Having an offender and victim voluntarily settle their dispute in a non-adversarial atmosphere is a challenge that I find very satisfying in my work through the Victim Offender Reconciliation Program (VORP) of Nashville, Tennessee. Three cases I recently mediated reinforced the need for understanding and respect of diversity during the process. As the mediator, the agreement between a victim and offender might not necessarily be one that I would accept personally, but the goal is for the participants to find the resolution satisfactory.

All the cases presented in this paper are based on assault charges. The first case involved a foreign culture that had several thousand community members recently settled in Nashville. In the mediation, the offender and victim brought their customs and values with them, and there was an apparent desire to maintain a close knit community.

The case involved a male member of the community who had given a gift to a female member who then wanted to reject the gift. The female’s brother took the gift to an established member of the community, who was identified as the respected elder. It became the responsibility of the elder to return the gift immediately. Late at night, the elder went to the giver’s house. The two men began an argument, which escalated to an assault charge. Through mediation, resolution came quickly with both men agreeing to no further contact with each other. The elder then inquired about mediation skills’ training so that others from the community could take more responsibility for their actions. He complained of being overwhelmed with community problems.

On the surface, it was difficult for me to understand how the elder, rather than the family of the intended gift receiver, wound up with the problem, but I had no right to judge. Having lived and worked overseas, I am familiar with communities setting their own rules and having respect for the wisdom of the village elder. Without an understanding of cultural diversity, it might have been confusing as to why the elder didn’t stay out of the situation and thus avoid the conflict. In the mediation, I needed to be sensitive within that context, especially in understanding the symbolic meaning of the gift.

The next case involved two women, a driver and a rider, in conflict over a paid ride. One woman received the ride and then paid the driver for the favor. The rider overpaid expecting a ride the following day. The driver was unable to transport the rider the next day, so the woman wanted her ten dollars back. This led to an altercation between the two and assault charges resulted.

During the assault (which took place on a public street), the driver who kept the rider’s money had her cell phone stolen and was angry at the other and felt cheated by her. The resolution involved the rider agreeing to forfeit her ten dollars if she were no longer harassed about the cell-phone. She maintained that a passerby had taken the cell-phone during the altercation and not herself. The cell-phone owner agreed to the conditions but was free legally to try other means to locate her phone.

I caught myself with the initial reaction of “Why all this fighting over a cell-phone and ten dollars?” Once again, I had to monitor my bias. They were important issues to the parties. Trying to minimize them was an injustice to the situation.

The final case was between two children, a boy and a girl. The assault charge occurred from one hitting the other in the head with a roller blade, leaving a big gash (fortunately with no permanent damage).

Dr. Irene Ratner is a Board member of the Nashville, Tennessee VORP. She is a psychologist and works as an International Consultant. Irene worked in Albania for three months in the capital, Tirana, at a Conflict Resolution Center where the biggest mediations were in “blood feuds.” She recently returned from Kosovo where she worked as an election monitor. It is her hope to do more election monitoring through US State Department and OSCE (Organization for Security and Cooperation in Europe).
VOMA Connections

VOMA Connections is published four times a year by the International Victim Offender Mediation Association. VOMA's Mission Statement is:

“Promoting and enhancing restorative justice dialogue, principles, and practices. - Our mission will be achieved only with a commitment to full diversity and equality of participation for all people. VOMA holds this commitment as central in its work.”

VOMA welcomes contributions, including short articles, literature reviews, case studies, program news and other interesting info. Photos and graphics are also welcome. Views expressed within the VOMA Connections are those of the authors and not necessarily those of VOMA.

Send submissions to co-editors Beverly Moore or Ann Warner Roberts (See Board of Directors listing at right for contact information).

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Publishing Schedule for VOMA Connections

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For the most recent update of Board contact info, please go to VOMA’s web page www.voma.org
VOMA Develops 3-Year Strategic Plan

Plan Helps Determine Path to New Millennium

by David Doerfler and Kathy Elton

VOMA Board Co-Chairs

“There is a thin line between genius and insanity. I have erased this line.”

