

Course Outline

COURSE:	LAWS 5709F – SKILLS ASSESSMENT
TERM:	FALL 2018
PREREQUISITES:	LAWS 5700, 5701, 5702 and 2.5 more credits from Laws 5703, 5704, 5705 or 5706
CLASS:	Day & Time: October 12, 13, 14, 20 and 21, 2018 Class begins at 9:00am and ends at 5:00pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Peter Bishop
CONTACT:	Office: B442 Loeb Building (Contract Instructor Office) Office Hrs: By appointment only Telephone: (613) 836-1303 Email: peter.bishop@carleton.ca or peter@pbishop.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 Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source.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/>

CALENDAR COURSE DESCRIPTION

An evaluation of a student's readiness to mediate disputes through a simulated mediation. Students are prepared by way of practice sessions and debriefings. Must be completed within one year after completion of course work.

COURSE DESCRIPTION

This course assesses students' mastery of the competencies acquired in the Graduate Diploma program in Conflict Resolution ("GDCR competencies" – see below.) Students will discuss and review various theories and skills underpinning conflict resolution processes and frameworks used for mediation. Topics to be covered in class include communication in conflict, mediation theory and practice, the role of the mediator, and reflective practice and ongoing learning.

COURSE OBJECTIVES:

To further develop and assess students' mastery of the GDCR competencies, being:

1. Knowledge of:
 - a. foundational theories and widely circulated ideas about conflict as well as dispute resolution,
 - b. key mediation processes and ground rules, such as confidentiality, role of the mediator, caucusing, authority to settle, and respectful behaviour;
2. Capacity to convene and prepare for conflict and dispute resolution processes;
3. Capacity to work with strongly felt ideas or values of the disputants while acting impartially by separating the mediator's personal values from issues under consideration and communication of theoretical understanding of reflective practice on the part of mediators;
4. Ability to work with the parties effectively to enable the parties to understand the facts, issues and perceptions clearly;
5. Capacity to treat the parties and to run the mediation processes in a fair, impartial, respectful manner;
6. Capacity and use of effective techniques to account for power imbalances and ensure that all parties have an opportunity to participate in the process;
7. Use of techniques to preserve parties' autonomy in decision-making and articulation of theoretical bases for techniques employed;
8. Ability to effectively uncover parties' needs and interests;
9. Ability to identify and describe appropriate steps taken to address ethical issues and dilemmas in mediation.

REQUIRED TEXTS

- 1) Bishop, P., C. Picard, R. Ramkay, N. Sargent, *The Art and Practice of Mediation* (2nd ed). Emond Montgomery, 2015 ISBN 978-1-55239-562-2 (pbk.)
- 2) Course-pack, Laws 5709 Skills Assessment, Fall 2018.

Text books and Coursepack can be purchased, in person or online, from the Carleton University bookstore. Students may be able to purchase the course textbook from Haven Books, 43 Seneca Street, Ottawa.

EVALUATION

- (i) *Preparation for Class, Participation and Attendance (10%)*
This course will involve lectures, class discussion, small group work and interactive skill-building. Students are expected to have completed the required readings in advance of class and come prepared to offer informed and analytical interventions. Students will be assessed on their willingness to participate in class activities, to ask questions that advance their own understanding and build knowledge for others, to participate in class discussions that deepen the conversation, to encourage the participation of others and to attend to group process. Students will also be assessed on the quality and the consistency of their participation in group activities.
- (ii) *Independent Learning Initiative (Learning Journal) (35%)*

- a. Students will be required to submit an initial reflective learning journal that will be submitted by October 17 in which the student will evaluate his or her skill in each of the above GDCR competencies. This evaluation will include an overview of their skill acquisition at this point and their goals for further skill development.
- b. Students will be required to submit a final reflective learning journal that will be submitted by October 31 in which the student will evaluate his or her skill in each of the above GDCR competencies as of the end of this course. In this journal, the student will also discuss his or her plan for further developing the GDCR competencies in the future.
- c. Both of these learning journals will be submitted online through the CU Portfolio site for Laws 5709.

(iii) *Skills Assessment (35%)*

The mediation skills of each student will be assessed in a mediation role play exercise during the final two days of the course. Each student will have an opportunity to participate in one or more practice mediation role plays during the first three days of the course

(iv) *Final Paper (20%)*

Students will be required to complete a final paper for the course (no more than 5 typed, single-spaced pages). In this paper, students will be asked to explore their understanding of mediation theory and practice. Final papers are due on Friday, November 2. This assignment will be submitted online through the CuLearn site for Laws 5709. It will be done in Word format, and include the student's name and student number. Students must keep an electronic copy of the assignment at least until marks have been posted.

SCHEDULE

Friday, October 12, 2018: 9:00am – 5:00pm
CONFLICT RESOLUTION COMPETENCE

Course Pack Readings:

Porter, Larry, "The Learning Journal: Some Mechanics" in *NTL Reading Book for Human Relations Training*, Washington: NTL Institute, 1982, pp. 11-12 (ISBN 0961039272)

Porter, Larry, "Giving and Receiving Feedback; It Will Never Be Easy, But It Can Be Better" in *NTL Reading Book for Human Relations Training*, Washington: NTL Institute, 1982, pp. 42-45 (ISBN 0961039272)

Adler, Peter, "Unintentional Excellence: An Exploration of Mastery and Incompetence" in *Daniel Bowling & David Hoffman (eds.) Bringing Peace Into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution*, San Francisco: Jossey-Bass, 2003, pp. 57-77 (ISBN 0-7879-6850-1)

Text Readings:

Bishop, P., C. Picard, R. Ramkay, N. Sargent, *The Art and Practice of Mediation* (2nd ed). Emond Montgomery, 2015, Chapter 1, pp. 1 – 20; Chapter 4, pp 93-120.

