

PJCS 325: Conflict Mediation
Goshen College
Fall, 2005

Course Info

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Course Description

Most societies have some form of third-party conflict transformation process. This course will focus on mediation and the third party role of the mediator. It will take a brief look at the historical roots of mediation, the various streams of its more current manifestation in North America, its theoretical basis, the arenas/situations in which mediation is appropriate and indicated and arenas/situations in which it is not, cultural implications of mediation and some of the ethical dilemmas mediators face.

This is largely a skills course and much class time will be spent learning the process of mediation and the skills needed to be a mediator whether in its formal sense or informally as a life skill. It is experiential in nature in that it will elicit and build upon your experience of conflict and will use various experiential learning tools to develop these practical mediation skills. It is the second course in a sequence and you are expected to demonstrate a previous understanding of conflict, conflict transformation and communication skills and principles

College Outcomes:

The Goshen College faculty has committed itself to a process of learning outcomes. The following outcomes are relevant for this class:

- Development of a faith that is active and reflective;
- Development of intercultural openness with the ability to function effectively with people of other world views;
- Development of the ability to think actively and strategically;
- Development of personal integrity that fosters ability to resolve conflict and to promote justice;
- Development of responsible stewardship for human systems and the environment;
- Development of a healthy understanding of self and of others that is reflected in social relationships of interdependence and mutual accountability.

Course Objectives

- 1) To demonstrate a basic understanding of conflict and its transformation; the vocabulary and definitions in the field;
- 2) To understand the history of mediation and to examine the principles, strategies and underlying values of the current streams of mediation;
- 3) To develop skills in interpersonal mediation (including assessment, communication, negotiation and facilitation) through observation, discussion, role-plays and other exercises;
- 4) To locate mediation within the gamut of conflict transformation strategies and third party roles, understanding the arenas/situations in which mediation is appropriate and indicated and arenas/situations in which it is not;

- 5) To identify intra-personal, interpersonal and systemic/structural components of various conflicts;
- 6) To examine the implications of culture on conflict and mediation;
- 7) To describe various ethical dilemmas for mediators and the personal values that will inform personal action when confronted with these dilemmas;
- 8) To understand the philosophical underpinnings of restorative justice and VORP as a primary application of RJ.

Course Texts

Bush, Robert A. Baruch & Folger, Joseph P., *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*, Jossey-Bass Publisher, 1994.

Fisher, Roger & Ury, William, *Getting to Yes: Negotiating Agreement Without Giving In*, Penguin, 1991.

Schrock-Shenk, Carolyn, editor, *Mediation and Facilitation Training Manual: Foundations for Constructive Conflict Transformation*, 4th Edition, Mennonite Conciliation Service, 2000.

Zehr, Howard, *The Little Book of Restorative Justice*, Good Books, 2002.

Learning Experiences/Course Requirements

- 1) Attend and actively participate in all class sessions.
- 2) Read all assigned readings. Specific readings and exercises have been designated. Additional readings and exercises may be suggested and/or assigned along the way.
- 3) Research and handout preparation on a specific application of mediation (see Activity A).
- 4) Small group project: research issue/lead class discussion. You will work in groups of three to address a topic of interest or controversial issue related to the field. You will have a 30-minute segment of class to present varied viewpoints on your topic and facilitate a class discussion (see Activity B).
- 5) A book review of a mediation-related book (see Activity C).
- 6) One or two exams (one at mid-term for sure and likely one at the end) and at least one quiz (see Activity D).
- 7) A one-hour practicum related to mediation (see Activity E).
 - a. Engagement with a conflict-related practitioner or program (8-12 hours)
 - b. Personal/practical application of mediation (8-12 hours)
 - c. Log of all 4th hour activity
 - d. Final synthesis paper

Grading

Attendance in this course is critical; therefore, each unexcused absence, as well as repeated tardiness, will affect your grade. (For an absence or tardiness to be excused, please contact me by phone or email before class.) All work is due at the beginning of the class period for which it is assigned. Late work will affect your grade. Missed in-class work must be discussed with me before any make-up.

