community were actively abusing children. The professionals met for three years to develop a model to develop a peaceful community. One hundred persons have gone through the program that was developed. Two people have rectifate; one is in training. The inhabitants have reclaimed this community, she said.

The circle process, she said consists of:

- Small groups of people gathering in a circle;
- Two keepers, one a facilitator and one an adjuster;
- A talking piece that goes from person to person in the circle;
- Circles are used to sentence people; and
- Crime is defined as a hurtful act to the community.

The issue is to heal the harm and the circle comes together to accomplish this.

Circles are set up for victims and offenders. Victims explain what happened, how they were harmed, what the harm did and what is needed to feel whole. Offenders work on developing a plan on how to heal the hurt. Both circles meet individually until they are ready to come together as one circle to heal the hurt. The process is confidential. The victim tells the offender what it felt like to be hurt and this gives the offender an

opportunity to say that they are sorry. An agreement is reached within the circle. The circle, she said, gentles the responses and recognizes the environment of what is deeply human about us. The process is indigenous, balanced and respectful. She further stated that there needs to be a web of protection for the circle. Circles look different in each community. She distributed a pamphlet describing a Restorative Justice Circle. **(ATTACHMENT D).**

Mr. Kazi Toure, American Friends Service Committee, stated that the concerns are professional versus non-professional and how to address the root problem of poverty.

Councillor Decker thanked Ms. Potts and Mr. Toure for their presentation.

The committee now heard from Jennifer Clammer, Center for Peaceable Schools at Leslie College, who stated that her agency was a network of community activists who work on alternatives to violence and share knowledge with other practitioners. The core of the circles is to be gentle and human. Circles, she stated, address questions before the issues are discussed. Circles are not training but are experiences. Ms. Potts stated that adults need to be included in circles.

Councillor Decker stated that neighborhood and tenant groups are all different. The focus is on particular neighborhood issues. Her goal is to utilize her role to bring people together to have conversation. Ms. Hoffman stated that leaders and resources can be found in every person.

Ms. Potts suggested using a "small" pilot circle project. She informed the group that there is funding available for this process. Volunteers create a better circle, she said.

Councillor Decker stated that Cambridge is different today than it was years ago. Ms. Potts stated that there is a deeply segregated feeling in the City of Cambridge. There is a real divide. The challenge is what is done from the shared values.

Councillor Decker stated that work needs to be done to collect the data and the city needs to get information out to the community. The issue of how conversation is done in the community needs to be addressed.

Councillor Decker stated that a planning committee would meet to discuss what are the next steps to be taken. The City Council has provided funding for an ombudsman-type position and she would like the committee to outline how this position could help the work of the committee.

Ms. Ryan suggested posting a notice for an intern on "Volunteer Solution Partnership".

At the conclusion of the meeting Councillor Decker thanked all attendees and scheduled the next meeting of the Civic Unity Committee for Wednesday, July 25, 2001 at 4:00 p.m.

2

The meeting adjourned at 5:45 p.m.

For the Committee,



Councilor Marjorie Decker,
Chair

010612.ReportCivicUnityComm.cont.ofmediationresourcesandcirclejusticepresentation.

ATTACHMENT A

**COMMUNITY
DISPUTE
SETTLEMENT
CENTER, INC.**

Formerly Cambridge Dispute Settlement Center, Inc.

872 Massachusetts Ave., Suite 2-9
Cambridge, MA 02139

Tel: 617-876-5376

Fax: 617-876-6663

email: cdsc1@juno.com

website: communitydispute.org

Community Dispute Settlement Center (CDSC)

Mission: CDSC is a private, not-for-profit mediation center dedicated to providing an alternative and affordable forum for resolving conflict. With a sliding fee scale, CDSC is committed to ensuring access to mediation services.

