

**CONF 399 Section 2**  
**Communication, Conflict and the Mediation Process**  
**Spring 2010**  
**Room A105 Robinson Hall**  
**Monday 10:30 a.m. – 1:20 p.m.**

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**Title: Communication, Conflict and the Mediation Process**

**Course Description:**

This is a practice-oriented, introductory course exploring communication and conflict resolution theory and mediation practice. The course work focuses on practical communications skills and connecting conflict resolution theory through the emphasis on, and use of, self-reflective tools and role-play in the practice of mediation.

You will have opportunities to practice these skills both inside and outside the classroom. Your instructors will also model these skills throughout in their interactions with you. In addition, when issues or concerns arise that involve your attendance, participation, and completion of the course, an expectation exist 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. In addition, students will also be introduced to the variety of applications in which mediation processes are utilized, as well as the utilization of mediation within the Commonwealth of Virginia.

In addition to credit provided by the University, the 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 (a role-play observation course can be substituted for the two observation) and three co-mediations totally 5 hours 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 communication skills and conflict resolution theory;
  - 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 experimental learning with 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 difference. In addition, to whatever substantive learning may take place, the course is designed so that students can learn to disagree without destroying respect for those with whom they disagree and without undermining their 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 students are asked to take their role seriously and play the part as though this dispute actually happened in their life. When acting as the mediator in the role-play students practice maintaining their demeanor as professional and respectful throughout the role-play, regardless of how difficult their "clients" may be.

Also, role-plays and exercises should be expected in almost every class, so students should be ready to learn by doing. Their performances in the role plays are not graded so they can feel safe, and have the confidence to experiment with the mediation process, enlarge and enhance their skill base and create self-reflective opportunities. The goal of this class is to not only acquire mediation skills, but to develop the ability to be a reflective practitioner.

**Required Textbooks and course material:**

*The Dynamics of Conflict Resolution: A Practitioner's Guide*, Bernard Mayer, Jossey-Bass.

*Mediation Training Manual*, Susan Shearouse

Collected Readings – Reader – Purchased at the GMU Bookstore

*Strength Development Inventory*, Premier Edition Strength Publishing Purchase at the GMU Bookstore

Thomas Killmann Conflict Mode Instrument – Purchase at the GMU Bookstore

**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:**

Journal	20%
Mid term paper	20%
Final paper	30%
Class participation	25%
Class Presentation	5%

## **Assignments & Requirements:**

Readings: Students are expected to read the assigned material prior to the class. Class time will be used to reinforce and apply an understanding of the material by engaging in class discussions. There is an expectation that you will apply the readings in your papers and class discussions.

Pop quizzes based on the readings will be considered in the overall learning journal component of the total class grade.

Learning Journal (20%): Each student 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. (approximately 1 ½ - 2 pages) Each week's journal is worth 100 points. Journals are to be typed, double space, and due at the end of the 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." Each student will prepare a Journal Binder to consolidate the learning journals throughout the semester. The final journal – 3-4 pages in length - will be submitted as a compilation with a summary entry at the conclusion of the semester and is due April 26, 2010.

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 Mid Term essay examination due on March 15, 2009 (in class), and a 3000 word Final Essay examination due on May 10, 2010, sent via email to [dwest1@gmu.edu](mailto:dwest1@gmu.edu).

Mid term Exam (20%): The first essay exam will be on the application of theory to a conflict, mediator ethics and selected mediation statutes. Students will self select, and have approve a conflict that they have observed, can monitor and report on. They will identify the parties, issues and make the application of what theories could be applied in addressing the conflict. In addition, students will apply their learning to an ethical situation and review of mediation statutes. The paper will be approximately 2000 words in length and include short answer and True and False on the Standards of Ethics and Professional Conduct for Certified Mediators and selected mediation statutes.

Final Exam (30%): The second essay exam is the Final Examination approximately 3000 words in length where you will review a conflict (a pre determined movie) and prepare a written analysis of the conflict demonstrating your understanding of conflict resolution theories, techniques and interventions covered throughout the semester. There will be two parts to this exam; in class (when you will watch the movie) and the take home.

Presentation (5%): Each student will make a 10-15 minute creative and convincing presentation of a topic assigned by the instructor.