Grading distribution:

15%	Class attendance, participation, misc. homework assignment
10%	Research and hand-out on mediation application (Activity A)
15%	Group project/discussion facilitation (Activity B)
10%	Book review (Activity C)
25%	Exams and skill evaluation (Activity D)
25%	Practicum (Activity E - 4 components)

Grading scale:

90-100%	A
80-90%	B
70-80%	C
65-70%	D
below 65%	F

Disability Accommodations

Goshen College wants to help all students be as academically successful as possible. If you have a disability and require accommodations, please contact the instructor or the Director of the Academic Support Center, Lois Martin, early in the semester so that your learning needs may be appropriately met. In order to receive accommodations, documentation concerning your disability must be on file with the Academic Support Center, KU004, x7576, lmartin@goshen.edu. All information will be held in the strictest confidence. The Academic Support Center offers tutoring and writing assistance for all students. For further information please see www.goshen.edu/studentlife/asc.php

Activity A (10%) - Presentation on a Mediation Application - Due on day you sign up

Mediation has grown by leaps and bounds in the last several decades and is now practiced in many, many arenas. Each of these arenas has its uniqueness, contributions, dangers and challenges. To help all of us get a sense of the scope of mediation in North America, please choose one of the arenas below (or talk to me and make a case for one not listed) and learn about it.

- 1) Specifically, please find out the following
 - a. What is the scope of this kind of mediation? How effective does it seem to be
 - b. Describe any kind of related credentialing and/or mediator qualifications.
 - c. Describe the kinds of cases/situations that are addressed by this kind of mediation.
 - d. Describe any unique contributions this kind of mediation is making to our society.
 - e. Describe any unique challenges and/or dangers related to this kind of mediation.
 - f. Describe any related journals and/or national organizations.
 - g. How are most mediators funded and/or what kind of organizations employ them?

- 2) You need to have at least four sources from which to gather your information. If you use web sites, these must be evaluated for credibility and fully documented so that I can also enter and examine the site if I wish to do so. (If the instructor cannot enter the site, it will affect your grade.)

- 3) One of those sources must be an interview with a mediator (in person or by phone) who does this kind of mediation. You may ask them any of the above questions. In addition, find out things about his/her personal involvement, such as:
 - a. How s/he got into this kind of mediation
 - b. What s/he finds most fulfilling as well as most challenging
 - c. What is the most memorable case s/he mediated
 - d. Whether s/he does this fulltime. If so, how many cases a week (or month) and how many hours does a case average? If not, what other work does s/he do?

(Be creative in finding a mediator to interview. If you really have trouble, let me know and I can possibly help. Also, if you are intending to interview a local mediator, please check with me first because I do not want to max out our local folks.)

- 4) Prepare a **5-10 minute (no more) oral presentation** for class to help your classmates learn about this particular application of mediation. Be as creative as you can.

5) Also prepare a **one page hand-out** (can be front and back) clearly summarizing the **key points** about this type of mediation. Include your **sources** on the handout. Bring enough copies for each of us to class on the date yours is due.

6) Examples of kinds of mediation: (I am open to two of you working together if there is shared interest.)

-labor	-family	-divorce	-environmental
-community	-landlord/tenant	-public policy	-on-line
-court ADR	-health care	-organizational	-
church/congregational			
-workplace	-gang	-harassment/discrimination	-special education
-arbitration	-child custody	-other?	

7) You will be graded on thoroughness, clarity, effort and sources (including mediator interview).

Activity B (15%) – Group Research Project -To be presented Nov 22 – Dec 1

Intended Objectives:

- To develop and pursue a research question about a particular topic or controversial issue in the field and to increase awareness of the literature in the field;
- To integrate readings, class discussions and literature in order to critique, present and discuss alternative views on the topic;
- To develop small group participation and collaboration skills;
- To develop oral presentation, discussion and facilitation skills.

Working groups

I will divide the class into working groups of three and four. Your first task will be to decide together what question or issue to pursue. Please narrow your research project to some question or issue that has alternative viewpoints rather than broad topics (such as VORP or Peer Mediation).

Project proposal – ½ page

Please submit a half-page project proposal to me that states clearly what you are intending to research and why. Before submitting your proposal to me, do some initial library research to ascertain whether there will be sufficient material available for your research. Include in your proposal a listing of at least two sources that you intend to use for your project: one web site and one journal article or book chapter.

