

Communication, Conflict and the Mediation Process

NCLC 395-003

Fall 2014

Monday 10:30 a.m. – 1:10 p.m.

Exploratory Hall L111

Instructor: Tracey Cairnie

Phone: 571-214-3692

Email: fcairnie@gmu.edu

Title: Communication, Conflict and the Mediation Process

Course Description:

This is a practice-oriented, skill based, 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 so that they can be addressed and resolved as expeditiously as possible in order to make the semester a valuable learning experience for you.

Court Certification

In addition to any credit provided by the University, this course is certified for the 20 hrs Basic Mediation course by the Office of the Executive Secretary of the 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. Observations may be completed before or after the basic course, but must be completed before co-mediations. Students successfully completing the course will be provided documentation of fulfillment of the 20-hour basic education requirement. However, please note, the mere attendance in this course does not guarantee successful completion of the course for mediation certification purposes. Recommendations by the instructors that a participant receive additional training before continuing in the certification process will be given great consideration by the Office of the Executive Secretary in evaluating a candidate for certification.

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.

Also, experiential exercises and/or role-plays should be expected in almost every class, so you should be ready to learn by doing. You will be required to act as a mediator in at least two role-plays if you are seeking certification. 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.

Office Hours:

I 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. I will make ourselves available to meet with you before or after class or schedule a time that works for each of us. I am also available by email and phone. We can then schedule a follow-up appointment.

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 bookshelves.

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. 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. You will apply the readings in your papers and class discussions.

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. The journal needs to be at least two (2) pages.

Journals **are to be typed, double-spaced, 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 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 – **November 24, 2014**. Each weekly journal is awarded 100 points when turned in at the end of each class. A total of 1100 points may be earned. Fifty points (50) are deducted for journals turned in after the end of the class. One hundred points are deducted if the journal is not turned in. I am interested in reading all your journals and encourage you to complete them even when a deduction has been given.

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 midterm paper examination due on **Oct 14, 2014**, and final examination due on **Dec 8, 2014**. A total of 100 points may be earned for each exam.

Mid Term Exam (20%): The midterm exam will be an essay paper on the application of theory presented in the class lectures and readings to an interpersonal conflict. You will self select, and have approval from the professor, of an interpersonal conflict that you will observe, monitor and report on. You will identify the parties, discuss the elements of the conflict: issues, positions and interests) and make the application of what theories could be applied in addressing the conflict. In addition, the mid-term may include a section on the mediation statutes and Standards of Ethics and Professional Responsibility for Certified Mediators.

Final Exam (30%): The second essay exam is the Final Examination 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.

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. Students seeking certification must serve as a mediator in two role plays.

Turning in Late Assignments: Deductions are made for an assignment that is not turned on the date it is due. All assignments are due in class on the date identified in the syllabus and turned in at the end of class. Late is defined as an assignment received after the end of the class. A deduction of 50 points will be assessed for a journal turned in late. A deduction of 100 points will be assessed for journals that are not received after 3 calendar days. Because of the nature and format of the class, extra credit assignments are rarely provided. A deduction of 10 points will be assessed for the midterm and the final paper that are turned in late. Midterm and the final paper are not accepted after three days without prior discussion with the professor.

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 resulting in a 15 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. In cases where you know you will be missing class, please advise the professor 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.

You are strongly encouraged to contact us if you already know of an excused absence that will cause you to miss a class.

Schedule:

The instructor will try 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.

Date/Location	Topic	Readings/Assignments
August 25, 2014	Class Overview & What is Your Communication Style?	No Reading Required for today
September 1, 2014	Labor Day Holiday (no class)	
September 8, 2014	What is Conflict? What is Your Conflict Style?	Journal 1 Due **BRING Thomas Kilmann Instrument (Required for full participation) DUE: Submit topic proposal for midterm Reading Packet: Artistry The Making of a Mediator M. Lang/A. Taylor Developing Artistry in Practice Chap 1 Developing Artistry Page 3-44
September 15, 2014	Theories of Conflict	Journal 2 Due Readings: <i>McCarthyism – The Red Scare Episode.</i> <u>Positioning Theory and Discursive Psychology.</u> Tracey Cairnie (To be provided) Reading packet: Staying with Conflict – B. Meyer Text: Mediation Skills and Techniques Page 159-175
September 22, 2014	Theories of Communication	Journal 3 Due Reading Packet: Chalmers Brother <u>Language</u>

