

# **HDDR 6311: Mediation Techniques: Transformation, Transcendence and the Crossroads of Conflict**

**Two Weekend Class: Spring Semester  
May 31, June 1 and 2; and June 14-16, 2013**

## **Course Description:**

Every conflict, no matter how trivial, defines a crossroads in our lives. One path leads to anger, fear, confrontation and bitterness, and draws us into quarrels over the past. A second path leads to empathy, acceptance, honesty and mutual respect, and draws us into collaborative negotiation over the future.

Beyond these, a third path, largely hidden from view, leads to increased insight, mutual understanding, awareness, compassion, integrity and heartfelt communications, and draws us into expanded awareness and opportunity in the present. It encourages openhearted relationships, forgiveness, reconciliation and renewal. It wakes us up, makes us more mindful of our needs and those of others, and nurtures our energies and spirits. This is the path of transformation and transcendence, of wisdom, spirit and heart.

Forgiveness is a simple, yet powerful technique that can be used by mediators to expand the reach and power of conflict resolution, and become an integral part of every kind of mediation practice. Forgiveness in conflict can be very large or very small, and consists of releasing ourselves from the grip of opposition and conflict. It enables us to release whatever is keeping us trapped in our disputes and experience a deeper, more profound level of resolution.

Every conflict can therefore be experienced as an opportunity to expand our awareness and equanimity, empathy and honesty; to become more open-minded and openhearted; and to gain greater wisdom, clarity, balance, and inner peace under trying conditions. Every conflict can end not simply in settlement, or even resolution, but in transformation and transcendence by fundamentally altering the *awareness and attitudes* of the parties. How to find and follow these paths and locate the techniques that can guide us toward these ends is the substance of this course.

The class will review, discuss, design and expand techniques for transformation and transcendence in all aspects of conflict resolution, including eliciting openhearted communications, identifying and moving into the heart of a dispute, shifting attitudes and awareness, and encouraging forgiveness and reconciliation. It will explore ways of increasing empathy in the midst of rage, togetherness in the midst of separation, and celebration in the midst of failure.

The class will also identify ways of using conflict resolution techniques to revitalize personal and work lives and expand the transformational and transcendent capacity of dialogue, facilitation, and other aspects of dispute resolution. It will explore the frontiers and limits of mediation, including the internal frontiers of spirituality and heart-based communications, and the external frontiers of social, economic and political, conflict. It

will support participants in using conflict as a catalyst for personal, family, organizational, and social change, and changing the way we change.

### **Course Goals:**

- To reflect on the ways people get stuck in conflict and how they become unstuck
- To clarify how conflicts create openings to transformation and transcendence
- To develop a framework for understanding conflict resolution as a change process
- To identify the chronic sources of interpersonal, familial, organizational, community, social, economic, political and environmental conflicts, and what they have in common
- To understand and learn techniques for responding more effectively to the deeper, heartfelt reasons for impasse
- To develop methods and strategies for opening heart-to-heart conversations between parties in conflict
- To gain an understanding of the hidden laws of transformation and transcendence, and learn ways of encouraging learning and systemic redesign, and promoting forgiveness and reconciliation in all conflicts
- To develop strategies for integrating all of these approaches into interpersonal, familial, community, school, organizational, economic, social and political settings
- To develop ways of using conflict resolution systems design principles to incorporate transformational possibilities into the ordinary mechanisms used to resolve conflicts on all scales

### **Required Reading:**

1. Kenneth Cloke, *The Crossroads of Conflict: A Journey Into the Heart of Dispute Resolution*, Janis Publications (2006) ISBN: 0-9734396-9-6, \$32.95.
2. Kenneth Cloke, *Mediating Dangerously: The Frontiers of Dispute Resolution*, Jossey-Bass/Wiley (2001), ISBN: 0-7879-5356-3, \$34.95.

### **Recommended Reading:**

3. Kenneth Cloke, *Conflict Revolution: Mediating Evil, War, Injustice and Terrorism*, Janis Publications (2008), ISBN: 978-0-9815090-2-0 \$32.95
4. Joseph P. Folger and Robert A. Baruch-Bush, *The Promise of Mediation*, Jossey-Bass/Wiley (1994), ISBN:??

