

Communication 390: Conflict Mediation

Fall 2015

Section 2: T/Th 9:30am – 10:50am, CAC 239

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COURSE DESCRIPTION

Mediation is the intervention of a third party to assist those in conflict to determine their own resolution. Basic mediation introduces the theory of mediation, a balanced model of mediation, and introductory mediator skills. Because the course requires extensive practice of mediator skills, absences will adversely affect a student's final grade.

REQUIRED MATERIALS

McCorkle, S., & Reese, M. J. (2005). **Mediation Theory and Practice**, 2nd ed. SAGE.

LEARNING OUTCOMES

At the end of this basic mediation course, students will be able to:

- Mediate a simple conflict using the balanced mediation model
- Demonstrate an understanding of the theoretical underpinnings of mediation, basic pre-mediation activities, mediator ethics, basic negotiation theory, and when a mediation should be referred to someone with more specialized skills
- Implement proper mediator role(s)
- Identify procedural, psychological, and substantive issues
- Listen for emotions, reframe, probe, and content paraphrase
- Set an agenda for negotiation
- Use more than one technique to assist disputants with negotiation
- Probe and reality test agreements
- Phrase a mediation agreement using testable, measurable language

GENERAL COURSE POLICIES:

1. Because the course involves in-class activities, your attendance is required. It is your responsibility to sign the attendance sheet each day. After 3 absences, credit will be deducted from the final grade. It is not possible to make-up missed in-class activities.
2. Academic Honesty is required. All work submitted by a student must be his or her original effort. Plagiarism occurs when a speech or paper is presented as the student's thoughts when the concepts, words, or structure are drawn from other sources. Proper documentation is required. It is the student's responsibility to understand documentation requirements for written and oral work. Plagiarism may result in failure of the course and other penalties such as suspension from the university. For more

information refer to Chapter 14 of the Wisconsin Administrative Code: "Student Academic Standards and Disciplinary Procedures" (<http://www.uwsp.edu/admin/stuaffairs/rights/rightsChap14.pdf>).

3. You may qualify to receive accommodations for this class. The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Office of Disability Services, Student Services Center Room 103, call 715-346-3365, or email disserv@uwsp.edu.
4. Groups are more effective when bullying of any sort is avoided and the diversity of a group is utilized to spur creativity. While some "excitable" behavior is good during mediation role plays, the class does not teach the specialized skills of mediating harassment situations. Excessive or abusive behavior will not be tolerated in role-play situations.
5. Class notices and materials will be posted in the course D2L site. Some assignments will be posted on D2L or require you to use D2L. You are encouraged to check D2L regularly. You should check your campus e-mail frequently and consider forwarding your campus email to your personal e-mail if you check it more regularly.
6. Course activities may not be recorded, broadcast, or any image of course materials taken or distributed without the explicit permission of the instructor.
7. As a UWSP student you have the right to receive fair and equitable evaluations based on course objectives outlined in the syllabus and without reference to personal or political views. You have the right to expect timely and accurate information and feedback about your progress and achievements in this course. You also have the responsibility to participate fully in the learning experience and to complete all course requirements. Please refer to the following link for more specific rights and responsibilities afforded to you as a UWSP student:
<http://www.uwsp.edu/admin/stuaffairs/rights/rightsCommBillRights.pdf>.

COURSE ASSIGNMENTS AND GRADING

100	Quizzes (5 or 6)
75	Mediator Notebook
25	Self-evaluation paper
100	Final Project: Mediator Skill Paper or Final Research Paper
300	points total

Quizzes

Quizzes will examine your understanding of the textbook, class handouts, and lecture materials. Quizzes will begin at the start of class on the day they are scheduled and will cover any past lecture and assigned reading material. Quizzes are short (10-15 questions) assessments of your comprehension. Students will have approximately 1 minute to respond to each question. *Quizzes may only be made-up after the fact if a student is ill or has other difficulties **and** the student has notified the instructor before class on the day a quiz is scheduled.* If you walk in late on the day of a Quiz we will not go back and revisit questions you missed so make sure you are on time.

