

**VERMONT LAW SCHOOL
PRINCIPLES OF RESTORATIVE JUSTICE SYLLABUS
RSJ 7115 / OAKES 210**

COURSE FACILITATOR: Jon Kidde, MSW

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OFFICE HOURS: By appointment.

CLASS SCHEDULE

Thursdays, August 29 – December 5, 2019: 9:55a.m. – 12:35p.m.

No class on November 28, 2019

COURSE DESCRIPTION:

In this course, we will explore restorative justice and the ideas that form its foundation, question its strengths and shortcomings, examine restorative practices, and investigate opportunities to put the theory into practice.

The course will take place over 14 weeks. In the first day, we will primarily be concerned with introductions. We will get to know each other, the format for the course, and explore the foundational elements of restorative justice. We will then dig deep into restorative justice theory, principles, and concepts and how they are put into practice. This foundation provides an opportunity to look critically at the role of restorative justice in the standard established criminal and youth justice systems and the role of the state in restorative justice practices. We will explore selected restorative justice practices in more detail and students will be expected to observe a restorative justice process during the Fall semester. There will be opportunities to investigate how restorative principles are applied outside the justice system.

Students will pick an area or topic of interest to them and will be expected to actively lead course discussions on their topic. Two course days are reserved for student facilitated discussions—November 14 and December 5.

The course format hopes to foster a participatory, interesting, and fun learning environment.

COURSE OBJECTIVES

Students who successfully complete this course will:

- 1) Critically examine the way we as society and individuals respond to crime and wrongdoing.
- 2) Define restorative justice for themselves and others.
- 3) Explore alternative ways of looking at and responding to crime and wrongdoing from the restorative justice perspective.
- 4) Critically assess the strengths and shortcomings of restorative justice theory and practice.
- 5) Understand several different restorative practices and how they typically interact with state systems.
- 6) Facilitate a learning experience for peers on an area of interest in the restorative justice field.

EVALUATION OF COURSE OBJECTIVES

Attendance and Participation

As this is a small seminar, a primary requirement is that each participant completes *all reading before* class and *participates* in each session. As part of class participation, students are expected to bring (1) at least one well-crafted *discussion question* that arises from the readings to each class, and (2) one *quote* that you found especially interesting from the readings. Due to the participatory learning that will take place, your attendance is important not only for your own learning but also the learning of your classmates and the facilitator.

Initial Pre-Class Assignment: Summary of Key Elements of RJ

In preparation for the first class and after completing the pre-requisite reading, students are expected to bring a brief written summary of restorative justice to the first class. The summary can be a brief list of key elements, features or principles, a short paragraph of 3 – 5 sentences, or even a visual. It will be used during the first class to develop a working draft definition of restorative justice.

Portfolio and Reflection Papers

As part of this course students produce a written portfolio of their experience in the course. The questions and quotes from the reading should be logged here before class each day.

Students are expected to submit **four** written reflections on the designated dates. At least two reflection papers should be related to assigned reading. Reflection papers should be brief (1-2 pages) and should contain (1) A clear identification and summary of what reading being reflected on, (2) a discussion of how it has contributed to your understanding of restorative justice, and (3) how you might apply this learning in the future.

One reflection paper must focus on an observed restorative practice. Students will be provided a [list of Community Justice Centers and Diversion Programs](#) willing to have students observe. Students are expected to contact the organization, set up the observation and observe before November 14, 2019. It is recommended that students try to observe a restorative process prior to the October 24 reflection paper. The reflection paper focused on the restorative practice observed should include: (1) A brief summary of the restorative process observed, (2) a description of restorative principles seen in action and the factors that contributed, and (3) proposed ways to enhance the application of restorative justice principles.

Final Project:

For this project, you may choose one of the *project options* described below. This project can be completed individually or as a group. Note that there is both a written component and a presentation and facilitation component.

Writing Component

The written paper should be in APA format and be between 4 and 6 pages in length. With prior approval, the project might be in a different medium. Please check about this if you are considering something other than a written paper.

Presentation and Facilitation:

Students expected to *present* and *lead a discussion* on their final project on either November 14 or December 5—the last day. The presenter(s) may assign other background reading (such as the written component of the project) and then present to the class for feedback and discussion. In addition to instructor evaluation, students will evaluate each other. For group projects, each member will get the same grade for the group effort.

