

Vermont Law School
Restorative Justice Theory & Practice Syllabus
RSJ 7110 Oakes 107

Course Facilitator: Jon Kidde, MSW
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Office Hours: By appointment.

Class Schedule

Wednesday, August 22: 9:00a.m. to 3:00p.m.
Thursday, August 23: 10:15a.m. to 4:15p.m.
Friday, August 24: 9:00a.m. to 3:00p.m.
Saturday, August 25: 9:00a.m. to 3:00p.m.

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 four days. 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 basics. In the second day, we will dig deeper into restorative justice theory, principles, and concepts and how they are put into practice. Discussions and reading on the third day will take a critical look 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. Students are asked to pick an area or topic of interest to them and in the fourth day, students will be expected to actively lead course discussions on their topic. The 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.

Reflection Papers

It is suggested that students keep a written portfolio of their experience in the course. The questions and quotes from the reading should be logged here. Two written reflections on assigned reading, other reading on the topic, or class discussion that took place should be turned in. Reflection papers should be brief (1-2 pages) and should contain (1). A clear identification and brief summary of the reading or class discussion that is being reflected on and (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.

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. Under some circumstances, 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 the last day. The presenter(s) may assign other background reading (such as the written component of the project) and then present to the seminar for feedback and discussion. In addition to instructor evaluation, students will evaluate each other and other groups on this activity. 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 be more restorative.
- (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 | Class #1 | 5% |
| Reflection Paper I | Class #2 | 10% |
| Reflection Paper II | Class #3 | 15% |
| Final Project (Written) | Final Class | 20% |
| Final Project Presentation and Facilitation | Final Class | 20% |
| Attendance and Participation | All Classes | 30% |
| TOTAL | | 100% |

| COURSE SCHEDULE | |
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| Day 1 | |
| Date: 8/22/18 9:00am – 3:00pm | Orientation and Introductions and Introduction to the Course |
| | <p>Introduction to Restorative Justice and Restorative Justice Practices</p> <p><i>Required Reading:</i></p> <p>Zehr, H. (2002). <i>The Little Book of Restorative Justice</i>. Intercourse, PA: Good Books. pp. 3 - 69</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> |
| Day 2 | |
| Date: 8/23/018 10:15am – 4:15pm | <p>Restorative Justice Theory, Principles, and Concepts</p> <p><i>Required Reading:</i></p> <p>Search and review online restorative justice resources, such as: Howard Zehr’s blog, restorativejustice.org, International Institute for Restorative Practices, MN Dept. of Corrections & Dept. of Education, Restorative Justice on YouTube.</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>Stakeholders: Victims, Offenders, and Community</p> <p><i>Required Reading:</i></p> <p><u>Victims</u></p> <p>Zehr, H. Toews, B. (Eds.). (2004). <i>Critical Issues in Restorative Justice</i>. Mosney, NY: Criminal Justice Press. (Pp. 61 – 63)</p> <p>Pick at least three out of the four following chapters in <i>Critical Issues</i>:</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).</p> |

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| | <p>http://www.uscourts.gov/fedprob/June_2004/listening.html</p> <p><u>Offenders</u> (pick at least two out of the four following chapters in <i>Critical Issues</i>)</p> <p>Toews, B. & Katounas, J. (2004) Have Offenders Needs and Perspectives Been Adequately Incorporated into Restorative Justice? (pp. 95 – 105)</p> <p>Bazemore, G. & Bell, D. (2004) What is the Appropriate Relationship between Restorative Justice and Treatment? (pp.119 – 131)</p> <p>Maxwell, G. & Morris, A. (2004) What is the place of Shame in Restorative Justice? (pp. 133 – 141)</p> <p>Immarigeon, R. (2004) What is the Place of Punishment and Imprisonment in Restorative Justice? (pp. 143 – 153)</p> <p><u>Community</u></p> <p>McCold, P. (2004) What is the Role of Community in Restorative Justice Theory and Practice? (pp. 155 – 171)</p> <p>Pavlich, G. (2004) What are the Dangers As Well As the Promises of Community Involvement? (pp. 173 – 187)</p> |
| Day 3 | |
| <p>Date: 8/24/018 9:00am – 3:00pm</p> | <p>Restorative Justice Practices</p> <p><i>Required Reading:</i></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>OR http://www.ibarji.org/practices.html</p> <p>Zehr, H. Toews, B. (Eds.). (2004). <i>Critical Issues in Restorative Justice</i>. Mosney, NY: Criminal Justice Press. (Pp. 239 – 240)</p> <p>Practice and Practitioner Issues in Restorative Justice</p> <p><i>Required Reading:</i></p> <p>Roberts, A. W. (2004) Is Restorative Justice Tied to Specific Models of Practice? (pp. 241 – 252)</p> <p>Additionally, pick three out of the seven remaining chapters in Part IV. Practice and Practitioner Issues in <i>Critical Issues</i>.</p> |
| | <p>The Role of the State in Restorative Justice and Restorative Justice in the State.</p> <p><i>Required Reading:</i></p> <p>Zehr, H. Toews, B. (Eds.). (2004). <i>Critical Issues in Restorative Justice</i>. Mosney, NY: Criminal Justice Press. (Pp. 185 – 187)</p> <p>Jantzi, V. (2004) What is the Role of the State in Restorative Justice Programs? (pp. 189 – 201)</p> <p>Boyes-Watson, C. (2004) What are the Implications of the Growing State Involvement in Restorative Justice? (pp. 215 – 225)</p> <p>Skelton, A. & Frank, C. (2004) How Does Restorative Justice Address</p> |

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| | 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) |
| | Applications of Restorative Justice Outside of Crime and Criminal Justice <i>Required Reading:</i> TBD |
| Day 4 | |
| Date: 8/25/18 9:00am – 3:00pm | Student Presentations and facilitation <i>Required Reading:</i> As assigned by students. |

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.