Mediator Notebook

The Mediator Notebook is a three ring binder (optional ePortfolio) that you create to contain the tools, worksheets, and resource materials to be used in mediation sessions. It is not intended to contain all your class notes. The notebook will be collected twice during the semester and graded. *No notebooks will be accepted for grading after the class period in which they are due.* It is the student's responsibility to deliver the notebook on or before the due date. Grading criteria for the notebook will be provided on D2L by the end of the second week of classes.

Self-evaluation Paper

The Self-evaluation Paper is a 4-5 page reflection/concept identification paper documenting your strengths and improvement areas as a mediator. You will be expected to show your understanding of effective mediation practices by identifying key concepts and processes from the textbook, class handouts, personal mediation role-play experience, and in-class discussion. These papers will be due via (D2L dropbox) following the full-mediation practice sessions towards the end of the semester.

Final Project: Mediator Skill Paper or Final Research Paper

Students have the choice of writing a **mediator skill paper** or a **final research paper**. Those who choose to pursue the mediation certificate should act as mediators for one of the last cases during the semester and write the skill analysis paper. Others may elect to substitute a term paper for mediating the last case and writing the skill analysis paper.

Final Research Paper

Students who opt for the *final research paper* must write a 8-10 page library research paper containing at least 10 peer reviewed or ADR professional sources that examine one of the following questions: *What is the history of mediation in the United States?*

What is known about the competencies required in quality mediation? What has the federal government and its agencies done to encourage mediation? What are the ethical obligations of mediators? Is neutrality completely possible? The final research paper is due the last day of regular class before the final exam day. Students taking the term paper option must be present in class to act as disputants for those students mediating the final cases during the course. Term papers must be delivered on the due date. No late papers will be accepted.

All papers must be typed, in good grammatical form, well-organized containing a preview, statement of purpose, appropriate section headings, sufficient proof to support claims, conclusion, and list of sources cited in APA format. Plagiarism will result in failure of the course and may precipitate other actions according to university policies.

Mediator Skill Paper

The *mediator skill paper* is based on the last mediation role plays that occur during the final days of the course. Students must bring to class a working recorder with good sound quality. Equipment malfunctions or non-audible recordings will not be graded and it will be the student's responsibility to retest. The student will analyze the recording of a session he/she mediated using criteria provided by the instructor on Blackboard and complete a written self-analysis. The written paper is expected to be in good grammatical form, well organized, link to the course materials with proper source citation, and contain a list of source cited. The audio recording (tape or CD) of the mediation must be provided to the instructor along with the analysis paper. **The paper is analytical writing. Papers which are primarily descriptive or which do not compare your skills to the techniques in the textbook will receive low scores.** The paper is due at a designated day about one week after the day of the mediation role play. Additional information may be provided on D2L.

Students are expected to be present in class during all of each class session and to conduct themselves in a civil and socially appropriate manner with the instructor and classmates. Students may not "dine" during class, accept cell phone calls or otherwise access the internet during class, except under emergency circumstances.

More information on each assignment will be available on D2L as the semester unfolds.

Course Schedule

Day	Topic	Read Before Class	Assignment Due
09/03	Overview Syllabus and Schedule Conflict Review		
09/08	Dispute Resolution Process	Chapter 1	
09/10	Mediation Phases	Chapter 2	
09/15	Monologue	Chapter 6 monologue	Draft monologue
09/17	Listening	Chapter 3	Quiz #1 (Chapters 1 and 2)
09/22	Listening		
09/24	Pre-mediation Activities Practice: Monologue + Transition to Storytelling	Chapter 4	Quiz #2 (Chapter 3)
09/29	Mediation Preparation	Chapter 5	
10/01	Storytelling & Note taking	Chapter 6 & 7	
10/06	Issue Identification		Quiz #3 (Chapters 4 and 5)
10/08	Case Practice Monologue through Storytelling		
10/13	Case Practice Monologue through Storytelling		Mediator Notebook Due
10/15	Agenda setting	Chapter 8	Quiz #4 (Chapters 6 and 7)
10/20	Case Practice: Transition to monologue through the agenda		
10/22	Case Practice: Transition to monologue through the agenda		
10/27	Problem Solving and Negotiation Bargaining Caucus Breaking Deadlocks Co-Mediation	Chapter 9	
10/29	Case Practice Transition from Monologue through Negotiation		
11/03	Case Practice Transition from Monologue through Negotiation		