Location: 872 Mass Ave. Suite 2-9 (Central Square), Cambridge, MA 02139

For information or to make a referral, call: 617/876-5376

Services Provided: Mediation and Training

MEDIATION SERVICES :Types of Disputes

- **Couples Separating: Divorce & Paternity & Gay/Lesbian**
Issues: parenting arrangements, finances -child support & alimony, property
- **Housing**
Tenants & Landlords, Condo Association Members, Property Managers, Roommates
Issues: property repairs, rent payments/increases, noise, eviction, access to units, maintenance of common areas, communication
- **Neighborhood**
Issues: noise, pets, property issues, communication
- **Workplace**
Co-workers, Supervisors/employees, Executive Directors/ Board members
- **Family Matters**
Adult siblings: issues- aging parents, division of property
Parents/Teenagers: issues- curfew, communication
- **Court-related**
District Court - Small Claims and other civil; Minor criminal matters
Juvenile Court - CHINS cases and delinquency issues; Parent/Teenager conflict
Probate & Family Court - parenting arrangements, financial , property
Superior Court- civil cases

TRAINING PROGRAMS

- 30-Hour Mediation Training
- Advanced Training in Divorce Mediation - 23 Hours
- Advanced Training: Gay and Lesbian Issues in Mediation - 8 hours
- Conflict Resolution workshops

WHAT IS THE PUBLIC CONVERSATIONS PROJECT?

MISSION

The Public Conversations Project (PCP) promotes constructive conversations and relationships among those who have differing values, world views, and positions related to divisive public issues.

PCP fosters ways of talking across difference that decrease polarization, and increase mutual understanding and possibilities for collaborative action. Even when people are in protracted, polarized conflict, and have indelible differences, the relationships among them can shift and the "problems" and the range of possible solutions can shift as well. Our work facilitates such shifts.

ACTIVITIES

As an organization, PCP straddles the intersections of theory and practice, research and training, service delivery, and publication. Part "think tank," part service provider, and part training center, we house an unusual range of capacities under one roof.

Our major services include:

- **design, convening, and facilitation** of dialogues, meetings, and conferences;
- **consultation** to those who want to build on or apply our resources;
- **training**, both packaged and customized;
- **publications** for academic, professional, and general audiences;
- **presentations** to professional, civic, religious, and community groups; and
- **public information** through a resource-laden and interactive website:
<http://www.publicconversations.org>

We have a solid and spreading reputation for providing responsible and effective service, conducting thorough research, writing useful articles about our thinking and methods, and delivering outstanding trainings. PCP is recognized as a unique and valuable resource by our many clients, investors, and peers.

Our clients include schools & universities, non-profit organizations, community groups, government agencies, churches, issue advocates, professionals in mediation and dispute resolution, and private citizens. Among those served in the past year are: the **University of Massachusetts**, **Harvard University**, **Tufts University** the **Episcopal Diocese of Massachusetts**, the **City of Cambridge (MA)**, the **United States Congress** bi-partisan retreat in Hershey (PA), the **Maine Forest Biodiversity Project** and participants who enrolled in our training workshops in **Seattle**, **San Francisco**, **Las Vegas**, and **Boston**.

Public Conversations Project

46 Kondazian Street • Watertown, MA 02472-2832

Phone: 617-923-1216 • Fax: 617-923-2757 • E-mail: info@publicconversations.org

Our investors are the individuals and private foundations that support our work financially, among them **The Boston Foundation, The Ford Foundation, The William and Flora Hewlett Foundation, The John D. and Catherine T. MacArthur Foundation, Pew Charitable Trusts, and Surdna Foundation.**

PCP presents and conducts workshops regularly at a variety of professional conferences, among them the **Society of Professionals in Dispute Resolution** (which in 1997 presented PCP with the Mary Parker Follett Award for Excellence and Innovation in Dispute Resolution), the **American Family Therapy Academy** (which in June, 1999 will honor PCP for its innovative contributions to the field), the **National Conference for Peacemaking and Conflict Resolution (NCPCR)**, the **Communications Institute of Australia**, and the **Kensington Consultation Centre** in London, England.

PROGRAMS AND SERVICES

The Public Conversations Project began in 1989 as a brainstorming group at the Family Institute of Cambridge which explored the possibility that family therapists have ways of working with hot and costly personal conflict that can be fruitfully applied in the public arena.

Dialogue Facilitation

Since 1990, PCP has designed, convened, documented, and evaluated numerous dialogues on a variety of public issues, including abortion, the environment, population and development, sexual orientation and religion, social class, and end-of-life issues. Dialogue contexts include confidential sessions among committed advocates on opposing sides, public conversations between concerned citizens, and meetings of leaders with shared concerns seeking to improve collaboration.

Consultation

Increasingly, our services are being sought by networks and groups experiencing difficulty working together, e.g., boards of non-profit organizations, religious institutions and faculty-parent groups. In situations where the perceived obstacles to collaboration involve political or demographic differences, we work with such groups ourselves or in partnership with organizational consultants.