--Oscar Levant

Do you ever feel that way? Especially when faced with making a crucial decision that will impact your future in a dramatic way?

The VOMA Board of Directors is moving ahead with both confidence and prudence in this time of growth and change for the Association. Sometimes, it may feel like we’re going at an “insane” pace, but there is also “genius” in the process.

VOMA has completed our Strategic Plan for 2001-2003 (available on VOMA’s web page www.voma.org). We believe we have chosen a creative, innovative, powerful and successful strategy for the future development of VOMA. We believe VOMA’s vision is both clear and attainable in the Goals of the Strategic Plan:

• To become a premier information and resource network for Restorative Justice Dialogue practitioners and others;
• To grow as a leading and diverse membership organization advancing the Restorative Justice field;
• To expand the understanding and application of Restorative Justice principles;
• To enhance the quality practice of Restorative Justice Dialogue;
• To evolve governance and expand management to further excellence in achievement, accountability and inclusion.

The most immediate decision facing VOMA is the selection of a strategic “host organization” with the resources and capacity to house VOMA and assist with organizational development as we work towards becoming a professionally managed Association. For 18-24 months, the host organization will serve as VOMA’s interim home to bring the expertise we need to move us to the next level of fulfilling a vision that is both clear and attainable. The host organization RFP is available on VOMA’s web page www.voma.org or contact Annie Roberts at annwarnerroberts@compuserve.com or 51/699-4532.

With all the recent news about mergers and confederations among dispute resolution organizations, we want to make VOMA’s intentions clear. The Board feels strongly that merger with other organizations would not be in VOMA’s best interests at this time, yet alliances and partnerships could have enormous short-term and long-term benefits. We want to ensure that VOMA’s organizational foundation is secure and we want VOMA to grow and fulfill its potential.

VOMA is in transition between a rich and storied past and a bright ambitious future. We know that our decisions during these changing times will produce consequences. On the one hand, if we move too conservatively, we run the risk of missing that golden opportunity to take responsibility for addressing the objectives of our mission. On the other hand, if we move too aggressively, we risk damaging the foundation on which VOMA was established.

During our transition, the support to VOMA provided by The William and Flora Hewlett Foundation has been nothing but affirming and growth producing. We are fiscally sound and will continue to be diligently faithful to VOMA’s mission “Promoting and enhancing restorative justice dialogue, principles and practices. Our mission will be achieved only with a commitment to full diversity and equality of participation for all people. VOMA holds this commitment as central to its work.” VOMA’s Board of Directors is confident in the direction of our development, and the timing is just right.
Welcome to New Members

AGENCY
◊ Clark County Social Service Neighborhood Justice Center, NV
◊ Hennepin County Juvenile Probation, MN
◊ Marquette-Alger Resolution Service, MI
◊ Mennonite Central Committee, Canada
◊ Mennonite Conciliation Service, PA
◊ Neighborhood Justice Center, FL
◊ Oregon Dispute Resolution Commission, OR
◊ SEPTA Correctional Facility, OH
◊ Trempealeau County Court Services, WI
◊ Victims Council, PA

