

Course Outline

COURSE:	LAWS 3006A - Mediation
TERM:	FALL 2018
PREREQUISITES:	LAWS 1000 and 1.0 credit from LAWS 2105, LAWS 2201, LAWS 2202, LAWS 2301, LAWS 2302, LAWS 2501, LAWS 2502, LAWS 2601, BUSI 2601
CLASS:	Day & Time: Tuesdays 8:35 AM – 11:25 AM Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Rebecca Bromwich
CONTACT:	Office: C475 Loeb Building Office Hrs: By Appointment only Telephone: 613-520-2600 x. 2621 Email: rebecca.bromwich@carleton.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

Plagiarism:

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet.

Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:
<http://carleton.ca/studentaffairs/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course addresses the theory and practice of mediation; historical roots and influences; contrasts with formal litigation and other dispute resolution processes; issues of social and legal control; critiques, including feminist, Marxist and critical race theory; issues of power, gender, race and class; application to contemporary issues and disputes.

Over the past few decades, mediation processes have been applied to resolve an increasing variety of types of conflicts and disputes. Mediation has developed and adapted in a variety of situations and contexts where it has proven to have a number of advantages over more formal, traditional conflict resolution procedures in those areas. This course examines mediation from a multidisciplinary perspective, exploring how theories of communication, social psychology, sociology, political science, business management and legal studies can contribute to our understanding of mediation and its practice. Topics to be covered include mediation and alternative methods of dispute resolution, conflict and mediation theory and the application of mediation to a variety of contexts from interpersonal conflicts to organizational, criminal, community and public policy disputes. Current issues such as models of practice, the

role of the mediator, narrative mediation, restorative justice, intercultural mediation, equality issues, regulation, and particular areas of practice will also be examined.

Learning Outcomes:

Upon completion of this course, students will be able to:

1. Identify and describe widely accepted principles and theories of mediation and its practice;
2. Critically discuss those principles and theories and assess their impact on mediation practice and society;
3. Clearly communicate the goals, strategies, and skills of mediation practice; and
4. Critically evaluate the current and future roles of mediation and mediators in the context of the resolution of disputes in Canada and abroad.

REQUIRED TEXTS

MacFarlane, Julie, *Dispute Resolution: Readings and Case Studies* (5th ed.) (Toronto: Emond Montgomery, 2015).

**It is acceptable to use the earlier edition but the most recent edition is preferred)

Text is available for purchase at the Campus bookstore

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

(All components must be completed in order to get a passing grade)

- i) **Self Assessment** - Preparation for Class, Participation, Group Presentations, and Attendance **(15%)**

The course will involve lectures, class discussion, small group work, case studies and student presentations. Students are to have read all the required readings in advance of class and come prepared to offer informed and analytical interventions. You will be required to submit a one page self- assessment of your participation in the class activities. Participation includes attending, listening, to asking questions that advance your own understanding and build knowledge for others, participating in class discussions that deepen the conversation, encouraging participation of others and make references to course readings and attend to group process. Participation self-assessments are to be submitted on the last day of class.

- ii) **Independent Learning - Reflective Journal (40%)**

Students will be asked to formulate a statement of their goals and objectives in studying mediation, along with a list of their strengths and weaknesses as potential conflict interveners at this point in time. This statement will become a "template" by which students can track their progress throughout the course; it is to be handed in the last day of the exam period. Students are also required to keep a "Learning Journal" which should have weekly entries at least one page in length. Journals are to be handed in with the final assignment.

iii) Final Essay (45%)

Students will be required to complete a research essay on a topic related to mediation. (no more than 12-15 typed, double-spaced pages). Proper in-text referencing and a bibliography is required (5 marks will be given for this). The final essay will be due at the end of the exam period.

Written assignments are due by 4:00 p.m. on date indicated. All assignments are to be submitted via CULearn.

Absolutely no extensions will be granted unless under documented extenuating circumstances.

Students are strongly advised to keep a copy of all assignments until marks have been posted.

SCHEDULE**Class 1**

- Course Overview**
- Basic Concepts**

pps. 1-27

Class 2

- Dispute Resolution Methods**
- Principles of Negotiation**

Chapter 2 - pps. 11-132

Class 3

- Principles and Practices of Mediation**

pps. 291-297

Class 4

- Understanding Conflict and Conflict Behaviour**

pps. 13- 55

Class 5

- Conflict Communication**
- Basic Mediation Skills**

pps. 352-371

The Fall Break is October 22 -26.

Class 6

- Convening and Preparing for a Mediation**

pps. 325-338

Class 7

- Cultivating Constructive Dialogue in Mediation**
- Skills and Practices for Stage Two of the Mediation Process**

pps. 354-369

Class 8

- Law, legal processes and Mediation**

pps. 457-468

Class 9

- Ethical and Equality Issues in Mediation**

pps. 469-479

Class 10

- Mediation and Restorative Justice**

pps. 402-414

Class 11

- Mediation Applications**
- Mediation Programs in Organizations and Communities**

pps. 397- 400

Class 12

- Mediation as a Profession? Regulatory Regimes and Future Possibilities**
- Course Summary**