Project Options:

- (1) *Critique a personal experience or a story (non-fiction or fiction) with a restorative lens and propose greater application of restorative principles and practices.* Summarize the personal experience or story (provide citation if available) then assess the degree to which restorative principles were applied regardless of whether they were named. To assess, name and define restorative principles and identify specific examples of the principles being applied, or not. Make suggestions on how it could better align with restorative justice.
- (2) *Evaluate an actual justice or justice-related program or policy.* Briefly describe the program, then assess where it falls on the restorative justice continuum and explain the criteria you used to determine its place on the continuum. Does it reinforce retribution? Does it include all stakeholders? Identify specific examples that led you to your conclusions. If it falls low on the restorative justice continuum make suggestions on how it could be more restorative.
- (3) *Design a restorative justice application* for a community you are a part of. Draw upon the needs and realities of your community, restorative justice values, and the approaches you have learned about. This may be a new program, a response to a specific case, or a change to how things are currently handled.
- (4) *Explore a Topic of your Choice.* To best fit your own needs, you may wish to write a paper and presentation and discussion exploring a particular topic of your choice within the current restorative justice field or one which restorative justice theory or practice could apply.

ASSIGNMENT	DUE DATE	PERCENT OF FINAL GRADE
Summary of Key Elements of RJ	At the start of class on 9/5/19	5%
Reflection Paper 1	9/12/19	5%
Reflection Paper 2	10/3/19	10%
Reflection Paper 3	10/24/19	10%
Reflection Paper 4	11/14/19	10%
Final Project (Written)	12/5/19	20%
Final Project Presentation and Facilitation	11/14/19 or 12/5/19	20%
Attendance and Participation	All Classes	20%
TOTAL		100%

COURSE SCHEDULE AND READING	
<p>Date: 8/29/19 9:55am – 12:35p.m.</p>	<p>Orientation and Introductions and Introduction to the Course</p> <p><u>Assignment Due: Summary of Key Elements of RJ</u></p>
<p>Date: 9/5/19 9:55am – 12:35p.m.</p>	<p>Introduction to Restorative Justice and Restorative Justice Practices</p> <p><i>Required Reading:</i> Zehr, H. (2002 or revised). <i>The Little Book of Restorative Justice</i>. Intercourse, PA: Good Books.</p> <p>Zehr, H. and Toews, B. (Eds.). (2004). <i>Critical Issues in Restorative Justice</i>. Mosney, NY: Criminal Justice Press. Pp. vii – xi</p> <p><i>Required Listening:</i> Garfield, B. (Host). (2019, July, 31). <i>Repairing Justice: An Alternative to Prison</i> [Audio podcast]. Retrieved from: http://www.wnycstudios.org/story/repairing-justice-alternative-prison/</p>
<p>Date: 9/12/19 9:55am – 12:35p.m.</p>	<p>Restorative Justice Theory, Principles, and Concepts</p> <p><i>Required Reading:</i> Search and review online restorative justice resources.</p> <p>Johnstone, G. (2004) How and in What Terms, Should Restorative Justice Be Conceived? In H. Zehr & B. Toews (Eds.) <i>Critical Issues in Restorative Justice</i> (Pp. 5 – 15). Mosney, NY: Criminal Justice Press.</p> <p>Sharpe, S. Chapter 2. (2004) How Large Should the Restorative Justice “Tent” Be? In H. Zehr & B. Toews (Eds.) <i>Critical Issues in Restorative Justice</i> (Pp. 17 - 31). Mosney, NY: Criminal Justice Press.</p> <p><u>Assignment Due: Portfolio with Reflection Paper # 1</u></p>
<p>Date: 9/19/19 9:55am – 12:35p.m.</p>	<p>Stakeholders: Victims, Offenders, and Community</p> <p><i>Required Reading:</i> <u>Victims</u> Zehr, H. Toews, B. (Eds.). (2004). <i>Critical Issues in Restorative Justice</i>. Mosney, NY: Criminal Justice Press. (Pp. 61 – 63)</p> <p>Achilles, M. (2004) Will Restorative Justice Live up to Its Promise to Victims? (pp. 65 – 73)</p> <p>Herman, S. (2004) Is Restorative Justice Possible Without a Parallel System for Victims? (pp. 75 – 83)</p> <p>Stutzman Amstutz, L. (2004) What is the Relationship between Victim Service Organizations and Restorative Justice? (pp. 85 – 93)</p> <p>Mika, H. et. Al. (June 2004) Listening to Victims—A Critique of Restorative Justice Policy and Practice in the United States. <i>Federal Probation</i>. V. 68 (1). http://www.uscourts.gov/fedprob/June_2004/listening.html</p>

