

# Course Syllabus and Grading Criteria

## Course Description: Basic Mediation Skills 350

### Peace, Conflict, and Social Justice

**Instructor:** Tony Belak, [tony.belak@louisville.edu](mailto:tony.belak@louisville.edu) 852-7359  
Office hours by appointment

**Basic Mediation Skills:** This course is designed as a web-assisted comprehensive study in skills and knowledge needed to become a mediator. This course is designed to inform and teach a skill set intended to qualify the successful graduate as a court certified mediator; co-mediations with a qualified mediator may be required in some jurisdictions. Successful graduates of this class may seek registration on the Administrative Office of the Courts mediator list or Jefferson County Family Court roster of mediators. A portion of the course is online and the residential remainder at the university. The class is interactive with extensive role play and mediation simulations. This course comports with the Kentucky and national standards for mediation classes.

**Course Objectives:** Students will be exposed to and learn the history of mediation, an overview of ADR legislation, conflict resolution theory, mediation theory and practice, court processes, mediation processes and techniques, self-awareness, and ethics. Mediation skills are life skills and may be utilized every day in all situations involving others as well as an opportunity to transform yourself.

**Theoretical Foundations:** The student will have the opportunity to practice selected written and oral communication skills to enable the mediator to foster understanding and trust, elicit relevant information, and accurately track and record key areas of agreement. Training methods include lecture, group discussion, mediation simulations and role plays as well as readings, written exercises, video clips, and, if possible, participation in actual mediations. Students will receive individual feedback from the instructors on their performance in training practice sessions. Guest lecturers will be invited from time to time to share their views on mediation philosophy and practice.

**Learning Outcomes:** The student will be able to demonstrate competence in effective listening and communication skills, knowledge of conflict sources, the ability to differentiate various mediation processes, distinguish interest from positional based negotiation, demonstrate ethical standards of practice for mediators, and possess the skills to serve as a mediator in court referred cases. Students will attain a level on competence in advocacy knowledge and skills to prepare clients and counsel for the mediation process.

**What Are the Instructor's Expectations for This Course:** The student is expected to keep up with assigned readings, critically evaluate the information assigned, participate in the discussion areas, complete assignments on time, maintain a high energy level with a positive attitude, participate in role play simulations in good faith and make constructive evaluations of classmates' performance. The student can expect the instructor to give timely and analytical feedback and guidance, monitor skill development, and demonstrate concern for the development of mediator skills and the understanding of relational aspects of conflict resolution. Opportunities for learning will occur through online education, assigned readings, lecture, and practical, hands-on application of concepts and knowledge through simulations and evaluations. The instructor reserves the right to amend or change the syllabus throughout the duration of the class to make adjustments to accommodate improved learning or teaching of the materials and skills.

**Required Text:** Students will be given access information for the online materials the first week of class. The text may be downloaded at no cost at <http://www.cnr.berkeley.edu/ucce50/ag-labor/7conflict/>  
Reading materials and articles will be supplied by the instructor, and students are encouraged to share articles and publications relevant to the topic.

### **GRADING AND EVALUATION:**

Several components contribute to a student's final grade. Not the least of these is attendance and participation. Your final grade is determined as follows:

Discussion Responses	30%
Mid-Term Project	15%
Final Research Project	15%
Portfolio Assignment	40%

### **GRADING SCALE**

A = 90% – 100%  
B = 80% – 89%  
C = 70% – 79%  
D = 60% – 69%  
F = below 60%

**Discussion Responses (30%)** – Each week the professor will assign case studies or introspective exercises designed to give students an opportunity to apply the concepts they are learning. Responses should be based upon your experiences and readings and will require a thoughtful, insightful, challenging, and reflective answer. To earn full points for the discussion, you will

need to thoroughly respond to the question(s) and support your response with the text or other outside scholarly sources. Then, your participation and discussion grade will be determined by:

- Sharing ideas, insights, and feelings
- Sharing personal experiences and observations
- Relating and synthesizing the ideas of others
- Helping others develop their ideas
- Raising and answering question related to the reading
- Linking the theories presented to current conflict situations

**Mid-Term Project (15%)** – Using the online text, Chapter 12 Negotiating Performance Appraisal: Alternative and Preventive Mediation, thoroughly and completely analyze a workplace appraisal situation you are involved with or know of. Your analysis should be between 3 and 5 pages in length and should closely follow the list approach to performance appraisal negotiations.

