

Communication, Conflict and the Mediation Process
Conf 399 003
Spring 2011 Monday 10:30 a.m. – 1:15 p.m.
Art and Design Building Room 2026

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Title: Communication, Conflict and the Mediation Process

Course Description:

This is a skill based, practice-oriented, introductory course exploring communication and conflict resolution theory and mediation practice. The course work focuses on connecting conflict resolution theory and communications skills to the mediation process through emphasis on, and use of self-reflection, experiential learning, and role-plays.

You will have opportunities to practice these skills both inside and outside the classroom. Your instructors will also model these skills throughout the course in their interactions with you. In addition, when issues or concerns arise that involve your attendance, participation, and completion of the course, an expectation exists that you communicate those concerns to the professor(s) so that they can be addressed and resolved as expeditiously as possible in order to make the semester a valuable learning experience for you.

In addition to any credit provided by the University, this course has been approved to meet the 20-hour basic education requirements for mediation certification under guidelines promulgated by the Judicial Council of Virginia and the Office of the Executive Secretary, Supreme Court of Virginia. To be certified in General Mediation students must also take a four-hour course on the Virginia Judicial System (or waive out of this requirement based on work experience with the court system) and complete two observations and three co-mediations with a Virginia certified mentor/mediator. Students successfully completing the course will be provided documentation of fulfillment of the 20-hour basic education requirement.

Learning Objectives:

- 1) To introduce students to theories of conflict resolution and communication skills
- 2) To provide students with an understanding of, and competency in collaborative communication techniques utilized in the mediation process;
- 3) To expose students to an introductory course to the basic mediation process; and
- 4) To provide students experiential learning in the process of mediation through role plays within a supportive learning environment.

Learning Forum:

The academic learning component of this course is intended to complement and reinforce the skill-building learning component. The classroom will provide the first opportunity to apply the sensibility of conflict resolution to areas of dispute. At the center of such a sensibility is a profound respect for differences. In addition, to whatever substantive learning may take place, this course is designed so that you can learn to disagree, and be in conflict without destroying respect for those with whom you disagree and without undermining your own self-respect.

Part of each class will be devoted to lecture and discussion of conceptual issues, and the remainder of the class involves mediation practice (after about the first three classes). During the role-plays you are asked to take your role seriously and play the part as though this dispute actually happened in your life. When acting as the mediator in the role-play you will practice maintaining your professional and respectful demeanor throughout the role-play, regardless of how difficult your "clients" may be. Your performances in the role plays are not graded so you can feel safe, and have the confidence to experiment with the mediation process, enlarge and enhance your skill base and create self-reflective opportunities. The goal of this course is to not only acquire mediation skills, but to develop the ability to be a reflective practitioner. Also, experiential exercises and/or role-plays should be expected in almost every class, so you should be ready to learn by doing.

Office Hours:

We maintain a commitment to be available to you and to assist you in your learning and respond to any concerns you may have during the semester. We will make ourselves available to meet with you before or after class or schedule a

time that works for each of us. We are also available by email and phone. We can then schedule a follow-up appointment.

Students are held responsible for requesting a meeting to discuss any matter that is interfering with meeting the course requirements. We will be available to meet to discuss any concern and work with the student within the parameters of GMU.

Required Textbooks and course material:

Mediation Skills and Techniques, Laurence J. Boule, Michael T. Colatrealla Jr., and Anthony P. Picchioni, Purchased through the Book store.

Mediation Training Manual, Susan Shearouse - Purchased through the GMU Bookstore

Collected Readings – Reader – Purchased through the GMU Bookstore

Thomas Killman Conflict Mode Instrument - Purchased through GMU Bookstore

You have to ask the bookstore staff for the Thomas Killman Conflict Mode Instrument. It is on hold for this class and not on the book shelf.

Additional readings may be required and provided by the instructor.

Optional text: The Mediation Process, Chris Moore, 3d Edition, Jossey Bass

Teaching Methodologies:

This class will be taught primarily in a dynamic workshop/seminar format. The teaching/learning methods will include lecture, dialogue/discussion, experiential exercises, course readings, student preparations and presentations, and written assignments.

