

**NCLC 395 003 76794**  
**Communication, Conflict and the Mediation Process**  
**Fall 2009**  
**Monday 10:30 a.m. – 1:15 p.m.**  
**Enterprise Hall – Room 279**

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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 outside and inside 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 any credit provided by the University, the course has been approved to meet the 20-hour basic education as well as the four-hour course on the Orientation to the Virginia Judicial System requirements for mediation certification under guidelines promulgated by the Judicial Council of Virginia and the Office of the Executive Secretary, Supreme Court of Virginia. In addition, to be certified in General Mediation students must also take a complete two observations and three co-mediations with a Virginia certified mentor/mediator. Students who attend all the classes and successfully

complete the course will be provided documentation of fulfillment of the 20-hour basic education requirement and the Orientation to the Virginia Judicial System.

**Attendance is mandatory for all classes in order to receive credit for both for both the 20-Hour Basic and/or the Orientation to the Virginia Judicial System**

**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, and be in conflict 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.

## **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 appointment.

## **Required Textbooks and course material:**

*The Dynamics of Conflict Resolution: A Practitioner's Guide*, Bernard Mayer, Jossey-Bass Purchased at the GMU Bookstore

*Mediation Training Manual*, Susan Shearouse - Purchased at the GMU Bookstore

Collected Readings – Reader – Purchased at the GMU Bookstore

*Thomas Killman Conflict Mode Instrument* Purchased at the GMU Bookstore

*Strength Development Inventory*, Standard Edition, Strength Publishing Purchased at the GMU Bookstore **You have to ask the bookstore staff for this item. It is on hold for this class and not on the book shelf.**

*Collected Readings on E-reserve. Password for E-reserve is "Conflict"*

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

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

Journal	20%
Ethics exam	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. Pop quizzes based on the reading(s) will be included in the class participation grade. There is an expectation that you will apply the readings in your papers and class discussions.

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) Journals are to be typed, double space, and due at the end of the class or they will be considered late with appropriate deductions. 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 Binder will contain the 10 journals written during the semester – and include the comments from the faculty, as well as a final journal summary– 3-4 pages in length - as a compilation with a summary of your learning. . Due December 7, 2009.

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 ethics essay examination due in class on October 26, 2009 and a 3000+ word final examination due on December 18, 2009 at 5pm in Room B356 Robinson Hall.

Ethics Exam (20%): The first essay exam will be on mediation ethics, statutes, the Virginia Judicial System and the Standards of Ethics and Professional Responsibility for Certified Mediators of approximately 2000 words in length. The purpose of this exam is to allow students the opportunity to express what they have learned during the discussion and readings on "Ethics and the Practice of Mediation." Because an ethical dilemma has been defined as "a situation in which a practitioner is confronted with two conflicting duties where both have merit," and there is "no precise formula for resolving dilemmas;" you will not be graded on whether you make the "right ethical choice". You will be evaluated on

your thought process; how you frame the ethical dilemma and how you apply the readings.

You will be provided with 10 ethical situations. Each ends with the questions; “what would you do?” You will select 3 from the 10 situations and identify the ethical dilemma(s). Then applying the principles from the class lecture and the readings, identify the dilemma, describe how you would handle the situation and what ethical principles, either from the readings, you would apply. You will be presented with short answer and True and False questions based on the statutes and the Standards of Ethics and the Virginia Judicial System.

Final Exam (30%): The second essay exam is the Final Examination approximately 3000-4000 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.

Presentation (5%): Each student will make a 10-minute 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:*** Ten (10) points are deducted for an assignment that is turned in late, including journal entries: Weekly assignments are due on the date identified in the syllabus and turned in at the end of class. 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, regular and prompt attendance is expected. This class follows the university policy on attendance and students are expected to attend the class periods. In-class participation is important not only to the individual student, 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 10 point deduction from an overall 100 points possible under "participation." Class participation is 25% of the total grade for this class.

Pop quizzes based on the readings will be considered in the overall class participation component of the total class grade. Given the nature of this course, and that 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.

**Attendance at ALL classes is required for a completion certificate if you wish to pursue mediation certification through the Virginia Supreme Court and receive credit for the Orientation to the Virginia Judicial System.**

### **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 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 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.