INDIVIDUAL
◊ Michael Alberts, MN Dept. of Corrections, MN
◊ Ralph Bauer, Greer Co. Courthouse - Early Settlement Mediation Southwest, OK
◊ JJ Beauchamp, Alberta Canada
◊ Wilbur Bontrager, Finger Lakes Restorative Justice Center, NY
◊ Jillian Boone, Teen Court & Restitution, NC
◊ Doug Borch, Calgary Community Conferencing, Canada
◊ Susan Bouchie, Pinnacle Programs, Inc., MN
◊ Victoria Bukshazen, Good Shepherd Mediation Program, PA
◊ Eileen Cleaver, Jackson Correctional Inst., WI
◊ Liz Cox, IA
◊ Cynthia Crosby, MN
◊ Deanna Custer, Shalom VORP of Northwest Ohio, OH
◊ Richard Dase, Kent County Court Services, MI
◊ Molly Demaret, VA
◊ Pete DeWind, Restorative Justice Project, WI
◊ Nikki Erickson, MN
◊ Julie Friesen, Community Justice Initiatives, Canada
◊ Arnold Fritz, MN
◊ Judith Birk Fullingim, Fullingim Ministries, TX
◊ Garry Grunzke, Bernadotte Lutheran Church, MN
◊ David Gustafson, Fraser Region Community Justice Initiatives, British Columbia, Canada
◊ Mona Gustafson Affinito, MN
◊ Russell S. Harrison, Rutgers Forum for Policy Research, NJ
◊ Nanci S. Klein, Oakland Mediation Center, MI
◊ Bev Klungervik, UT
◊ Martin McAnallen, Probation Board for Northern Ireland, N.Ireland
◊ Brian R. Meshen, Jackson Correctional Institution, MN
◊ Russ Morgan, Montgomery County Adult Probation Department, OH
◊ Shinsuke Nakayama, Sam Houston State University, College of Criminal Justice, TX
◊ Shoshana Nir, Ben-Gurion University, Negev Social Work Dept., Israel
◊ Fredrica Nix, Missouri Western State College, Dept. of Criminal Justice, MO
◊ Diana Olvedo-Munoz, Multi-Cultural Resource Center, MN
◊ Marilyn Patterson, Administrative Office of the Courts, UT
◊ James Ptacek, Suffolk University, MA
◊ Liz Quinnette, CA
◊ Mala J. Reges, Juneau Community Mediation Center, Inc., AK
◊ Nancy Good Sider, Conflict Transformation Program, EMU, VA
◊ Todd Skowrup, Yamhill County Mediators, OR
◊ Richard Smallman, Amherst H. Wilder Foundation, MN
◊ Carol Lee Smith, Dispute Resolution Office, Ministry of Attorney General, Ontario, Canada
◊ Emmett Solomon, Restorative Justice Ministry Network, TX
◊ Phil T. Thomas, Parish Attorney’s Pretrial Diversion Division, LA
◊ Angela Trainham, LSU School of Social Work, LA
◊ Stewart VanderVelden, Serve Our Youth Network of Iowa, IA
◊ Delane Welsch, MN
◊ Kay Welsch, MN
◊ Travis E. Witt, The Nehemiah Project, VA

STUDENT
◊ Judy Friesem, Antioch University Seattle, WA
◊ Billie Jo Garcia, Univ. of North Carolina-CH, NC
◊ Molly Marie Jandro, Rice County Community Corrections, MN
◊ Marta Valenzuelaa, Clark County Social Service Neighborhood Justice Center, NV

Minnesota Memories of 17th Annual VOMA Conference

Carolyn McLeod was gifted with a beautiful handmade ceramic tile in honor of her many years of dedication to VOMA and the restorative justice movement.

Bobbie Boland from Newfoundland, Canada, receives a thank-you gift for serving on the VOMA Board. Dale Landry (background) provides direction and support as a current VOMA Board member.

See VOMA Pictures on page 10
On Line with “Virtual” VOMA

Access to RJ/VOM Information Abounds on Word Wide Web

VOMA’s Web Page Adds Items and Makes Improvements

Several new additions and improvements have been made to VOMA’s web page. First, we’ve changed the color. The blue throughout the web site is now the same blue as in the VOMA Connections. Also, several VOMA administrative items have been added:
• VOMA’s new 3-year Strategic Plan;
• The RFP for a Host Organization to house VOMA;
• RFP and Honorarium Policy for trainers/presenters for the VOMA 2001 Training Institute and Conference.

We’ve also added several new RJ/VOM articles, new links to other RJ/VOM web sites, and additional links to VOMA members’ home pages. We invite you to visit www.voma.org and explore the many restorative justice resources VOMA offers on-line. Questions? Contact VOMA’s Web Master Duane Ruth-Heffelbower at duanerh@fresno.edu

VOMA’s List-Serve Host Provides Free Services To Help You Manage E-Mail

Many of you might realize from VOMA’s list-serve address that we use the free services of a company called Topica to host our list-serve. In addition to providing the free email hosting services that VOMA uses, Topica offers a broad range of newsletters, tips and discussions, as well as tools such as searchable archives and “vacation hold,” that can help you manage your email list subscriptions. It helps me (VOMA’s webmaster) when you are able to handle such things yourself directly through Topica, although I am happy to do it if the direct route doesn’t work for you.