### **Class Meetings:**

The class will meet only at designated times.

### **Grading:**

Students will have a choice about whether to:

1. Develop a technique or proposal to deepen transformation or transcendence in any conflict setting, or
2. Write an essay on some aspect of the mediation process relevant to the course.

Grading will be as follows:

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| 1. Class Participation                          | 50% |
| 2. Proposal to address prejudice, essay or exam | 50% |

### Grading Scale:

93-100 = A Exceptional	A superior / outstanding performance. Has mastered the concepts and adds unique contributes to class discussions.
90-92 = A- Excellent	A very good / admirable performance. Displays understanding in all areas of the class, and contributes successfully to class discussions.
87-89 = B+ Outstanding	Above average performance. A few insignificant flaws may appear, but overall has great application of the field.
83-86 = B Good	A generally satisfactory, intellectually adequate performance. Few significant flaws in performance.
80-82 = B- Adequate	A barely satisfactory performance. Contributes little to class discussions and lacks a clear understanding of concepts.
77-79 = C+ Not sufficient	An unacceptable performance. Unable to engage in class discussions and has little comprehension of theories.

### Key Learning Objectives and Outcomes:

Key Learning Objectives	How Achieved
1. Students will learn to define international dispute resolution and distinguish the field from other academic and professional disciplines.	Textbooks and related articles will be provided so students can identify the theories and skills of international dispute resolution.
2. Students will learn terms related to the study of international conflict.	Presentation and classroom discussion and dialogue over international conflicts will allow students to develop these skills.
3. Students will learn the steps of cross cultural conflict diagnosis and the skills necessary to apply theoretical material to conflict facts.	Students will form small work groups and discuss in class presentation using the steps and skills in conflict diagnosis.
4. Students will learn how to organize dialogue sessions over international issues.	Students will develop a minimum competency in organizing dialogue, cultural communication, and group facilitation.

7. Students will learn to integrate and synthesize all theoretical concepts and skills discussed during the term.	Students will prepare a paper demonstrating understanding and implementation of the material.
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## Grading Rubric:

### Written Assignment Guidelines

	<b>100-90</b>	<b>89-83</b>	<b>82- Below</b>
<b>Depth of Thought and Analysis 20%</b>	Paper is constructed in a logical and coherent fashion. Conclusions flow from a well-executed plan, in succinct and meaningful statements.	Topic is started clearly. Remarks show a degree of analysis. Some areas of the paper lack supporting and rational support.	Topic is vague and under developed. Paper lacks the level of effort for original graduate work.
<b>Synthesis and Congruency 20%</b>	Paper is well integrated and flows as one complete narrative. Paper flows from general ideas to specific conclusions.	Sections of the paper connect, however, not all sections or paragraphs fall in a natural or logical order.	The paper appears to have no direction, with subtopics appearing disjointed.
<b>Thoroughness 20%</b>	The appropriate content is covered in depth without being redundant.	Essential material is not covered to the degree to explain the topic thoroughly.	Major sections are omitted, glossed over, or unnecessarily repeated.
<b>Personalization 20%</b>	Personal history is appropriately integrated into the narrative.	There is some attempt on the writer's part to utilize personal examples within the content.	Little to no personal history appears in the paper.
<b>Clarity of Writing and Mechanics 20%</b>	Writing is crisp, clear, and succinct. No spelling, grammar, or punctuation errors are made.	Unnecessary words and ambiguous statements are made. Meaning is unclear in parts of the paper. Some spelling and grammar errors are made.	It is hard to know what the writer is trying to express. Writing is convoluted. Misspelling words, incorrect grammar, and improper punctuation are frequent.

## HONOR CODE

Students are reminded of the SMU Honor Code as referenced in the *Student Hand Book*. Intellectual integrity and academic honesty are both the foundations and the goals for this program. Please reference and review the university policies on the responsibilities, policies, and penalties regarding academic honesty found at:

[http://www.smu.edu/studentlife/PCL\\_05\\_HC.asp](http://www.smu.edu/studentlife/PCL_05_HC.asp)

### **NOTIFICATION OF ABSENCE DUE TO RELIGIOUS HOLY DAY(S)**

Students who will be absent from class for the observance of a religious holiday must notify the instructor in advance. Please refer to the Student Obligations section of the university catalog for more explanations. You are required to complete any assignments or take any examinations missed as a result of the absence within the time frame specified by your instructor.