Grading and Student Assessment:

A. Grading Scale:

A: 90-100
B: 80-89
C: 70-79
D: 60-69
F: 68-below

B: Final assessment will be based on the following factors:

Journals	20%
Midterm paper	20%

Final paper	30%
Class Participation	25%
Class Presentation	5%

Assignments & Requirements:

Readings: You are expected to read the assigned material prior to the class. There is an expectation that you apply the readings to your papers and class discussions. Class time will be used to reinforce and apply an understanding of the material by engaging in class discussions. Pop quizzes based on the reading(s) will be included in the class participation grade.

Learning Journal (20%): You will keep a weekly journal for the duration of the course. The content and form is up to you. For example, it might reflect observations, thinking, emotions, and feelings regarding conflict. This could be a conflict that you observe, are a participant to, or read about. Journals might relate to a reaction to class discussions, to the readings, or to an experience which relates to the subject matter of the course. In addition, you can elect to respond to our comments to previous journals. This work does not need to be shared with the class. Entries need to be approximately 300-350 words per week. (Not less than 2 pages)

Journals are to be typed, double spaced, and pages numbered, stapled, and are due at the end of each class. Email submissions are appropriate only if you are unable to attend, but must be submitted the day of the class and should be attached as a “word document.” A Final Journal will be submitted that consolidates all the prior journals in a single binder and addresses the learning and reflections from the journals throughout the semester. This final journal is expected to be 3-4 pages in length. It is a compilation, with a summary entry at the conclusion, of the semester and is due in class –April 25, 2011. Each weekly journal is awarded up to 100 points when turned in at the end of each class.

Exams: There are two written exams during the semester. Both are take-home exams. These exams fulfill GMU’s Writing-Intensive Requirements. It does so through a 2000 word midterm paper examination due on March 7, 2011, and a 3000+ word final examination due on May 16, 2011. A total of 100 points may be earned for each exam.

Mid Term Exam (20%): The midterm exam will be an essay paper approximately 2000 words in length on the application of theory presented in the class lectures and readings to an interpersonal conflict. You will select, and have approval from the professor(s), an interpersonal conflict that you will observe, monitor and report on. You will identify the parties, name the issues in dispute, and make the application of what theories could be applied in addressing the conflict.

Final Exam (30%): The second essay exam is the Final Examination approximately 3000 words in length where you will review a conflict and prepare a written analysis of the conflict testing your understanding of conflict resolution theories, techniques and interventions covered throughout the semester. There will be two parts to this exam: in-class and the take-home. The in-class portion consists of viewing a pre-selected movie. The take-home portion consists of writing a paper where you will conduct an analysis of the conflict depicted in the movie, applying all the learning from the semester.

Presentation (5%): You will make a 10-minute “convincing” presentation of a topic assigned by the instructor. Presentations cannot be made up. A total of 100 points can be earned for the presentation. Presentations can only be made up in another format determined by the instructors if the student has an “excused” absence. Otherwise they are not eligible for makeup.

Role Plays: Your performance in the role-plays will not be graded so you have the confidence to experiment with the mediation process, explore and enhance your skill base and create self-reflective opportunities. The goal is to acquire mediator skills and to encourage self-reflection as a practitioner. Although role-plays will not be graded, students seeking certification will be assessed as to their understanding of the mediation process and acquisition of the necessary basic skills. The instructors will determine your readiness/ability to move onto the next stage of the certification process.

Turning in Late Assignments: Late is defined as an assignment received after the end of the class or due date. Deductions are made from the possible points one can earn for an assignment that is not turned on the date due. All assignments are due on the date identified in the syllabus and must be turned in no later than the end of class. Papers and journals are not accepted after two calendar days from the due date. A deduction of one grade point per day will be assessed for the midterm and the final paper that is turned in late without prior consultation and permission. A deduction of 100 points will be deducted for a journal that is not turned in on the due date without prior consultation and permission. Because of the nature and format of the class, extra credit assignments are rarely provided.