<b><u>Date</u></b>	<b><u>Topic</u></b>	<b><u>Readings/Assignments</u></b>
<b>Aug 31</b>	Receive copy of Syllabus, Course Overview Understanding Conflict – What is conflict? What Is Your Conflict style – TKI Personal Conflict Continuum	Administer the the Thomas-Killman Instrument <b><u>Required for full participation</u></b>
<b>Labor Day</b>	<b>September 7 University Closed</b>	

Sep 14	Mediation Overview Stages of Mediation – Overview Demonstration	<b>Mayer: <i>Dynamics of Conflict</i></b> Pages 214-222
	Journal #1 due	
Sep 21	Theories of Conflict	<b>Mayer: <i>Dynamics Conflict Resolution</i></b> , Pages 3-93.
	Journal # 2 due	Words Of Conflict, Words Of War: A Positioning Theory Analysis Of Language And Conflict In Political Processes Tracey Pilkerton-Cairnie Reading packet
Sep 28	Theories of Communication	<b>Mayer: <i>Dynamics of Conflict Resolution</i></b> Pages 97-139. <b>Reading Packet</b> Chalmers Brothers <i>Language and the Pursuit of Happiness</i> , Chapter 4 pgs 87-113 Listening, Hearing, Beliefs, and Results <i>Crucial Conversations</i> 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	

<b>Oct 5</b>	Approaches to Negotiation Negotiation Theory	Mayer: <i>Dynamics of Conflict</i> What is Negotiation? Pages 140-167
	Journal # 4 due	
<b>Oct 13 Tues</b>	Personal Strength Inventory <b>REMIDER:</b>	Lange & Taylor: <i>The Making of a Mediator</i> Reading Packet
	<b>Bring the SDI instrument to class Required for full participation</b>	
	Journal # 5 due	
<b>Oct 19</b>	<b>Judicial training</b>	Reading packet to be provided at no cost to student
	Journal #6 due	
Oct 26	Ethics and Statues	<b>Appendix of (Manual)</b> Page 60-61 Mediation Statutes Standards of Practice for Certified Mediators
		<b>Reading Packet</b> The Dilemmas of Mediation Practice (all)  On Being Too Fussy About Values In Mediation: Consider The Hedgehog And The Fox Robert Benjamin Article
		E-Reserve Password - Conflict ACR Articles. (all) Spring 2004 1. What Every ACR Member Should Know about Ethics 2. Swindlers, Dealmakers and Mediators 3. Resolving Ethical Dilemmas
		Mediation Manual

Journal # 7 Due

**ETHICS TAKE HOME EXAM DUES Nov 2nd**

<b>Nov 2</b>	Communication skills Stage I and Stage II Role Play I  No journal due  Class held in SUB II Room 3/4	<b>Mediation Manual</b> Pages 15-36 Review these pages only
<b>Nov 9</b>	Mediation Stage III & IV Role Play II Handling Strong Emotions Mediation Techniques -  Journal #8 due  Class held in SUB II Room 3/4	<b>Mediation Manual</b> Page 37-40; 43-49 Mayer: <i>Dynamics of Conflict</i> Chapter 5, Pages 97-118 (review)
<b>Nov 16</b>	Handling Strong Emotions Agreement Writing Role Play III  Journal #9 due  Class held in SUB II Room 3/4	<b>Mediation Manual</b> Pag41-42  <b>Mayer: <i>Dynamics of Conflict</i></b> <i>Resolution</i> Pages 10-11 (review)
<b>Nov 23</b>	Bringing it All together Role Play IV  Journal #10 due Class held in SUB II Room 3/4	Review all Reading in Manual
<b>Nov 30</b>	Presentations  No journal due Class held in Enterprise Hall 279	No readings
<b>Dec 7</b>	Presentations	

Journal # 11 Due

Overview of all journals – experiences and learning  
3-4 pages – Place all journals (with faculty comments)  
in one binder.

Class held in Enterprise Hall 279

**Dec 14      Take Home Exam**  
**Due Dec 21, 2009 @ 10:00 AM**  
**Return DVD and paper to Room B356 Robinson Hall**

### **Significant dates to remember**

Last Day to drop with no tuition penalty – September 15, 2009

Last Day to Add September 15, 2009

Last day to drop with a 33% tuition penalty September 22, 2009

Last day to drop October 2, 2009

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.