Oral presentation - 20-25 minutes

A large part of the objective of this project is to learn more about how to communicate clearly and creatively, how to facilitate discussion and how to encourage the open exchange of differing views. You will need to prepare your presentation to include 15-20 minutes of presenting content and 5-10 minutes of discussion and class interaction. Please be creative in both. For example, you can use overheads or a fishbowl role play during your presentation or try a group exercise (roleplay, case study, spectrum, etc.) as part of the discussion time. Feel free to come and talk to me and we can brainstorm ideas together. You will be graded on clarity, thoroughness and creativity of presentation, relevance of the topic to the class, facilitation of class discussion and shared leadership. Please bring a list of the resources you used (in accurate bibliographic format) to class on the day of your presentation. You should have at least six sources.

Written work: Summary, Group Evaluation and Self Evaluation – 3-4 pages - due the next class after your presentation

Research summary – (1-2 pages): Each of you, on your own, need to write a **summary of what you learned** in this project. Begin with clarifying the issue/question and then briefly describe the essence of

your research. Include any unresolved issues or questions that it has raised for you. (This is a summary of your group's work/research, not just your own.)

Group evaluation – (½-1 page): Please begin by giving your group a **letter grade for group process**. Then describe why you chose that grade by addressing your working relationship. How were the tasks shared? What kind of leadership did the group have? How did you deal with conflict that emerged? Are there unresolved issues left? Etc.

Self-evaluation – (½-1 page): Please give **yourself a letter grade on your involvement** in the entire project then describe why you chose that grade. Describe your involvement, commitment and energy level throughout. How did you contribute to group process? How well did you present and engage your classmates in discussion? Etc.

Grading

Oral presentation/discussion facilitation	70%
Written summary/evaluation	30%

Examples of possible topics/questions: (These are examples to “prime the pump” of your imagination. Feel free to choose something completely different – as long as it's relevant to our class.)

- Do school peer mediation programs really make a difference in school violence?
- Are schools that include conflict transformation in their curriculum for all students more successful in curbing violence and behavior problems than schools who implement only a peer mediation program?
- Is mediation a culturally-bound process that is appropriate only for white, middle class, NA folks and therefore inappropriate or even offensive to other cultural/racial/ethnic groups?
- Is mediation appropriate for dealing with situations of sexual, racial, sexual orientation harassment/discrimination and/or for sexual violence, domestic/spouse abuse situations?
- Is mediation an “opiate of the peacemaker” in that it smoothes the surface conflicts while ignoring the deeper systemic issues?
- Can mediation be applied to large group conflicts? Or conflicts between groups?
- With the increase in computer technology, there are now ways to “do mediation” on-line. Is this an acceptable, appropriate, useful way to do mediation?
- Given the rise of mediation in many sectors and the professionalism of the field, is it appropriate/necessary/critical to have mediator standards that include a professional and/or academic degree?
- Is competence in matters of cultural diversity critical to be an effective and ethical mediator in our multi-cultural society?
- Are the principles and goals underlying Restorative Justice (and VORP) different from or similar to the principles and goals of mediation?
- Are there gender differences in communication and conflict processes and in conflict transformation work?

Activity C (10%)– Book Review

There are a growing number of new books on the market about all facets of mediation. Our own library has more than 100 on the topic. Notre Dame would have more. Please choose one that interests you in exploring the topic of mediation further. Read the book and write a **3-4page book review**. Approximately half of the paper should **summarize the content** of the book. The other half should **summarize new insights** you gained, how it compares or relates to what you have learned in class (and other readings) and questions/issues it raised for you.

Activity D (25%)– Exams and Skill/Peer Evaluations

There will be a midterm exam worth 15% of your overall grade. The remaining 10% will be your skill evaluation and/or a short final exam. *Please note that you are responsible for all the readings and materials assigned through out the semester regardless of their coverage during class. I will not always cover the reading material assigned for a given class period during class discussions and lectures but you are still responsible for knowing that material for exam purposes.*

A good deal of our class time will be spent in roleplays. In order to facilitate a cooperative classroom environment, disputants (your peers) will be asked to evaluate the mediators in their group. (You will all get the opportunity to be both disputants/evaluators and mediators.) The evaluators will focus primarily on the positive aspects of the interaction and only secondarily on the needed improvements. The evaluations will be shared with the mediators then handed in to Carolyn at the end of the class period. These peer evaluations plus the instructor's evaluations plus a **possible** short final exam will compose 10% of your final grade.