Comm 390: Conflict Mediation

11/05	Settlement and Closure Writing Settlement Agreements Reality Testing	Chapter 10	Quiz #5 (Chapters 8 and 9)
11/10	Case Practice Transition from Monologue through agreement writing		
11/12	Case Practice Transition from Monologue through agreement writing		
11/17	Mediation Variations Self Analysis	Chapter 11	
11/19	Catch up		Quiz#6 (Chapters 10 and 11)
11/24	Full mediation practice Day 1		
11/26	Holiday		
12/01	Full mediation practice Day 2		
12/03	Full mediation practice Day 3		
12/08	End of Term Mediations Day 1		Self-reflection Papers (PDF) Due via D2L dropbox @ 11:59pm
12/10	End of Term Mediations Day 2		
12/15	End of Term Mediations Day 3		Final Research Paper (PDF) Due via D2L dropbox @ 11:59pm
12/18	Comm 390 Finals Day No Roll Taken 12:30 – 2:30	Open Office Hours - CAC 235	Skills Mediation Paper (PDF) Due via D2L dropbox @ 11:59pm

Writing Term Papers and Essays

A superior term paper will contain the following organizational and stylistic components:

- A. Introduction.
- B. Statement of purpose or thesis.
- C. Preview of the sections of the essay or how the argument is organized within the essay.
- D. In literature review papers, a presentation of the themes distilled from the literature rather than a source-by-source summary of what was read. Do not over rely on any one source for the majority of information in your paper. An excellent essay is a distillation of concepts you draw from many sources.
- E. Summary statement that concludes the essay.
- F. Do not over rely on any one source for the majority of information in your paper. An excellent essay is a distillation of concepts you draw from many sources.
- G. Definition and documentation of all key terms to professional sources (not general-purpose dictionaries). Define key terms at first usage rather than in a "glossary" section.
- H. Proper documentation of information. It is the student's responsibility to understand the rules of documentation for both quotation and summarized materials.
- I. Cover page listing your name, the style manual used, and the class number and title.
- J. Only cite sources you have personally read and had the original source in your hands. Indirect sources should be cited using the "cited in" convention discussed in the MLA or APA style manuals.

Using Role Plays to Teach Mediation

In courses where mediator skill development is a course objective, role-playing mediation cases is a preferred method of learning.

1. Creating better role players

- a. It is important to set expectations and boundaries for role players before beginning the first role play exercise. These expectations become the norms that students use throughout the semester.
- b. It is helpful to provide specific information for role players--positions, interests, and outcome goals.
- c. It is useful to allow all persons portraying the same role to analyze their role together and to discuss the role with the group. Students who are familiar with the topic of the case (working in a restaurant, for example) can share ideas on how to play the role with those who are less familiar.
- d. Students should be encouraged to make-up details if a question is asked that is not covered in the briefing sheets so the case can proceed. Instruct students that if a case about neighbors doesn't say what kind of fence is between the houses and it doesn't matter to the substance of the case, just make something up if the mediator asks for that detail. Encourage students not to be too exotic when they make up facts to be "funny"—the "fun" does not help the person playing the role of the mediator.
- e. Role plays often are more difficult than actual mediations because of how other students play their roles.

2. Reusing the same case

In early parts of the semester, we may use the same role play for several class periods—either for group analysis or for mediation practice. Sticking to the same role play enables the class to get to know a character and empathize with the character. Then, when the case is mediated, students convey more realistic roles for the mediator. For example:

- a. As a class, analyze and identify the emotions the disputants in a specific case might take.
- b. In the same case, analyze the positions the disputants might assume. What interests might underlie these positions? What technique(s) would the mediator use to bring out the interests beneath the positions?
- c. Use the case in a mediation practice session.