Participation and Attendance:

Given the importance of active and engaged participation, your regular and prompt attendance is expected. This class follows the university policy on attendance and you are expected to attend the class periods. In-class participation is important not only to you, but also to the class as a whole. Class participation is defined as intelligent, thoughtful articulation of ideas in discussion; respectful listening to others' points of view; asking relevant questions; and neither too dominant nor too passive involvement in the discussions. It is also defined as proactive preparation and active participation in class and class

activities. Because class participation will be a factor in grading, unexcused absence, tardiness, or early departure will be de facto evidence of nonparticipation and can result in a 10 point deduction from an overall 100 points possible under "participation." Class participation is 25% of the total grade for this class.

Much of the learning will occur in the context of mediating role-plays during class time. Since these are "in-class" exercises, it will not be possible to make them up or compensate by doing supplementary readings or extra credit work.

Attendance at ALL classes is required for a completion certificate if you wish to pursue mediation certification through the Virginia Supreme Court.

Absences

An absence is excused when due to serious illness, religious observance, participation in University activities at the request of University authorities, or compelling circumstances beyond your control. To claim an excused absence, you must provide a signed letter by a person in a position to make an authoritative determination as to the validity of the cause of the absence upon your return from that absence. In cases where you know you will be missing class, please advise the professor(s) as soon as possible. You are responsible for all announcements, assignments, and date changes made in class and for all material covered in class while you were absent.

Schedule:

The instructors will make every effort to closely follow the schedule as designated below. It may be modified in some cases because of emergency, illness, weather, etc. The instructors may announce changes to this schedule at any time. If you miss a class you should check with a classmate to find out if the schedule or assignments for the following class have been revised.

<u>Date</u>	<u>Topic</u>	<u>Readings/Assignments</u>
Jan 24	Receive copy of Syllabus Course Overview Developing Artistry in Practice	<i><u>The Making of a Mediator</u></i> Michael Lang/Alison Taylor Chapter 1, Developing Artistry Pages 3-44- Reading Packet
	Understanding the language of Mediators – Parties, Issues, Positions, Interests	Page 13, Mediation Manual

Jan 31	<p>Overview Understanding Conflict – What is conflict? What Is Your Conflict style – Thomas Killman Instrument (TKI)</p> <p>Journal 1 due</p> <p>Submit written proposal for Interpersonal Conflict Topic for midterm</p>	<p>Bring to class the TKI Instrument REQUIRED FOR FULL PARTICIPATION</p> <p>Mediation Manual – Page 3-6</p> <p>Mediation Skills and Techniques Chapter 6, page 141-159</p>
Feb 7	<p>Theories of Conflict</p> <p>Journal 2 due</p>	<p>Sent via email from professor</p> <p>Words of Conflict, Words of War: A Positioning Theory Analysis of Language and Conflict in Political Processes Author: Tracey Pilkerton-Cairnie</p> <p>Mediation Skills and Techniques Page 159-175</p>
Feb 14	<p>Theories of Communication</p> <p>Journal 3 due</p>	<p><u>Reading Packet</u> Chalmers Brothers <i>Language and the Pursuit of Happiness</i>, Chapter 4, Pages 87-113 Listening, Hearing, Beliefs, and Results</p> <p>Mediation Skills and Techniques Page 115-126</p>
Feb 21	<p>Approaches to Negotiation Negotiation Theory</p> <p>Journal 4 due</p>	<p>Mediation Skills and Techniques Chapter 7; Pages 177-197</p> <p>Mediation Manual - Page 9-14</p>
Feb 28	<p>Ethics and Statues</p> <p>Journal 5 due</p>	<p>Mediation Manual – Page 61-62</p> <p>Mediation Skills and Techniques Page 31-35; Appendix 10, Page 359-365</p>

FEB 28 CONTINUED

Reading Packet – *provided by Instructor:*

Mediation Statutes
Standards of Ethics and
Professional Responsibility
for Certified Mediators