SCHEDULE

DAY ONE (9:00 – 12:30)

9:00

AN INTRODUCTION TO THE COURSE

- Course Objectives/Expectations
- GDCR Program and Course Design

- Adult Learning
- Assignments
- Getting Acquainted

10:30	BREAK
10:45	UNDERSTANDING CONFLICT COMPETENCE
12:00	LUNCH
DAY ONE	(1:00 – 5:00)
1:00	HOW MEDIATORS RESPOND TO CONFLICT
2:00	BREAK
2:15	MEDIATION SIMULATIONS & DEBRIEF
5:00	END

<p>Saturday, October 13, 2018: 9:00am – 5:00pm COMMUNICATION AND EMOTIONAL INTELLIGENCE IN THE MEDIATION PROCESS</p>

Course Pack Readings:

Johnson, Marvin, Stewart Levine & Lawrence Pritchard, “Emotionally Intelligent Mediation: Four Key Competencies” in Daniel Bowling & David Hoffman (eds.) *Bringing Peace into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution*, San Francisco: Jossey-Bass, 2003, pp. 151-165 (ISBN 0-7879-6850-1)

Text Readings:

Bishop, P., C. Picard, R. Ramkay, N. Sargent, *The Art and Practice of Mediation* (2nd ed). Emond Montgomery, Chapter 5, pp. 125-151.

DAY TWO	(9:00 – 12:30)
9:00	CHECK IN
10:00	EMOTIONAL INTELLIGENCE IN MEDIATION
10:45	BREAK
11:00	COMMUNICATION IN MEDIATION
	<ul style="list-style-type: none"> • Elements of Communication
12:30	LUNCH
DAY TWO	(1:30 – 5:00)
1:30	COMMUNICATION EXERCISES
2:00	BREAK

2:15 **MEDIATION SIMULATIONS & DEBRIEF**

5:00 **END**

Sunday, October 14, 2018: 9:00am – 5:00pm OVERVIEW OF THE MEDIATION PROCESS
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Course Pack Readings:

Lang, Michael & Alison Taylor, "Chapter One: Developing Artistry" in *The Making of a Mediator: Developing Artistry in Practice*, San Francisco: Jossey-Bass, 2000, pp. 3-22 (ISBN 0-7879-4992-2)

Jarrett, Brian, "Moving Beyond Brands: Integrating Approaches to Mediation." *Alaska Justice Forum*, Fall 2012-Winter 2013, Vol 29 (3-4), pp 1-12.

Text Readings:

Bishop, P., C. Picard, R. Ramkay, N. Sargent, *The Art and Practice of Mediation* (2nd ed). Emond Montgomery, 2015, Chapter 7, pp. 189-215; Chapter 8, pp. 225-248 and Chapter 9, pp. 253-280.

DAY THREE (9:00 – 12:30)

9:00 **CHECK IN**

10:00 **ELEMENTS OF THE MEDIATION PROCESS**

10:45 **BREAK**

11:00 **ARTISTRY IN MEDIATION**

12:00 **LUNCH**

DAY THREE (1:00 – 5:00)

1:00 **MEDIATION SIMULATIONS & DEBRIEF**

3:20 **BREAK**

3:35 **FURTHER MEDIATION SIMULATIONS & DEBRIEF**

5:00 **END**

Saturday, October 20, 2018: 9:00am – 5:00pm ASSESSING MEDIATOR COMPETENCE
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Course-Pack Readings:

Picard, Cheryl, "The Ways of Mediators", *Pastoral Sciences*: 20(1), 2001, pp. 73-92 (ISBN n/a)

DAY FOUR (9:00 – 12:00)

9:00 **CHECK IN**
OVERVIEW OF THE MEDIATION ASSESSMENT PROCESS

10:00 **BREAK**

10:10 **MEDIATION ASSESSMENTS & DEBRIEF**

12:00 **LUNCH**

DAY FOUR (1:00 – 5:00)

1:00 **MEDIATION ASSESSMENTS & DEBRIEF**

3:25 **BREAK**

3:40 **MEDIATION ASSESSMENTS & DEBRIEF**

5:00 **END**

<p>Sunday, October 21, 2018: 9:00am – 5:00pm LOOKING AHEAD</p>

Course Pack Readings:

Bagshaw, Dale, "The Three M's – Mediation, Postmodernism, and the New Millennium", *Mediation Quarterly* 18(3), Spring 2001, pp. 205-220 (ISSN 0739-4098)

Text Readings:

Bishop, P., C. Picard, R. Ramkay, N. Sargent, *The Art and Practice of Mediation* (2nd ed). Emond Montgomery, 2015, Chapter 11, pp. 325-358

DAY FIVE (9:00 – 12:35)

9:00 **CHECK IN**

9:20 **MEDIATION ASSESSMENTS & DEBRIEF**

11:30 **BREAK**

11:40 **MEDIATION ASSESSMENTS & DEBRIEF**

12:45 **LUNCH**

DAY FIVE (1:30 – 5:00)

1:35 **FINAL ASSIGNMENTS**
COURSE WRAP UP/ EVALUATION

5:00 **END**