Role Plays: The student's performance in the role-plays will not be graded so they have the confidence to experiment with the mediation process, explore and enhance their 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:*** Assignments are due at the beginning of class. Students begin with 1100 points possible the eleven (11) journals that will be submitted. Fifty points (50) will be deducted for a journal that is turned in late. A deduction of one hundred (100) points will be deducted for assignments not turned in. The mid-term and the final exam are due via email and a 10 points deduction will be assessed for each day for papers turned in late. Assignments are not accepted after two days unless approved by the instructor. Because of the nature and format of the class, extra credit assignments are rarely provided

### **Participation and Attendance:**

Class participation is defined as attending and participating in class exercises, 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 activities. In-class participation is important not only to the individual student, but also to the class as a whole. Absences, tardiness, or early departure can be used as de facto evidence of nonparticipation. Class participation is 25% of the total grade for this class. Students begin with 100 points possible for class participation and appropriate deductions are made based on these participation criteria. Therefore, barring exceptional circumstances, Students are expected to attend the class.

Be prepared to actively discuss all reading materials assigned. Assignments listed under a given date are due on the night stated. Obviously, some readings will be emphasized specifically in class discussions, while other materials are to be read for background information and used indirectly.

Given the nature of this course and the fact that it provides experiential learning credits, students are expected to thoroughly prepare for, attend and actively participate in the class sessions. Student attendance, preparation and participation are essential to obtaining the skills necessary to practice mediation. **Attendance at ALL classes is**

**required for a completion certificate if you wish to pursue mediation certification through the Virginia Supreme Court.**

Mediation is a skill that is learned “by doing.” Therefore, students are expected to willingly and earnestly participate in role-plays and class discussion. 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.

**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. Students who miss a class should check with a classmate to find out if the schedule or assignments for the following class have been revised. We will communicate with the class using your **GMU email address only**. You are responsible to check your GMU account regularly.

<b>Date</b>	<b>TOPIC</b>	<b>Assignments and Readings</b>
<b>Jan 25</b>	Receive copy of Syllabus, Course  Overview Understanding Conflict –  What is conflict? What Is Your Conflict style – TKI Personal Conflict Continuum	Review syllabus for any questions – sent via email  <b>Bring to class the TKI Instrument</b>  <b>Purchase from Bookstore</b>  <b>REQUIRED FOR FULL PARTICIPATION</b>  <b>Reading:</b> <a href="https://www.cpp.com/">https://www.cpp.com/</a> <b>Click on: Knowledge Center</b> <b>Click on: White Paper</b> <b>Click on: “Making Conflict Management Strategic Advantage” by Kenneth W. Thomas, Ph.D.</b>
<b>Feb 1</b>	Personal Strength Inventory Motivation and Behaviors Stages of Conflict	Readings <b>Reading Packet:</b> Chapter one, Developing Artistry

**Feb 1 Continued** Journal #1 DUE

Lange, M. Taylor, The Making of Mediator

Relationship Awareness - A Theory "For" People - Not "About" People – provided by Instructor

**Mayer:** Dynamics of Conflict Resolution: Pages 3-49

**Bring to class the SDI Instrument**

**Purchase from the Bookstore –**

**REQUIRED FOR FULL PARTICIPATION**

**Feb 8** Theories of Conflict  
Journal # 2 DUE

**Mayer:** Dynamics Conflict Resolution, Pages 50-93.

Words Of Conflict,  
Words Of War: A Positioning Theory  
Analysis Of Language And Conflict In Political Processes  
Tracey Pilkerton-Cairnie

**Feb 15** Theories of Communication

**Mayer:** Dynamics of Conflict Resolution Chapter 6  
Pages 119-139

**Reading Packet**  
Chalmers Brothers  
Language and the Pursuit of Happiness, Chapter 4  
pgs 87-113 Listening, Hearing, Beliefs, and Results

Crucial Conversations by Kerry Patterson, Joseph Grenny, Ron McMillan, and Al Switler, Chapter 2 Mastering Crucial Conversations: The Power of Dialogue pgs 17-26 and Chapter 10: Putting It All Together: Tools for Preparing and Learning pgs 179-192