		<p>and the Pursuit of Happiness, <i>Listening, Hearing, Beliefs, and Results</i>, Pages 87-113</p> <p>Text: Mediation Skills & Techniques, Pages 115-126</p>
September 29, 2014	Communication Skills & Techniques	<p>Journal 4 Due Mediation Manual – Page 61-62 Text: Mediation Skills and Techniques Page 31-35; Appendix 10, Page 359-365</p>
October 6, 2014	<p>Negotiation Theory & Approaches to Negotiation</p> <p>Ethics in Mediation</p>	<p>Journal 5 Due Text: Mediation Skills and Techniques Chapter 7; Pages 177- 197 Mediation Manual – Pages 9-14</p> <p>Online: Mediation Skills and Techniques Mediation Statutes Standards of Ethics and Professional Responsibility for Certified Mediators, Effective July 1, 2011 (includes new updates) http://www.courts.state.va.us/courtadmin/aoc/djs/programs/drs/mediation/soe.pdf</p> <p>Online: On Being Too Fussy About Values in Mediation: Consider the Hedgehog and the Fox, Robert Benjamin Article found on http://www.mediate.com/articles/benjamin3.cfm#</p>
*** Note: Class being held on TUESDAY, October 14, 2014 due to Columbus Day Observation on Monday***	Mediation Overview Stages of Mediation	<p>Mid-Term Due Text: Mediation Skills and Techniques Chapters 1-4, Pages 1-106</p>
October 20, 2014	Mediation Stage I & II Orientation Issues Identification Role Play I	<p>Journal 6 Due Mediation Manual-Pages 23-59; 42-51 Text: Mediation Skills and Techniques Pages 127-139</p>
October 27,	Mediation Stage	Journal 7 Due

2014 * Meet in HUB Rm 3	III Dealing with power & violence Caucus Role Play II	Mediation Manual: Pages 37-39 & Pages 51-58 Text: Mediation Skills and Techniques Chapter 10, Pages 263-285
November 3 2014 * Meet in HUB Rm 3	Agreement Writing Role Play III	Journal 8 Due Mediation Manual: Pages 39-41 Text: Mediation Skills and Techniques Chapter 8, Pages 229-241
November 10, 2014 *Meet in HUB Rm 3	Avoiding Mediator Traps Role Play IV	Journal 9 Due Text: Mediation Skills and Techniques Chapter 11, Pages 287-299
November 17, 2014 *Meet in HUB Rm 3	Presentation	Journal 10 Due No Reading
November 24, 2014	Presentation	Global Summary and Journal 11 Due No Reading (Bring \$10 to class next week to rent DVD for exam)
December 1, 2014	Final Exam Part I Final Exam Part II Take Home	DUE \$10 to rent DVD for Final Exam Final Paper due Monday, December 8th by 10:30 am.
December 8 2014	Final Due	Final Exam and Video Due A Self Addressed Stamped envelope is required if you wish to have the paper returned to you. Return DVD with paper

Significant dates to remember

Last Day to drop with no tuition penalty – **January 28, 2014**

Last Day to Add – **September 2, 2014**

Last day to drop with a 33% tuition penalty – **September 16, 2014**

Last day to drop 67% tuition penalty – **September 26, 2014**

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 cannot 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).

Honor Code and Plagiarism:

The **Honor Code** is as follows:

"All George Mason University students have agreed to abide by the letter and the spirit of the Honor Code. You can find a copy of the Honor Code at academicintegrity.gmu.edu. All violations of the Honor Code will be reported to the Honor Committee for review. With specific regards to plagiarism, three fundamental and rather simple principles to follow at all times are that: (1) all work submitted be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the ground rules on a particular assignment, ask for clarification. If you have questions about when the contributions of others to your work must be acknowledged and appropriate ways to cite those contributions, please talk with the professor.

S-CAR requires that all written work submitted in partial fulfillment of course or degree requirements must be available in electronic form so that it can be compared with electronic databases, as well as submitted to commercial services to which the School subscribes. Faculty may at any time submit a student's work without prior permission from the student. Individual instructors may require that written work be submitted in electronic as well as printed form. S-CAR's policy on plagiarism is supplementary to the George Mason University Honor Code; it is not intended to replace or substitute for it."

Faculty members are responsible for maintaining the integrity of the learning and testing process. They should explain at the beginning of the each semester what would be considered an integrity violation in their course. Special attention should be given to the subject of plagiarism. Faculty may require work to be submitted in print and electronic form. Faculty may, at any time, compare a student's written work against electronic databases/plagiarism detection software without prior permission from the student.

Suspected violations of the Mason Honor Code should be reported to the Honor Committee in a timely manner using forms provided by the Committee.

<http://academicintegrity.gmu.edu/honorcode/>. The Honor Committee will promptly notify the involved student(s) in writing. The involved student(s) will meet with a representative of the Honor Committee to review the information and arrange for a resolution of the matter.

Commitment to Diversity: George Mason University promotes a living and learning environment for outstanding growth and productivity among its students, faculty and staff. Through its curriculum, programs, policies, procedures, services and resources, Mason strives to maintain a quality environment for work, study and personal growth.

An emphasis upon diversity and inclusion throughout the campus community is essential to achieve these goals. Diversity is broadly defined to include such characteristics as, but not limited to, race, ethnicity, gender, religion, age, disability, and sexual orientation. Diversity also entails different viewpoints, philosophies, and perspectives. Attention to these aspects of diversity will help promote a culture of inclusion and belonging, and an environment where diverse opinions, backgrounds and practices have the opportunity to be voiced, heard and respected. The Mason Diversity statement can be located at <http://ctfe.gmu.edu/professional-development/mason-diversity-statement/>.

Writing Center: 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 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