Every month or two, Topica will be sending VOMA members a message directly, highlighting the tools and content available on the site. I encourage you to explore Topica (at http://www.topica.com). Not only are you likely to find interesting email content, but this will also help Topica continue to offer the free list hosting service that we enjoy by crediting them with ad views.

Questions? Contact VOMA’s Web Master Duane Ruth-Heffelbower at duanerh@fresno.edu

OASIS Web Site Offers Innovative Restorative Justice Communication and Information Service

OASIS is a fertile place in the desert, due to the presence of water. It is also a new restorative justice program in Lincoln, Nebraska that Howard Zehr says “has significant promise.”

OASIS is an on-line service that provides information, accountability and communication services for survivors of crime, offenders and communities. Via the OASIS website (www.OASIS-ne.org), survivors of crime may access information about their offender, learn about efforts the offender has made to improve their lives, and find out about possible communication options.

OASIS provides survivors of crime a safe, secure communication and information service regarding their offender.

OASIS educates offenders on accountability and communication issues while providing them with a safe and secure vehicle in order for them to communicate their obligations to make things right to the greatest degree possible.

OASIS provides the community with a meaningful resource that increases public safety while benefiting survivors of crime and offenders.

For further information contact:
www.OASIS-ne.org
James G. Jones Jr., Executive Director
PO. Box 30805
Lincoln, NE 68503
Jonesjcb@msn.com
402/483-4245

BARJ Creates New Easy Access Web Page Address

The Balanced and Restorative Justice Project, funded by the Office of Juvenile Justice and Delinquency Prevention, has created a new easy-to-remember web address:
www.fau.edu/barj
Truancy continues to be a major educational concern facing schools, juvenile courts, and society. Statistics show that youth who are not in school during the day are at high risk for delinquency and are likely to be engaged in criminal activity (OJJDP, 1997). Many research studies have revealed that truant students are more likely to join gangs, use drugs and alcohol, and engage in other criminal and violent activity than students that stay in school (OJJDP, 1999). Administrators, teachers, parents, police officers, juvenile court officials, and legislators struggle with the issue of truancy and are consistently trying new policies and program interventions aimed at keeping students in school.

Why Are Students Truant?

This question has, of course, as many answers as there are truant students. However, research has identified one of the major risk factors underlying the reason students fail to attend school. That risk factor is a lack of motivation. A student's lack of motivation is usually associated with poor academic performance, low self-esteem, and lack of personal and educational goals (OJJDP, 1997).

Previous studies have identified three conditions -- freedom, responsibility, and challenge within classrooms and schools -- that lead students to feelings of success and increase their desire and motivation to seek further success (Naylor, 1983). Programs which incorporate the conditions of freedom, responsibility, and challenge tend to increase student motivation, positive self-concepts, and positive attitudes toward learning (Naylor, 1983). These three conditions or variables have been found to have an impact on student success, student attitudes, and student self-esteem, which in turn have been found to be related to increased motivation (Kay, 1976).

Truancy problems are also often a symptom or red flag to other problems in the student's life. We believe that understanding these problems is critical if school officials are to help students attend school. A referral to juvenile court is not always the needed solution for solving a student's truancy problem. However, traditional truancy intervention methods continue to be used by school officials and court liaisons to deal with truancy problems.

An Alternative Approach to Truancy Interventions

Mediation, as a dispute resolution process, has many advantages over the formal court process:

- Mediation is informal and confidential;
- Mediation proceeds more quickly than the formal court process;
- The final agreement is not imposed upon the parties by a judge, but instead designed in their own best interests by the parties involved;
- Mediation is non-adversarial since the solution is designed by both parties and has the potential to preserve the relationship once the process has concluded (Administrative Office of the Court, 1999).

The advantages of alternative dispute resolution processes extend to all forms of mediation programs, including truancy mediation (BEST Conference, 1999).