**Final Research Project (15%)** – Which of the concepts discussed in the book are most significant in the mediation process. Support your response, and explain why you believe the other concepts are less important. Refer to at least one well-known case of conflict to illustrate your argument. There is no one right answer. Your response must provide a thoughtful analysis that references the text as well as other relevant scholarly materials.

**Portfolio Assignment (40%)** – The portfolio assignment is designed to help you apply the concepts, theories, and skills you are learning in the class. Each week you will be asked to complete an assignment and include it in your portfolio. The purpose of these assignments is to help you begin to use the skills you are learning in this class to productively work through conflicted areas of your life. These weekly assignments are listed below.

### **Portfolio Assignments**

#### **Week 1**

1. Make a list of what you perceive to be your strengths when managing conflict with others. What skills do you have?
2. Next, make a list of what you perceive to be your weaknesses when managing conflict. What do you need to improve? What skills would you like to acquire?
3. Ask three important people in your life (friend, co-worker, parent, sibling, romantic partner) to assess your strengths and weaknesses. Do not give them the list you already wrote for yourself.
4. Note the similarities and differences in your lists and the lists of others.

5. Write a “Plan for Improvement,” incorporating the feedback from others. Set 3-5 goals for yourself to improve during this course. Your plan should be approximately one page in length.

## Week 2

For the next week, **at least three times a day:**

1. Show appreciation for someone in a personal relationship with you (friend, spouse, roommate, parent, child).
  - a. “John, I really appreciate how you always pick me up on time. Thanks.”
  - b. “Sam you are just such a good friend. You know last year when I had that problem with my ex... you were always there for me.”
  - c. “Mom, you know, I’m struggling with tests right now, but I want to just say how much I appreciate your emotional and financial support for me to go to college. It will make a real difference in my life. Thanks.”
2. Give thanks or show appreciation to a person you do not know, who is in a service position.
  - a. Server in a restaurant, bar or whatever
  - b. Person working in a retail store—cashier at Wal-Mart, fee collector in the registrar’s office, etc.
  - c. Custodian where you work
3. Reflect on these experiences.
  - a. How did you act (verbally and nonverbally) while doing this exercise?
  - b. What were the other persons’ responses?
  - c. What did you notice when you confirm others’ identities?

## Week 3

1. Review chapter 2 in the text regarding empathetic listening.
2. Write about or discuss real-life situations where empathetic listening would have been helpful. (These can be from their own experiences or those of other people they know).
3. Generate a list of 10 to 15 ways that empathetic listening might change the outcome of a conflict prone situation.

## Week 4

Based on the answers from your Conflict Management Styles

[http://www.agrisk.umn.edu/conference/uploads/CTerhune0790\\_02.pdf](http://www.agrisk.umn.edu/conference/uploads/CTerhune0790_02.pdf) answer the following questions.

1. In what ways are the advantages you experience disadvantages for others?
2. When might it be problematic for you to maintain your primary conflict style?
3. What happens when your perceptions of conflict style are challenged?
4. What does it mean to you to say that “I am a(n) \_\_\_\_ (fill in style here) \_\_\_\_?”
5. How are conflict styles like tools in a toolbox? What tool do you overuse? Under-use? What happens when you use a hammer when a crow bar would be better?

### Week 5

Review Appendix I, Cultural Differences. Why is it important to understand, consider, and address cultural diversity in the mediation process?

### Week 6

No portfolio assignment this week. Use this time to work on your mid-term assessment.

### Week 7

Read the below list of guidelines for managing anger. Describe a conflict where you felt angry. Use the list as a guide to discuss suggestions about you may have expressed your anger more effectively.