Dilemmas of Mediation Practice
Baruch Bush (all)

On Being Too Fussy About
Values in Mediation: Consider
the Hedgehog and the Fox,
Robert Benjamin Article

Mediation Manual -Pages 7-15

Mar 7 Mediation Overview
Stages of Mediation – Overview
Demonstration

Mediation Skills and Techniques
Chapters 1-4, Pages 1-106

Mid Term Paper Due in Class

SPRING BREAK – MARCH 14-20

Mar 21 Communication skills
Stage I and Stage II

Role Play I

Mediation Manual-Pages 21-16
42-51
Mediation Skills and Techniques
Pages 127-139

Journal 6 due

Mar 28 Mediation Stage III & IV
Role Play II
Special Issues in Mediation
Dealing with power and violence
Caucus

Mediation Manual; Pages 37-39
Pages 51-58
Mediation Skills and Techniques
Chapter 10, Pages 263-285

Journal 7 due

Apr 4 Agreement Writing
Role Play III

Mediation Manual– Paged 39-41
Mediation Skills and Techniques

Journal 8 due

Chapter 8, Pages 229-241

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| Apr 11 | Avoiding Mediator Traps
Role Play IV

Journal 9 due | Mediation Skills and Techniques
Chapter 11, Pages 287-299 |
| Apr 18 | Presentations

Journal 10 due | No readings |
| Apr 25 | Presentations

Journal 11 due | No readings |
| | Overview of all journals – experiences and learning; 3-4 pages
Submit all journals – with our comments – in a single binder. | |
| May 2 | View Movie in Class for final exam
Deposit of \$10 for the DVD (Check)
Class review and receive take Home Exam | |
| May 9 | Reading days | |
| May 16 | Final Exam Paper Due May 16, 2011@ 5:00 PM via email to dwest1@gmu.edu | |

Significant dates to remember

- Last day to drop with no tuition penalty Feb 8, 2011
- Last Day to Add – Feb 8, 2011
- Last day to drop with a 33% tuition penalty – Feb 15, 2011
- Last day to drop – Feb 25, 2011

Once the add and drop deadlines have passed, instructors do not have the authority to approve requests from students to add or drop/withdraw late. Late adds (up until the last day of classes are reviewed and approved by the department chair of the course being offered. These should generally be approved only in the case of a documented university error (such as a problem with financial aid being processed). Requests for non-elective withdrawals and retroactive adds (adds after the last day of classes) must be approved by the student's academic dean. In the case of students whose major is in the College of Liberal Arts and Human Sciences, this is the office of Undergraduate Academic Affairs (Enterprise 316; 703.993.8725; lahsdean@gmu.edu).

Student Support & Resources

Disability Support Services: Your instructors comply with the American Disabilities Act in making reasonable accommodations for qualified students with disabilities. If you believe that you have a disability, you should make an appointment to discuss your needs. This also includes learning differences. If you are a student with a disability and you need academic accommodations, please see me and contact the Disability Resource Center (DRC) at 703.993.2474. All academic accommodations must be arranged through that office.

The need for accommodations should be identified at the beginning of the semester and that the specific accommodation has to be arranged through the Disability Resource Center. Faculty can not provide accommodations to students on their own (e.g. allowing a student extra time to complete an exam because the student reports having a disability).

Academic Integrity

Mason is an Honor Code University; please see the University Catalog for a full description of the code and the honor code process. The principle of academic integrity is taken very seriously and violations are treated gravely. What does integrity mean in this course? Essentially this: when are responsible for a task, you will perform the task, you will give full credit in the proper, accepted for. Another aspect of academic integrity is the free play of ideas. Vigorous discussion and debate are encouraged in this course, with the firm expectations that all aspects of the class will be conducted with civility and respect for differing ideas, perspectives, and traditions. When in doubt (of any kind) please ask for guidance and clarification.

Mason Email Accounts

Students must use their MasonLIVE email account to receive important University information including messages related to this class. See <http://masonlive.gmu.edu> for more information.