Conference Design and Facilitation

As awareness of the multidimensional costs of any gathering spreads, so does the willingness to invest in preparation that will make the most of expensive face-to-face time. PCP's collaborative approach to conference design, facilitation, and consultation is especially attractive to those who want their conferences to be participatory, synergistic, and community building.

Training

The PCP training program is directed both toward: 1) professionals in mediation and other "third party" practitioners; 2) organizations, networks and individuals who want to enlarge their capacity to convene, facilitate, and engage in more constructive conversations in their professional or civic lives. The cornerstone of our program is *The Power of Dialogue* workshop which has been adapted to meet the needs of a variety of audiences.

PROGRAM OPPORTUNITIES

Lectures and Panels

To complement its field endeavors, the Harvard Mediation Program sponsors periodic lectures and panel discussions of topics that are of abiding interest.

Mediator Meetings or "War Stories"

These events are opportunities for mediators to exchange ideas and mediation experiences. Not only do these meetings develop mediation skills; they also foster a sense of shared commitment to the program and the field.

On the Web

The Mediation Program maintains a Web site with Program information and links to related sites at: http://www.law.harvard.edu/Academic_Affairs/Clinical_Program/hmp/index.html.

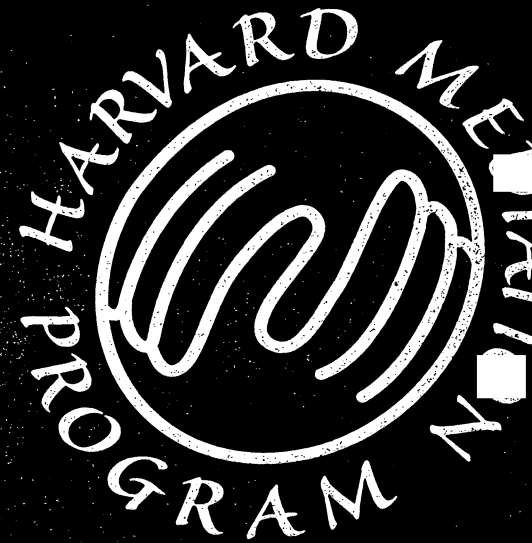
HMP Board

The Board is a policy-making group of HLS students including a president and chairpersons responsible for training, scheduling, communication, development and expansion. Other members are encouraged to participate on committees in the above areas.

For further information, contact:

Harvard Mediation Program
Harvard Law School, Austin 203
Cambridge, Massachusetts 02138
phone (617) 495-1854
fax (617) 496-2294

Harvard Mediation Program
Harvard Law School, Austin 203
Cambridge, Massachusetts 02138



A Student Organization of
Harvard Law School

WHAT IS MEDIATION?

Mediation is a form of dispute resolution designed to help disputants reach their own mutually acceptable solutions. The mediator works closely with the parties to discuss issues of mutual concern, identify interests underlying each party's claim and explore possible solutions. The mediator does not have the authority to decide an outcome for the disputants.

Mediation is a voluntary process. Each party must be willing to work out their own solution. Successful mediations do not necessarily end in agreement; the parties benefit if they leave the table with a better understanding of their and the other party's concerns and positions. Studies have shown another benefit of mediated agreements - the compliance rate of agreements reached through this process far exceeds that of court orders.

ORGANIZATIONAL HISTORY AND STRUCTURE

The Harvard Mediation Program was founded in the spring of 1981 by a Harvard Law School professor and several students interested in promoting mediation at the law school. The Harvard Mediation Program office in Austin 203 is staffed by Gabrielle Gropman, Administrator, and Darshan Brach, Case Coordinator. In addition to the Board of Directors, there is an advisory board of alumni, faculty and Law School staff.

THE PROGRAM

Purpose

The Harvard Mediation Program is a student based, independent clinical program of the Harvard Law School specializing in mediating small claims disputes in local district courts. Cases are mediated by Harvard Law Students and members of the community. Law students are given the opportunity to expand their education beyond the theoretical confines of the classroom by mediating actual cases in court. Participation in the program helps students develop their interpersonal and analytical skills.

Community members are given the opportunity to share their experience and skills with students and the HMP. By participating in the program, both HLS students and community members make an immediate and meaningful contribution to the public, to each other, and to the field of mediation.