Activity E (25%) – 4th Hour Mediation-Related Practicum **(For 4 CR folks)**

As I understand this extra hour of credit, it is the praxis piece of the course - intended to help cement the principles, skills and processes we are learning in class by applying them outside of class. And truly, there is no way to really learn mediation except to do it. (That's why we do role-plays in class.) Finding places/people/conflict in the broader community that are open to mediation by anyone, given that it is still a relatively new concept for most, is hard enough. Finding those willing to accept student learners makes it even more difficult. So I have designed a practicum that includes several things:

1. Engagement with a conflict-related practitioner or program (8-12 hours – as possible);
2. Personal/practical application of mediation (8-12 hours);
3. Log of all 4th hour activity;
4. Fourth hour practicum synthesis paper.

You will need to keep an accurate and specific log of the activities in the two areas of this practicum. I want to see the log at mid-term and again at the end. **You are expected to spend a total of 20-30 hours fulfilling this 4th hour requirement.**

1. Engagement with a conflict practitioner/practice (8-12 hours)

Ideally, all of you would be able to observe some actual mediations and then co-mediate with an experienced mediator. However, given the dearth of mediation in this area, that is not going to be possible (though it might be for a few of you). There are a variety of people and organizations in the area that do some kind of conflict resolution or transformation work – in schools, in the community, as private practitioners, etc. You are responsible to choose one of the options below (**or to come up with an option of your own**) and spend 8-12 hours (if possible) in connection with that person or program. Your first task is entry and trust-building and getting to know the person/program you are connecting with. Please contact them and set up some initial orientation time. If there are several of you connecting with this person, please do the initial orientation as a group (unless you are instructed otherwise). You then need to determine during that initial meeting what makes most sense for how to connect – given your schedule and learning needs and their schedule and options. You'll need to be flexible for this to work well. As I have made the contacts, it sounds like some of the options include observing (mediations, trainings, etc), interviewing staff, reading background information, co-mediating/training, serving as a coach or assistant, doing some "grunt work" for the organization, etc.

Along with a specific log of your time spent with this practitioner/practice, please include in your final synthesis paper a summary of the program, including:

- who they are, their philosophy about conflict, conflict transformation, violence, etc.;
- what they do (approach, extend of their programs, etc.);
- who they serve;
- their effectiveness;
- your learnings, observations, impressions, questions, connections to principles from class, etc.

2. Personal/practical application of mediation/mediation principles (8-12 hours of work)

You have three options for this second critical element:

- a. Mediate a conflict on your own, OR**
- b. Develop a plan for how to implement mediation/conflict transformation/violence prevention into a place of employment within your profession (school, congregation, nonprofit organization, business, etc.), OR**
- c. A project of your own design approved by me.**

a. Mediate a conflict: You need to actually do a mediation on your own. It can be a conflict between personal friends, roommates, hallmates, classmates, family (a bit risky), kids you are working with, etc..

1. Listen with your conflict ears and you'll likely hear plenty of opportunities.
2. When you think you have sniffed out one that you feel ready to offer your services to, check with me first so that I can approve it and help you think about considerations.
3. Talk to the various parties. Make sure you are attending to the appropriate pre-mediation agenda and details.
4. Do the mediation. This can be one session or several sessions.
5. Write a detailed description about each stage of the process and what happened in that stage - from your entry and individual conversations to a description of the session (or sessions) itself, to any follow-up. I want to know how you moved from getting them to the table, through the various stages, what happened in each, what was the overall effect/result, etc. Please journal as you go, reflecting your thoughts, feelings, and learnings. Finally, I'd like you again to reflect on your learnings in the process. (This will likely take 4-7 pages to do well.)

b. Develop a plan for how to implement mediation/conflict transformation/violence prevention into a place of employment within your profession (school, congregation, nonprofit organization, business, etc.)

1. You will need to think your way into your future job in your field. Describe the job that you could imagine for yourself in several years. Include a description of the organization, the stakeholders, your job description, etc.
2. Imagine yourself having the freedom, the flexibility and the money to develop a mediation, violence prevention and/or conflict transformation program in your organization.
3. Do some research into what exists in other similar organizations. You may want to visit some of these or interview key personnel.
4. Develop some kind of CT program and outline a careful implementation plan, including a timeline. This could involve a peer mediation program, a restorative discipline program, a violence prevention curriculum with lesson plans, a concrete Matt 18 plan for your congregation, an internal problem-solving and mediation program for your business, etc., etc.
5. Please write out your program/plan in such a way that I can understand it clearly and that it could actually be implemented by someone else.