Mediation as a truancy intervention program implements the conditions of freedom, responsibility, and challenge by focusing on student decision making, goal setting, and performing to certain standards autonomously. Providing students with the freedom to choose from a variety of options, the choice of taking the responsibility to act independently, and the prerogative of setting goals to accomplish higher level tasks lead to the probability of student success and increased motivation (Baumrind, 1967, Coopersmith, 1969, Felker, 1974, Purkey, 1970). The mediation process allows the student to explore optional activities, be autonomous in making decisions about his or her life, and be a willing participant in the process.

Truancy Mediation also gives the mediator the opportunity to enhance discussion about the core issues or real reasons the student is not coming to school. The symptoms of truancy are often buried beneath other problems such as substance abuse, neglect, family dysfunction, or other social problems.

Collaborative Pilot Program in Place

During the 1998-99 school year, West Hills Middle School in Jordan School District and the Administrative Office of the Courts in Utah collaborated in a pilot interagency truancy mediation intervention program. The program was implemented as an intervention, with the hope of diverting truancy cases from entering the juvenile court system. Mediation, as an intervention program for resolving conflicts, incorporates aspects of motivation theory and aspects of alternative dispute resolution theory, making it a viable alternative to solving traditional truancy problems and concerns. Mediation provides a relaxed atmosphere for the student, parents, and school personnel to discuss the truancy problem and come to some resolution. By utilizing the non-adversarial nature of mediation, all parties' concerns and views are heard and a mutual agreement is hopefully reached to resolve the problem.

Kerrie Naylor is Principal at West Hills Middle School in Jordan School District. Kathy Elton is Mediation Programs Coordinator with the Administrative Office of the Courts in Utah, and a VOMA Board member.
Mediation utilizes the presence and skills of a neutral third party who promotes cooperation between disputing parties and provides the parties the opportunity to resolve their differences without court interaction. The mediator helps identify the interests of the parties involved and facilitates discussion of those interests in a productive way. Finally, the mediator assists the parties in creating possible solutions to conflict and helps test the feasibility of those solutions until the parties in dispute can agree on an outcome that serves the interests of all involved.

In the West Hills Middle School Truancy Mediation pilot program, students were given the option of participating in truancy mediation before they were formally referred to juvenile court for habitual truancy. The student, the student’s parents, and a team from the school (usually consisting of an assistant principal, a counselor, and the attendance secretary) are all present in the mediation session. The mediators in the program are trained community volunteers recruited and supervised by the Administrative Office of the Courts. The mediator’s role is to equalize the power at the table by being a third-party neutral who ensures that all parties feel comfortable discussing the truancy issue. The mediator also encourages dialogue around options that may help to solve the truancy problem.

**Mediation Process**

The truancy mediation sessions normally begin with each party at the table sharing their perspective of the problem. Second, the mediator conducts a series of caucuses (private meetings) with the different parties to further explore the issues related to the truancy problem and to begin the process of generating possible solutions that the parties would be willing to do. In the last phase of the mediation, all parties are brought back together and all possible solutions are shared with the entire group and modified to meet the needs of all involved. The solutions to the problem that are agreed upon by all parties are then drafted into an agreement that is signed by all parties. The mediation process typically lasts about two hours.

Following the mediation, the agreement is submitted to the Jordan School District Office of Student Services and to the Juvenile Court and held in an inactive file. The agreement accompanies the student with a referral to juvenile court if the student fails to show improvement in his or her attendance at school.

An illustration of this type of intervention for resolving truancy problems is exemplified in the following story.

A ninth grade girl was having problems attending her classes and getting to school on time. The traditional interventions of conferences, phone calls home, detention, contracts, suspension, and counseling were implemented. The assistant principal was not having any success convincing the student to come to school.

Truancy mediation was discussed with the student as an option before a court referral would be made. The student and parent agreed to the idea. As the student, her mother, and the school officials discussed the problem at the mediation table, it came to their attention that the young lady was having the most problems in two of her classes. As the discussion continued, it was revealed that this student was classified a special education student and the two classes she was struggling in were her mainstreamed classes.