Commitment to Diversity: New Century College is an *intentionally* inclusive community that celebrates diversity and strives to have faculty staff and students who reflect the diversity of our plural society. We do not discriminate on the basis of race, class, linguistic background, religion, gender identity, sex, sexual orientation, ethnicity, age or physical ability.

New Century College's Home page www.ncc.gmu.edu

Writing Center:

A114 Robinson Hall: (703) 993-1200 writingcenter.gmu.edu
On-line Writing Guide for students is located at: classweb.gmu.edu/nccwg
or www.ncc.gmu.edu and click on Student Resources, then Writing Guide.

Counseling and Psychological Services Center:

The Counseling Center provides a wide range of services to faculty, staff and students. Services are provided by a staff of professional counseling and clinical psychologists and professional counselors. The Center provides individual counseling, group counseling, workshops and outreach programs -- experiences to enhance a student's academic performance. For more information contact: Counseling Center, MSN 2A2 4400 University Drive, Fairfax, Virginia, 22030-4444. Call (703) 993-2380, fax (703) 993-2378, or come by the office in Student Union I, Room 364.

University Policies

The University Catalog, <http://catalog.gmu.edu>, is the central resource for university policies affecting student, faculty, and staff conduct in university academic affairs. Other policies are available at <http://universitypolicy.gmu.edu>. All members of the university are responsible for knowing and following established policies.

Helpful Things to Consider Before Taking Mediation Training

- There are approximately 1,000 certified mediators in Virginia. One may practice mediation in Virginia without court certification. However, to receive court-referred cases, the [Guidelines](#) require certification by the Judicial Council of Virginia.
- You must have earned a minimum of a Bachelor's Degree to qualify for certification as a court-referred mediator in Virginia. You may apply for a waiver of this requirement by submitting a letter to the Department of Dispute Resolution Services, describing your relevant work and life experience. A waiver should be received before taking mediation training if certification is your objective.
- From the time you take your 20-hour basic mediation skills training, you have two years in which to complete all training and mentorship requirements and submit your Application for Mediator Certification. The additional training and mentorship include a 4-hour Orientation to the Virginia Judicial System, Two observations or approved role play training, and three co-mediations with a certified mentor-mediator consisting of 5-hours and where you serve as the primary scrivener for an agreement in one of those cases. Certification also requires a Bachelor's Degree.
- If you were a mediator in another state, you may qualify for a waiver of some training requirements and possibly a reduction in the mentorship requirements, depending on your level of training and experience. A letter describing your background and experience and course outlines from your prior training should be submitted to the Department of Dispute Resolution Services for consideration of a waiver.
- You may complete your case observations and co-mediations with one mentor or with multiple mentors. It is recommended that you work with more than one mentor in that you are exposed to different mediation styles and gain a broader perspective. [A list of mentors](#) is available on the court Web site. A fee is usually charged for mentoring services.
- Every two years you will be required to satisfy requirements for recertification. For civil mediators, you need to take 8 hours of advanced general mediation training, including 2 hours of mediator ethics, and demonstrate that you have mediated five general cases during the 2-year period. For family mediators, you must take 8 hours of advanced family mediation training, including 2 hours of mediator ethics, and document that you have mediated five family cases during the 2-year period.
- Generally speaking, the practice of mediation does not generate a full-time income. Once you are certified, there are opportunities to receive compensation for mediating court-referred cases. Custody, visitation and support (CVS) mediations are paid at a rate of \$100 per case, and most J&DR courts assign cases from a rotation list of available mediators. You may also annually apply for a contract from the Office of the Executive Secretary to

provide non-CVS mediations at all levels of court. Many mediators serve on a volunteer basis for community mediation centers across the state.

- Once you are certified, you will be added to the [Searchable Directory of Court-Certified Mediators](#). Placement in the Directory will not guarantee court referrals or private referrals. It is important to identify the segment of your community that may offer potential for mediation opportunities. Mediation is a profession that requires you to market your skills to those who seek mediation services.