3) Log

Please use a flat folder with a binder in the middle to keep your journal entries. Every time you do anything related to this fourth hour practicum, please record it in your journal. Describe your feelings, reflections and learnings around each entry (as relevant). This will then serve as both your log at the end of the one hour practicum as well as your journal. There may be times when you simply have an entry without many reflections, such as:

September 14 (1.5 hours) Drove to Centerville for mediation. Clients didn't show. I was bummed to have spent all this time on the road without anything to show for. Happily I had taken a tape of my professor's last lecture so I was able to listen to that again while driving. ☺

Other times you may have lots of reflection, such as:

Sept 25: (3 hours) Spent time with Waterford 5th graders during the third session of their conflict resolution training. I was able to watch a small group of 5th graders work at addressing a real conflict that had happened on the playground. I was both amazed and a bit disappointed as I watched them. First, I was amazed because...etc.

I prefer to have all entries typed to make them easier to read. If you handwrite any, they **must** be easily legible.

4) Final Praxis Synthesis Paper and Log – Due Dec 4 (earlier if possible)

Your final journal entry is intended to be a short summary (2-3 pages) that addresses 2 things:

- What did I learn through the praxis part of this course?
- What questions/issues did it raise or leave unanswered?

PJCS 325 Tentative Schedule with Reading/Project Assignments

(This schedule is tentative and subject to change based on the needs of the students and the whims of the instructor.)

Abbreviations: **MCS – MCS Mediation and Facilitation Training Manual**
 F&U – Fisher & Ury & Patton; *Getting to Yes*
 B&F – Bush & Folger; *The Promise of Mediation*
 CQ – *Conciliation Quarterly*
 Zehr-, *The Little Book of Restorative Justice*
 MA – Mediation Application

Date	Topic	Readings/Assignment
Thurs, Aug 23	Intro to course and ourselves	
Tues, Aug 28	Class covenant; Personal conflict styles; Conflict and the Bible	MCS pp 17-38, 60-69
Thurs, Sept 1	Conflict and conflict transformation overview/review	MCS 51-52; 70-73
Tues, Sept 6	Third party roles; Mediation: overview, history, values, etc.	MCS pp 157, 159, 161
Thurs, Sept 8	Communication in mediation: Listening & speaking skills	MCS 74-77, 131-151
Tues, Sept 13	Principled Negotiation	F&U ch 1-5 MCS 146-147, 149, 160
Thurs, Sept 15	Getting People to the Table; the context; co-mediation Possible quiz	MCS 163-165, 170
Tues, Sept 20	Mediation process overview; mediation video or demo	MCS 171
Thurs, Sept 22	Stages I, II, III	MCS 172-176
Tues, Sept 27	Roleplay I	Activity C: Book Review Due
Thurs, Sept 29	Roleplay 1 debriefing; Stage IV	MCS 177, 181-188 MA X 2
Tues, Oct 4	Stage IV cont: Working with emotions, healing strategies; Stage V	MCS 140-142, 179-180; MA X 2
Thurs, Oct 6	Midterm exam	
Tues, Oct 11	NO CLASSES – FALL BREAK	
Thurs, Oct 13	Roleplay 2	
Tues, Oct 18	Roleplay 2 Debriefing; Dealing with impasse	MA X 2

Thurs, Oct 20	Transformative mediation Stage IV	MCS 158 B & F ch 1-6, 9,10
Tues, Oct 25	Roleplay 3	4 th hour log check-in
Thurs, Oct 27	Roleplay 3 debriefing; Listening revisited	MCS 185, 186 MA X 2
Tues, Nov 1	Roleplay 4	
Thurs, Nov 3	Roleplay 4 debriefing; mediation follow-up	MA X 3
Tues, Nov 8	Power imbalances and other dilemmas	MCS 41-45, 57,78-91 MA X 2
Thurs, Nov 10	Restorative Justice/VORP (Center for Community Justice guest speaker)	MCS 39-40, 92-98
Tues, Nov 15	Culture, Conflict and Mediation	MCS 166-169, 143-144 MA X 2
Thurs, Nov 17	Peer Mediation/Violence Prevention (Guest speakers)	Handouts
Tues, Nov 22	Presentations x 2	Presentations
Thurs, Nov 24	NO CLASSES – THANKSGIVING HOLIDAY	
Tues, Nov 29	Presentations x 2	Presentations
Thurs, Dec 1	Presentation x1; Review	Presentation
Mon, Dec 5 3:30 pm	Final exam	