This was not necessarily new or surprising information to the group. The student was very honest in her disclosure to the mediator that the problem was that both of the teachers in these classes had a procedure whereby class assignments were corrected during class time by exchanging papers with peers in the class. The student shared with the mediator that she was a poor speller and that other classmates would make comments when they would correct her papers.

This was very embarrassing to her and so she had stopped attending those classes or would always turn her work in late so that the teacher would have to correct it. The special education team leader, who was part of the mediation team from the school, offered to meet with the two teachers and the student and talk about the student’s need for accommodations in the classes. The young lady appeared relieved and agreed that she would be more committed to attending those classes if she did not have to fear embarrassment in them.

The next issue that came to the attention of the mediation team was the fact that the student’s parents were in the middle of a difficult divorce. The student felt comfortable sharing her feelings about the situation with the mediator and said that she would be willing to meet with the school psychologist on a regular basis to help her cope with the stresses at home. The student made the commitment that with the changes in the school and support of the school, she could improve her attendance.

The truancy mediation program at West Hills Middle School proved to be very successful during the 1998-99 school year. There were 11 cases referred to the mediation program, and only one of the cases resulted in a referral to juvenile court. As a group, the students who participated in the mediation intervention were missing 7.3 class periods a week prior to the mediation session. After mediation, the student’s absences were reduced to...
a composite of only .63 class periods per week.

Other positive outcomes noted in the pilot program were:

• The mediation program created a team approach to resolving the truancy problem rather than an adversarial approach;
• Relationships between the student and school staff were formed and/or strengthened as well as relationships between the school and the parents were strengthened;
• The mediation process offered an opportunity for those involved to discuss the core issues involved in the truancy problem (i.e. drug use or parent-child conflict);
• The agreements were individualized to meet the needs of the students and the school;
• The students were empowered to buy-in to their agreements;
• Community mediators were brought into the school and as visitors saw the school as more willing to help and assist students;
• The process forced an equalization of power at the table for negotiating agreements;
• If the student violated the mediated agreement, he/she was fast-tracked through the court process.

During the 1999-2000 school year the truancy mediation program is being expanded in the Jordan School District. The Administrative Office of the Courts has collaboratively agreed to provide trained volunteer mediators for five more middle schools (Crescent View Middle, Elk Ridge Middle, J. P. Jensen Middle, Union Middle, and West Jordan Middle) which are implementing the program at this time. The Juvenile Court, as part of the collaboration, is also providing one additional administrative official to support the program.

Since this is still a pilot program, we suggest some of the following precautions to schools and districts interested in learning more about the program:

• The program has to be voluntary for families and schools;
• Trained volunteer mediators from the community should be utilized in the program. In the pilot program, all volunteer mediators had 32 hours of basic mediation training, and had attended an hour and half orientation on truancy mediation. Mediators observed two mediation sessions as well as co-mediated until the coordinator of the program felt they were ready to be placed on the roster for mediation;
• Schools who participate in this program must have a philosophy conducive to mediation that involves family, student, and school as equal partners in problem solving;
• Schools need to be open to a variety of options for student success, and maintain the attitude that students should be given a chance and that students do not always have to earn what they need;
• The district and court promoting the program must agree to fast-track students to court if students do not honor the mediated agreement.

For more information about the pilot truancy intervention program, please email:
  Kathy Naylor
  knaylor@m.whms.jordan.k12.ut.us
  or
  Kathy Elton
  kathye@email.utcourts.gov

References

Calendar of Restorative Justice Conferences and Training

The Fifth European Conference on Peacemaking & Conflict Resolution “From Systems to People” will be held September 24-30, 2001, in Katowice, Poland.

Katowice is at the heart of a large industrial region in the south of Poland called Upper Silesia, and has a population of over 400,000. It is located 300 kilometres from Warsaw. The highly industrial Silesia region is polluted and holds many social problems. The conference was named “From Systems to People” in order to address the environmental, industrial, political, economic, cultural (ethnic), and rural issues crucial to the region. The Conference theme will focus on the question “How do political, economic, environmental and cultural systems affect people?”