3. Graduated Case Approach

Phases of the mediation process require reliance on different types of skills. The opening statement requires information giving, credibility building, ground rule establishment, and some nonverbal sensitivity. Storytelling requires listening, questioning, issue analysis and identification, and discernment of commonalities, and so forth.

Comm 390: Conflict Mediation

A graduated approach to skill development has students practice the skills in each phase of mediation chronologically. First, students role-play practice the opening statement. Next, students role-play the opening statement and initial storytelling, with a focus on validation, reframing, and open ended-questions. Next, students role play the opening statement through the end of the storytelling and issue identification phase, with probing questions, issue identification, and commonality discernment skills added to the mix. And so forth through the remainder of the phases.

Variation:

Instead of starting with the monologue each time case practice occurs, start with the transition to the storytelling phase.

Summative Evaluation Options

1. Competency Assessment Assignments

The competency exam occurs during the last 4-5 class sessions. Each student acts as the mediator during an in-class mediation role play. The mediations are recorded and the instructor listens to each tape and evaluates the student's skill level.

Advantages: Each student receives personalized feedback.

Disadvantages: The instructor listens to numerous hours of recordings.

Evaluation options

- The instructor listens to and evaluates each tape
- Students peer evaluate other students' recordings
- Students complete a self-evaluation on their mediation sessions
- Community mediators are invited to attend class and critique student competency exams "live"

2. Term Paper

A traditional term research paper focuses on some aspect of mediation. Suggested term paper topics may include:

- Compare two context-specific models (child custody, community, court annexed, etc.) of mediation to the balanced mediation model. Analyze how the models differ and are similar. Speculate on the mediator competencies that are most essential in each model.
- Compare the ethics standards from the Association for Conflict Resolution to the ethics standards in your state. Analyze how the standards are different or similar. How might practitioners who subscribe to these standards behave differently than those who do not abide by the standards?
- Examine the Uniform Mediation Act. How is mediation in your state affected because the Uniform Mediation Act was (or was not) adopted in your state?
- Examine current research on mediator neutrality and impartiality. Is neutrality a realistic goal for mediators. Are there times when mediator impartiality is not important?
- What universities in the U.S. offer post baccalaureate mediation/conflict resolution degrees? Analyze how the programs are different/similar in their approach to ADR.
- Select one context of mediation (community, child custody, small claims court, juvenile victim offender, adult victim offender, personnel, foreclosure, university, landlord tenant, etc.). Examine the published research and the websites of national, state, or local professional organizations in your selected area. What is the history and current state of practice in the selected mediation context?
- Examine how interpersonal conflict is enacted in another culture. How would these conflict characteristics affect mediator practice in that culture? [We

recommend the content about culture in McCorkle & Reese, *Personal Conflict Management* as a starting point].

- Who is conducting on-line mediation? How are on-line mediation processes different from live mediation?

3. Mediator Interview

Locate four professional mediators in your area. Interview each mediator and compare his or her perspective of mediation to the balanced mediation model. Compare and contrast the interviewee's backgrounds, training, and approach to mediation.

Sample Interview Questions

- How did you become a mediator?
- What training did you have before becoming a mediator?
- Do you belong to any mediator organizations?
- What kind of mediation do you do?
- Do you (or someone working for you) interview the disputants before a mediation? How do you use that information?
- Are there phases or steps that you typically use to organize a mediation?
- How important are emotions in your approach to mediation?
- Do you help disputants by making outcome suggestions?
- What is your view of mediator neutrality or impartiality?
- Have you ever withdrawn from a case? For what reason? (or) Are there circumstances when you would withdraw?

4. Self-Evaluation

Students complete the Mediator Skill Checklist (Chapter 11) and write self-analysis papers describing their strengths/weaknesses. For each area identified as a weakness, create a plan of action to increase personal competency.