Journal # 3 due

**Feb 22** Approaches to Negotiation  
Negotiation Theory

Mayer: Dynamics of Conflict  
What is Negotiation?  
Pages 140-167

Journal # 4 due

**Feb 27** Mediator Ethics and Statues

**Ethics Reading Packet  
Provided by Faculty**  
Mediation Statutes  
Standards of Ethics and  
Professional Responsibility for  
Certified Mediators

Baruch Bush The Dilemmas of  
Mediation Practice

Robert Benjamin Article:

On Being Too Fussy  
About Values In Mediation:  
Consider The Hedgehog  
And The Fox

Mediation Manual  
Pages 7-11

**Mid Term exam**  
**DUE: March 15, 2009**  
**Turn in at the start of class**

**Mar 8** No class Spring Break

<b>Mar 15</b>	<p>Mediation Overview Stages of Mediation – Overview Demonstration</p> <p>Journal #5 due</p>	<p><b>Mayer:</b> <u>Dynamics of Conflict</u> Pages 189-222</p>
<b>Mar 22</b>	<p>Communication skills Stage I and Stage II Role Play I</p> <p>Journal #6 due</p>	<p><b>Mediation Manual</b> Pages 15-23</p>
<b>Mar 29</b>	<p>Mediation Stage III &amp; IV Role Play II Communication skills Journal #7 due</p>	<p><b>Mediation Manual</b> Pages 24 – 30</p>
<b>Apr 5</b>	<p>Handling Strong Emotions Caucus Tips and Techniques Role Play III</p> <p>Journal #8 due</p>	<p><b>Mediation Manual</b> Page 31 <b>Reading Packet:</b> Communication and Conflict: Managing Verbal Aggression in Mediation, by Robert K. Wrede</p> <p><b>Mayer:</b> <u>Dynamics of Conflict</u> <u>Resolution</u> Pages 168-188</p>
<b>Apr 12</b>	<p>Agreement Writing</p> <p>Role Play IV</p> <p>Journal #9 due</p>	<p>Mayer: <u>Dynamics of Conflict</u> Chapter 5, Pages 97-116 (review)</p>
<b>Apr 19</b>	<p>Presentations</p> <p>Journal # 10</p>	<p>No readings</p>

- Apr 26**      Presentations
- Journal # 11 Due  
Overview of all journals – experiences and learning  
3-4 pages
- May 3**      **In class view of Movie and Take Home Exam**
- May 10**     **Final Exam Due with DVD @ 9:00 AM**

### **Significant dates to remember**

Last Day to drop with no tuition penalty – Feb 2, 2010  
Last Day to Add – Feb 2, 2010  
Last day to drop with a 33% tuition penalty - Feb 9, 2010  
Last day to drop with a 67% penalty – Feb 19, 2010  
Last day to drop – Feb 19, 2010

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](mailto: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).

**Honor Code and Academic Integrity:** As with all GMU courses, this course is governed by the GMU Honor Code. In this course, **all** assignments, exams, and project submissions carry with them an implicit statement that it is the student's own work.

When making individual choices regarding academic integrity, there are three fundamental and rather simple principles to follow at all times: (1) all work submitted shall 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. No grade is important enough to justify academic misconduct.

Any deviation from this is considered an Honor Code violation. Lying, stealing and/or cheating are violations of the Code that can result in sanctioning. Plagiarism is an issue that is especially devastating to the academic community and learning environment. We expect that all work submitted will be original and all sources will be cited appropriately. The bookstore has manuals providing grammar and sourcing guidance. We are most familiar with and would prefer the APA method, although will accept Chicago and MLA.

The Honor Code is available in the University Catalogue and online at [www.gmu.edu/facstaff/handbook/aD.html](http://www.gmu.edu/facstaff/handbook/aD.html)

If you feel unusual pressure or anxiety about your grade in this or any course, please talk with us or to a trusted friend or counselor to help get your situation in perspective. The University provides a range of services to help with test anxiety, writing skills, study skills and other related concerns.

**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](http://www.ncc.gmu.edu)

**Writing Center:** [writingcenter.gmu.edu](http://writingcenter.gmu.edu)

On-line Writing Guide for students is located at: [classweb.gmu.edu/nccwg](http://classweb.gmu.edu/nccwg) or [www.ncc.gmu.edu](http://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

### *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 hr Orientation to the Virginia Judicial System, Two observations or approved role play training and three co mediation with a certified mentor-mediator consisting of 5 hrs and were 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.