For information and registration material, contact the following Conference Coordinators:

The International School of Banking and Finance Katowice, Poland
Dr. Danuta Dmytrów,
dmytrowd@isbf.katowice.pl
or
Anna Adamus-Matuszynska,
adamus@figaro.ae.katowice.pl

The Restorative Justice Academy at the Community Justice Institute, Florida Atlantic University, is offering a 5-day comprehensive Introduction to Restorative Justice course, March 19-23, 2001, in Tucker, Georgia. The training is made possible by a Juvenile Accountability Incentive Block Grant from the U.S. Office of Juvenile Justice and Delinquency Prevention.

The training is designed for practitioners, volunteers and or policy makers who work in, or with, the juvenile or criminal justice system. Course Registration fee is $20 and participants must fund their own housing and travel costs.

For more information or to register, contact Phyllis Bebko
954-762-5330
pbebko@fau.edu.

The monograph, written by Mark Carey, Deputy Commissioner, Minnesota Department of Corrections, Community & Juvenile Services Division, includes sections on:

- Administration
- Leadership
- Line staff alignment
- Justice system alignment
- Reward systems
- Assessment, intake and case planning
- Victims
- Offenders
- Community
- Information system, outcomes and evaluation

Descriptions, rationale and scoring systems are provided for each suggested measure.

The monograph is available from the BARJ project by calling or e-mailing:
Desmond Clark
954/762-5668
dclark@fau.edu

photos by Steve Planson
Under these circumstances I automatically assumed that the boy was the offender. In my mind, I believed that it would be the male who was the aggressor. In fact, it was the girl who had wielded the weapon, and I was shocked that it was the sweet, innocent-looking female child who had committed the assault. The children worked out their differences. The parents decided that in future situations they would all first meet for discussion rather than automatically taking their own child’s side. These were interesting cases that were successfully resolved without going to court. In each case, both parties felt that they had been heard. Neither side had a victory in the sense of defeating the other. Everyone won because they all learned how to negotiate. Everyone walked away feeling restored.

Impartiality is essential for the success of mediation, and these cases were excellent consciousness-raising experiences for respect of diversity. The central question is “How can a mediator recognize biases and maintain objectivity and neutrality at all times during mediation?” Following are some ideas to address the question:

- Include role-plays in mediator training as much as possible using case studies where ethnic and cultural considerations are present;
- As both trainers and trainees, invite persons from diverse cultural backgrounds to take part in the training experience;
- Engage in active listening during mediation (and in all life situations for that matter);
- Listen to what is being said, and be aware when your own personal beliefs and values enter the listening process;
- Interact with other cultures through personal and professional groups;
- Process reactions that seemingly bring an emotional response. Constant self-monitoring of prejudgments and attitudes is essential;
- Study, read and travel to learn about other cultures.

In mediation, open-mindedness and respect for diversity are paramount. Dropping preconceived expectations takes constant vigilance, no matter how experienced a mediator is. Biases are hard to overcome. As a mediator, recognizing the presence of bias and taking steps to eliminate its undue influence is a win-win proposition for everyone. To resolve differences through respectful communication is a wonderful skill. I am glad I get to practice it in mediation.
VOMA Membership

- Agency membership is available to any organization that has an interest in victim offender mediation, conferencing and circle processes, the philosophy of restorative justice, or the criminal justice system. Annual agency dues are $150.00.
- Individual membership is available to those persons interested and/or involved in victim offender mediation and conferencing programs. Annual individual dues are $40.00.
- Student membership is available to full-time students. Annual student dues are $25.00.
- Library and educational institution memberships are available, which consist of a subscription to the newsletter. Annual library and educational institution dues are $30.00.

VOMA membership benefits include the VOMA Connections, the Annual Directory of Members, access to VOMA resources, and discounts on the Annual Conference registration.

Name/Contact Person _______________________________

Title _______________________________

Program Name _______________________________

Mailing Address _______________________________ e-mail _______________________________

City __________________________ State/Province ______________ Postal Code __________ Country __________

Tel __________________________ Fax __________________________ Amount Enclosed __________

Type of Membership (Full-time student membership, please list school name) _______________________________