1. Notice your anger and say to yourself or out loud, “I am angry.”
2. Take several deep breaths. Take that short time to think about what you will do next.
3. Think about anger in this situation—would others get angry? Do you have a choice in your anger? What are those choices?
4. Look for the feeling underneath your anger. Begin with fear. Ask yourself three times, “What am I afraid of here?”
5. Figure out ways to deal with that fear or other underlying feelings. Ask yourself, “What do I really want?”
6. If you want something from the other person, ask for it instead of blaming or accusing him.
7. Practice new behaviors:
  - Listen more carefully
  - Use I-messages instead of blaming or accusing
  - Ask for what you want, and for more information
  - Stay connected to the other person
  - Continue to do “self-talk”
  - Breathe deeply to stay calm

Directions: Use the following set of questions to analyze the situation you described above.

1. Try to figure out what the other person might be afraid of.
2. It is okay to say, "Hey, I don't like being on the defensive here."
3. Ask for more information instead of shutting the other person off. Say, "Tell me more about that," or, "I didn't know you thought that. Tell me how you came to think that."
4. Open up more channels of communication—phone, face-to-face contact, more notes, more meetings.
5. Ask what the other person needs or wants. Try to solve the problem.
6. Work toward common goals—things you both can agree on.
7. Listen carefully to what the other person says. Say in your own words what you think he or she said.
8. Ask if the other person will listen to you, too.
9. Never say, "You shouldn't be angry." Feelings are facts, too.
10. Say over and over that you expect that you will be able to work this out together.
11. Ask for suggestions for solving the problem together. Give ideas yourself.
12. End with, "I want to keep this from happening again. What can be done to learn from today?"

### Week 8

Your portfolio assignment for this week is to write a two to three page reflection paper on how people react and relate to you. What have you learned from this class that may impact that assessment? What areas do you feel good about? Where do you feel you need improvement?

### Week 9

Take a few minutes and write a few paragraphs about a conflict you had before this semester, and one you had recently. Make some notes about how you acted in both conflicts. What, if anything, have you done differently in the more recent conflict, now that you have had the chance to understand more about the dynamic nature of conflict?

Write a letter to the person with whom you had a conflict before the term and explain to them how you might have managed that conflict differently—"if you knew then what you know now." You do not have to send the letter, but you are welcome to do so if you think it is appropriate.

## Discussion Questions

1. What were the challenges of writing to your conflict partner?
2. How did it feel to go back and work through an old conflict?
3. What difference might it make in your relationship with this person if you were to actually send the letter?
4. Why would you refrain from sending the letter or having a conversation with your conflict partner about what you have learned?

## Week 10 (final entry)

1. Read about 2-3 conflicts (either stories from the newspaper, or scenarios they have written up, or cases from the text) that may be appropriate for mediation.
2. Research (either on the Web in class or as an overnight assignment) what training is available for people who want to become mediators.
3. Use the following questions to guide your discussions (small groups, large groups or both):
  - a. What are the skills necessary to do be a successful mediator?
  - b. How are you learning and developing those skills in college? In your department?
  - c. What skills could you use from the rest of the text to help you be a successful mediator?
  - d. How would you gain professional training regarding mediation?
  - e. How would you go about gaining practical experience to mediate a conflict?

**Course Schedule:** This course is an undergraduate level program consisting of online and in class learning. It is a highly interactive and participatory course requiring understanding and appreciation of interpersonal aspects of human behavior. The online component of the study will address these and other elements of the mediation process:

## **Module I...Alternative Dispute Resolution**

### **What Is Alternative Dispute Resolution?**

- Introduction to ADR
- How Disputes are Processed
- Dispute Processing Alternatives

### **Negotiation: Interest Based vs. Positional Based**

- What is Negotiation?
- How to Do Interest Based Problem Solving
- Understanding Positions Versus Interests
- Communications Techniques for Negotiation

### **Glossary of Dispute Resolution Terminology**

## **Module II...Introduction to Mediation**

### **Understanding Mediation**

- Key Terminology

### **Is Mediation Appropriate?**

- Mediation is Appropriate When:
- Mediation May Not Be Appropriate When...