MEDIATION IN THE DISTRICT COURTS

Program volunteers mediate in six district courts—Quincy, Malden, Cambridge, Roxbury, Brookline and Chelsea. Small claims cases are mediated at court on the hearing day. If the parties agree to try mediation, the clerk-magistrate assigns the case to a team of two mediators. If an agreement is reached, the written agreement is entered as a judgment of the court. If an agreement is not reached, the parties return to court and have their case heard by a judge or clerk-magistrate the same day.

Basic Training

The Harvard Mediation Program holds two basic training sessions each school year at the beginning of the fall and spring semesters. This training combines immersion in mediation theory with participation in numerous simulations. In addition to the 32 hours of weekend training, the volunteers join experienced colleagues to observe small claims cases being mediated in the courts of Brookline, Cambridge, Chelsea, Malden, Quincy and Roxbury. Mediators who successfully complete the training are then qualified, under the laws of the Commonwealth, to mediate with the confidentiality of their proceedings protected by statute. They will then mediate in a supervised setting in the district courts every other week each school year.

Advanced Training

Experienced small claims mediators may choose to receive additional training and mediate cases in the Advanced Mediation Program. These cases typically involve parent/child, minor criminal matters, restitution, landlord/tenant, neighborhood, and other community related disputes. Advanced Mediation cases are typically referred to the HMP from the courts and are assigned to advanced mediators by the Case Coordinator. Mediators in the Advanced Program receive an additional two days of training.

How can Circles help communities?

Circles are about community development, about rebuilding a sense of sharing the responsibility of citizenship. In building the social capital of communities, Circles revive and build what is now often desperately missing: a community-based capability to deal with conflicts, with problems, *before* they mature into harmful conflicts.

Informal social controls with families and communities have always proven to be much more effective and much less expensive than formal agencies in preventing and dealing with conflict.

By enabling individual families and communities to make decisions about conflicts within their lives, Circles strengthen connections to families and communities.

Resolving conflict in a respectful manner is an essential building block of any healthy relationship within families, within communities. Currently professionals, by monopolizing responses to conflict, rob communities of the key building material of community involvement in conflict resolution.

History repeatedly demonstrates that handing over responsibilities within our families and our communities eventually undermines the well-being of these vital institutions that sustain us as individuals and as a society. Maintaining our responsibility as members of families, of communities, and as citizens, is demanding. This work cannot be substantially delegated to others. Participating in doing the work of citizenship, in the life of the community,

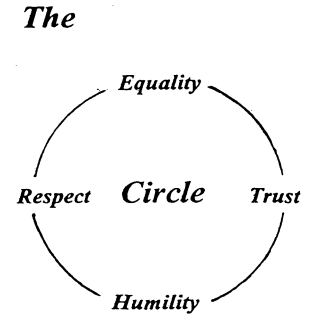
in the daily demands of the family, generates community well-being and assists families in providing a vital sanctuary for everyone's needs. This belief in meaningful participation in conflict resolution by those affected enhances the relationships and connections within communities supporting the peacemaking Circle process. In many respects, peacemaking Circles are about community development.

"The more Circles there are, the easier it is for new Circles to form." (The Millionth Circle)

The Circle of Values Group of Roxbury extends an open invitation to both youth and adults that have read this pamphlet to come to one of our meetings. We meet every other Thursday at 6:30 p.m. in City Councilor Chuck Turner's Roxbury office located at 51 Roxbury Street in Dudley Square. For information on meeting dates call Jamie Suarez-Potts at (617) 661-6130.

The Circle of Value Group of Roxbury's Values

- | | |
|----------------------|-----------------------|
| <i>Patience</i> | <i>Love</i> |
| <i>Understanding</i> | <i>Integrity</i> |
| <i>Loyalty</i> | <i>Accountability</i> |
| <i>Dependability</i> | <i>Caring</i> |
| <i>Sharing</i> | <i>Supporting</i> |
| <i>Circle</i> | <i>Values</i> |
| <i>Communication</i> | <i>Discipline</i> |
| <i>Courageous</i> | <i>Honesty</i> |
| <i>Peaceful</i> | <i>Caring</i> |
| <i>Family</i> | <i>Nurturing</i> |
| <i>Perseverance</i> | <i>Thoughtful</i> |
| <i>Compassionate</i> | <i>Creative</i> |
| <i>Motherhood</i> | <i>Fatherhood</i> |
| <i>Brotherhood</i> | <i>Sisterhood</i> |
| <i>Resourceful</i> | <i>Forgiveness</i> |



of Value Group of Roxbury

A Restorative Justice Circle

"Back to the Roots of Healing"

A project of the District 7 Prison Committee

What is a Restorative Justice Circle?