<p>Date: 9/26/19 9:55am – 12:35p.m.</p>	<p><u>Offenders</u> Toews, B. & Katounas, J. (2004) Have Offenders Needs and Perspectives Been Adequately Incorporated into Restorative Justice? (pp. 95 – 105) Bazemore, G. & Bell, D. (2004) What is the Appropriate Relationship between Restorative Justice and Treatment? (pp.119 – 131) Maxwell, G. & Morris, A. (2004) What is the place of Shame in Restorative Justice? (pp. 133 – 141) Immarigeon, R. (2004) What is the Place of Punishment and Imprisonment in Restorative Justice? (pp. 143 – 153)</p> <p><u>Community</u> McCold, P. (2004) What is the Role of Community in Restorative Justice Theory and Practice? (pp. 155 – 171) Pavlich, G. (2004) What are the Dangers As Well As the Promises of Community Involvement? (pp. 173 – 187)</p>
<p>Date: 10/3/19 9:55am – 12:35p.m.</p>	<p>Restorative Justice Practices: Overview <i>Required Reading:</i> Armour, M. (2016) Restorative Justice: Some Facts and History. Tikkun. Retrieved from: https://charterforcompassion.org/restorative-justice/restorative-justice-some-facts-and-history Zehr, H. Toews, B. (Eds.). (2004). <i>Critical Issues in Restorative Justice</i>. Mosney, NY: Criminal Justice Press. (Pp. 239 – 240)</p> <p>Select one or more of the following:</p> <p>The Centre for Justice and Reconciliation - Lesson 3: Programs.: http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/#sthash.HkYnb3Rf.dpbs</p> <p>Restorative Practices International - RJ Models: https://rpiassn.org/practice-areas/rj-models/</p> <p>Judicial Council of California, Administrative Office of the Courts (AOC). (2006). <i>Balanced and Restorative Justice: An Informational Manual for California</i>. San Francisco, CA: Author. (pp. 18 – 60)</p> <p>Assignment Due: Portfolio with Reflection Paper # 2</p>
<p>Date: 10/10/19 9:55am – 12:35p.m.</p>	<p>Restorative Justice Practices: Victim Offender Dialogue and Restorative Group Conferencing <i>Required Reading:</i> TBD</p>
<p>Date: 10/17/19 9:55am – 12:35p.m.</p>	<p>Practice and Practitioner Issues in Restorative Justice <i>Required Reading:</i> Roberts, A. W. (2004) Is Restorative Justice Tied to Specific Models of Practice? (pp. 241 – 252) Additionally, pick three out of the seven remaining chapters in Part IV. Practice and Practitioner Issues in <i>Critical Issues</i>.</p>

<p>Date: 10/24/19 9:55am – 12:35p.m.</p>	<p>The Role of the State in Restorative Justice and Restorative Justice in the State. <i>Required Reading:</i> Zehr, H. Toews, B. (Eds.). (2004). <i>Critical Issues in Restorative Justice</i>. Mosney, NY: Criminal Justice Press. (Pp. 185 – 187) Jantzi, V. (2004) What is the Role of the State in Restorative Justice Programs? (pp. 189 – 201) Boyes-Watson, C. (2004) What are the Implications of the Growing State Involvement in Restorative Justice? (pp. 215 – 225) Skelton, A. & Frank, C. (2004) How Does Restorative Justice Address Human Rights and Due Process Issues? (pp. 203 – 213) Masters, G. (2004) What happens When Restorative Justice is Encouraged, Enabled and/or Guided by Legislation? (pp. 227 – 238) <u>Assignment Due: Portfolio with Reflection Paper # 3</u></p>
<p>Date: 10/31/19 9:55am – 12:35p.m.</p>	<p>Applications of Restorative Justice Outside of Crime and Criminal Justice <i>Required Reading:</i> TBD</p>
<p>Date: 11/7/19 9:55am – 12:35p.m.</p>	<p>Applications of Restorative Justice Outside of Crime and Criminal Justice <i>Required Reading:</i> TBD</p>
<p>Date: 11/14/19 9:55am – 12:35p.m.</p>	<p>Student Presentations and facilitation <i>Required Reading:</i> As assigned by students. <u>Assignment Due: Portfolio with Reflection Paper # 4</u></p>
<p>Date: 11/21/19 9:55am – 12:35p.m.</p>	<p>Circle Process Training w/ Kay Pranis</p>
<p>Date: 11/28/19 9:55am – 12:35p.m.</p>	<p>No Class Thanksgiving</p>
<p>Date: 12/5/19 9:55am – 12:35p.m.</p>	<p>Student Presentations and facilitation <i>Required Reading:</i> As assigned by students. <u>Assignment Due: Final written project by the end of the day</u></p>

REQUIRED TEXTS:

The facilitator and students may add additional readings and/or other forms of preparation for the class.

Zehr, H. Toews, B. (Eds.). (2004). *Critical Issues in Restorative Justice*. Mosney, NY: Criminal Justice Press.

Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Good Books.