### **Inside the Mediation Process**

- What is Mediation?
- About the Mediation
- About the Mediator
- About the Mediation Process
- Mediation in Action

## **Module III...The Mediation Process**

### **Mediation Phases**

#### **Step 1: Preparation**

- Initial Contacts
- Physical Space
- Reviewing the File
- Authority

#### **Step 2: Introduction**

- Greeting the Parties
- The Process of Mediation
- The Role of the Mediator
- Confidentiality
- Role of Attorneys
- Ground Rules
- The Agreement to Mediate
- Joint and Private Sessions

#### **Step 3: Story Telling**

- Purpose
- Sharing Information in Joint Sessions
- Mediation Techniques for Joint Sessions
- Entering the Caucus Zone: The Value of Separate Sessions
- Why Use a Caucus?
- How to Run a Caucus
- The First Separate Session
- The Caucus with the Second Party
- Preparing for Problem Solving, Clarifying Issues, Interests, and Options

#### **Step 4: Problem Solving**

- Define and List Issues
- Note Common Goals and Concerns
- Determine Where to Begin
- Underlying Positions Versus Interests
- How to Identify Interests
- The Dance of Mediation
- Common Reasons for Failure to Reach Agreement
- Overcoming an Impasse
- Closure

#### **Step5: Writing the Agreement**

- The Agreement
- Transitioning from the Oral Resolution to the Final Written Agreement
- Reviewing the Agreement with the Parties
- Four Main Tasks of the Mediator and the Final Agreement
- Summary of Drafting Final Agreement

#### **The Mediator as an Artisan**

### **Module IV...Conflict**

#### **What is Conflict**

- Conflict Defined and Described
- Data Conflict
- Interest Conflict
- Structure Conflict
- Values Conflict
- Relationship Conflict

#### **Conflict Management Styles**

- Understanding Conflict Management Styles

#### **Conflict Resolution Negotiation Process**

- Managing Differences Between Us

#### **Online Discussion with Class Members and Faculty**

### **Module V...Effective Listening Skills**

#### **Characteristics of Effective Listening**

- Attending
- Active Listening
- Listening for Feelings
- Listening to Clarify
- Body Posture

#### **Listening Behavior**

- How Behavior Can Impact Supportive Communication

### **The Use of Questions**

- Using Questions
- Open Ended Questions and Requests
- Closed Questions
- Probing Questions
- Use Questions Carefully
- Other Questioning Clues

### **Paraphrasing**

- Paraphrasing
- Managing the Flow of Communication
- Closure

### **Speaking and Responding Skills**

- Speaking for Self
- Five Ways of Responding

## **Module VI...Listening Styles for Effective Communication**

### **Listening Styles**

- Understanding Listening Styles

### **Listening Approaches**

- Appreciative
- Empathic
- Comprehensive
- Discerning
- Evaluative

### **Common Listening and Communication Traits**

- Advising, Giving Solutions
- Ordering, Directing, Commanding
- Moralizing, Preaching, Should, and Ought
- Warning, Threatening, Promising
- Teaching, Lecturing, Giving Logical Arguments
- Praising, Agreeing
- Judging, Criticizing, Disagreeing, Blaming
- Shaming, Ridiculing, Chastising
- Interpreting, Analyzing, Diagnosing
- Withdrawing, Distracting, humoring, Diverting
- Probing, Questioning, Interrogating
- Reassuring, Sympathizing, Consoling, Supporting

### **Ethics in Mediation**

- National, state, and local standards
- Continuing education requirements
- Certifications and other recognition

The residential component of the course will review the online material and allow the student to experience the mediation process through role play exercises intended to simulate mediation of a conflict situation. Students will perform the role of parties to mediation and the neutral; this form of learning can be very effective and informative when all parties stay in role and conduct themselves according to the fact patterns supplied by the instructor. You may anticipate some form of transformation as you progress in the class. The role of a neutral is different from advocate. The skills needed to be an effective mediator are also life skills to be an effective professional, spouse, friend, colleague, neighbor, etc. Please share any changes you experience.

## **Honor Code**

“As members of the University community and as future members of the legal profession, we recognize the need to set and maintain the highest standards of conduct. The University has set minimum standards of student conduct in various policy statements including, but not limited to, the Code of Student Conduct and the Code of Student Rights and Responsibilities. The standards of academic conduct established by the University, as well as those established by Article I, shall constitute the Honor Code, and shall be applicable to the students in the Louis D. Brandeis School of Law at the University of Louisville.”

This is to certify that I have read the HONOR CODE and will assume the obligation contained therein.

---

Signature

---

Date

---