

Course Outline

COURSE:	LAWS 3006A - Mediation
TERM:	SUMMER 2019
PREREQUISITES:	LAWS 1001 and LAWS 1002 and 1.0 credit in LAWS at the 2000 level or 0.5 credit in LAWS at the 2000 level and BUSI 2601
CLASS:	Day & Time: Tuesdays and Thursdays Tuesdays will be an in-class session and Thursday sessions will take place online
	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

CALENDAR COURSE DESCRIPTION

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.

COURSE DESCRIPTION

Offered in a Blended online and in-person format, 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 using a growing variety of methods and technologies. 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, online dispute resolution and technology, 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 technological issues, AI,

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 both in person and online, through ODR (online dispute resolution); and
4. Critically evaluate the current and future roles of mediation and mediators in the context of new technologies and shifting societies in the resolution of disputes in Canada and abroad.

REQUIRED TEXTS

MacFarlane, Julie, *Dispute Resolution: Readings and Case Studies* (4th ed.) (Toronto: Emond Montgomery, 2015).

EVALUATION

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

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.

COURSE REQUIREMENTS

i) *Reflective Responses (50%)*

The course will involve experiential learning which will supplement lectures, class discussion, and small group work with role play pedagogies. Students are to have read all the required readings in advance of class and come prepared to offer informed and analytical interventions. Students must participate in the role play activities. As part of the in-class participation, you will be required to submit 10 reflective responses through the course of the term. In these responses, students will critically reflect on their engagement with course materials and activities. These are submitted via CU Learn. They should be uploaded weekly throughout the term. All 10 **must** be uploaded before June 18, 2019.

**ii) *Final Essay (45%)*
*Essay Proposal (5%)***

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). A one page proposal detailing the paper topic and the literature to be studied must be submitted before the fourth class. The final essay will be due at the end of the exam period.

Written assignments are due by 4:00 p.m. on June 18, 2019. 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 AND READINGS:

Class 1

- Course Overview**
- Basic Concepts**

Text: Chapter 1 pps. 1-32 and Chapter 3, p. 261

Class 2

- Dispute Resolution Methods - Negotiation, ADR, ODR**
- Principles of Negotiation**

Chapter 2, pps. 106-112

Class 3

- Principles and Practices of Mediation**
- Indigenous Learning Bundle- Indigenous Laws and Dispute Resolution**

Chapter 3 pps. 261-277

Class 4

- Understanding Conflict and Conflict Behaviour**

pps. 53-80

Class 5

- Conflict Communication**
- Basic Mediation Skills (in person and online)**

pps. 314-326

Class 6 (October 18)

Convening and Preparing for a Mediation

pps. 283-313

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

pps. 361-388

Class 8

Law, legal processes and Mediation

pps. 241-260

Class 9

Ethical and Equality Issues in Mediation

pps. 234-241; p 56-76 and p. 375

Class 10

Mediation and Restorative Justice

pps. 1- 8

Class 11

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

pps. 361-375

Class 12

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

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: <https://carleton.ca/equity/accommodation/academic/students/>

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: <https://carleton.ca/equity/accommodation/academic/students/>

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). <https://carleton.ca/pmc/students/accommodations/>

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: <https://carleton.ca/registrar/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: <https://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: <https://carleton.ca/equity/accommodation/academic/>

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/>