Restorative justice is both a philosophy and a set of practices. Restorative justice defines crime as harm that is done at both the individual and the community levels. With this definition in mind, the aim then becomes repairing the harm that has been done. In practice, this can mean a number of different things.

What Circles Do

In the Circle, participants take responsibility for decisions affecting their lives, their families and their community. The environment of a Circle gathering is a different world, especially for those accustomed to an adversarial process. The Circle creates a problem-solving environment that fosters the desire to share the work of finding mutually beneficial, respectful solutions to extremely emotional, complex issues.

Circles encourage people to seek ways of moving beyond differences in a "good way" to build better relationships. It is not that all Circles draw out only the good in people, but Circles do profoundly encourage and enable people to take the "high road," to share with others in a "good way."

What often separates Circles from mediation and other forms of professionally dependent dispute processes lies in the spirituality flowing from everyone sitting as equals, sharing the pain of conflict, sharing the struggle to find answers to difficult, emotionally volatile issues and

sharing the joy in connecting to each other and to their community.

The Sentencing Model

One model of restorative justice is known as the Sentencing Circle. This Circle typically consists of the offender, the victim, their family members, members of the community, criminal justice officials, possibly lawyers, and always two circle "keepers" who facilitate the Circle discussion. Through a process of deliberation, the Circle develops a set of core values upon which everyone involved can agree. In accordance with these values, the Circle tries first to understand the problem at hand and design a tailor-made solution for repairing the harm done. The Circle also explores the changes that need to be made in communities and how to hold systems accountable so that this harm will not be repeated. In this way, the community works together in a effort to ensure everyone's well-being and safety.

A Story of Hope

The Canadian province known as the Yukon has become a story of hope for many because of its success in implementing Sentencing Circles. Ten years ago, 90% of the American Indian population (24,000) in the Yukon was spending time in prison. Today there are only fifty people in prison. Moreover, the Yukon has achieved amazingly low rates of recidivism and felonies.

Peacemaking Circles are based on the following beliefs:

- Conflicts are not simple, thus, solutions are not simple.
- There are many possible solutions to each conflict.
- The parties involved have the best understanding of solutions to their problems.
- The people who develop the solution are committed to making it work.
- Creative solutions emerge if interests, not positions, are developed and if time is taken to gain mutual understanding and respect.
- Every participant has something to offer to the process of finding a good solution.
- Multiple perspectives produce more innovative and durable solutions.
- Better relationships and new connections are essential to support new behaviors.
- The spiritual dimension of relationships is important.
- Working together to find solutions builds and heals relationships.
- All conflicts involve mental, physical, emotional, and spiritual dimensions.
- Not just the mental and physical, but the emotional and spiritual parts of a conflict must be recognized. Differences must be encouraged, embraced, and engaged to generate a deeper resolution and to promote the basis for creative breakthrough solutions, trust, understanding, and improved relationships.

Fundamental changes to attitudes, to power imbalances, to underlying circumstances and to causes of conflict can be achieved if the Circle engages all participants personally -not just professionally- and creates safe

spaces for all voices to be heard and respected.

The challenge is to find a way to harness the energy of a conflict in a positive manner. Thus, more emphasis must be given to *improving* the game, not winning the game, and to solving problems not head to head, but side to side. Circles create the spaces for disagreement without being disagreeable. Things change not only because of what we do, but how we do it.

Who Can Use Peacemaking Circles?

Circles can be used for many different kinds of decision making, problem-solving, support conflict resolution, sharing, mutual education, and brainstorming. For example, Circles have been used for:

- child abuse and support cases
- staff renewal and team building
- discrimination complaints
- grievances and workplace interpersonal conflicts
- school discipline
- institutional strategic planning
- resolving professional group conflict
- family conflicts
- assisting in the healing of crime victims
- developing solutions for public issues
- developing education plans for special education students
- juvenile and adult sentencing
- reintegrating ex-prisoners into communities upon leaving prisons
- environmental and planning disputes
- and many more.

308 S

Committee Report #2

Committee Report from Councillor Marjorie, Chair of the Civic Unity Committee, for a meeting held on June 12, 2001 to continue planning and implementation of a catalogue of existing mediation resources and to receive a presentation on circle justice.

-In City Council July 30, 2001

Report Accepted

PLACED ON FILE