### **DISABILITIES ACCOMMODATIONS**

Students needing academic accommodations for disability must contact Ms. Rebecca Marin, Coordinator of Services for Students with Disabilities (214-768-4557) to verify the disability and establish eligibility for accommodations. They should then schedule an appointment with the professor to make appropriate arrangements.

### **ADD/DROP POLICY**

If you are unable to complete this course, you must officially withdraw by the university deadline; the last day to Add/Drop regular courses without a grade record or Billing. Withdrawing is a formal procedure which you must initiate; your instructor cannot do it for you.

### **SMU EMERGENCY PREPAREDNESS**

As part of the federal government response to the H1N1 (Swine Flu) virus, the Department of Health and Human Services issued a nationwide public health emergency preparedness declaration on April 26, 2009. The declaration was renewed on July 23, 2009 and is currently in force. For the semester ahead, there is concern that the level and intensity of flu cases could increase substantially.

- 1) For updates on the campus-wide status of flu conditions at SMU, please visit <http://www.smu.edu>.
- 2) If flu conditions require cancellation of a class session or other changes for this course, an email will be sent to all class members.
- 3) In the event of a major campus emergency at SMU, course requirements, deadlines, and grading percentages are subject to changes that may be necessitated by a revised semester calendar or other circumstances beyond the instructor's control.

Optional (or you may want to include the information in the last two paragraphs)

### **GRADE OF INCOMPLETE**

A student may receive a grade of I (Incomplete) if at least 50 percent of the course requirements have been completed with passing grades, but for some justifiable reason, acceptable to the instructor, the student has been unable to complete the full requirements of the course. At the time a grade of I is given, the instructor must stipulate in writing to the student and to the University registrar the requirements and completion date that are to be met and the grade that will be given if the requirements are not met by the

completion date. The maximum period of time allowed to clear the Incomplete grade normally is 12 months. If the Incomplete grade is not cleared by the date set by the instructor or by the end of the 12-month Policies and Procedures 25 deadline, the grade of I will be changed to the grade provided by the instructor at the time the Incomplete grade was assigned or to a grade of F if no alternate grade was provided. The grade of I is not given in lieu of a grade of F or W, or other grade, each of which is prescribed for other specific circumstances.

If the student's work is incomplete, poor quality and not acceptable, a grade of F will be given. The grade of I does not authorize a student to attend the course during a later term. Graduation candidates must clear all Incomplete grades prior to the deadline in the Official University Calendar, which may allow less time than 12 months. Failure to do so can result in removal from the degree candidacy list and/or conversion of the grade of I to the grade indicated by the instructor at the time the grade of I was given.

For graduate students, a maximum of two (six hours) concurrently held grades of Incomplete in courses other than thesis is allowed. If this maximum is reached, the student will be allowed to take only one three-hour course per term until the Incomplete total is reduced. Students who accumulate a total of three grades of Incomplete in courses other than thesis will be put on probation and not allowed to enroll further until the total is reduced.

### **Instructor Contact Information:**

Kenneth Cloke, JD, LLM, PhD  
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Phone: 310-399-4426  
E-mail: [kcloke@aol.com](mailto:kcloke@aol.com) or [kencloke@gmail.com](mailto:kencloke@gmail.com)

### **Instructor Resume:**

Kenneth Cloke is Director of the Center for Dispute Resolution and a mediator, arbitrator, attorney, coach, consultant, and trainer, specializing in communication, negotiation, and resolving complex multi-party conflicts, including community, grievance and workplace disputes, collective bargaining negotiations, organizational and school conflicts, sexual harassment, divorce and family conflicts, and public policy disputes, and in designing preventative conflict resolution systems for organizations.

He is a nationally recognized speaker and author of *Mediation: Revenge and the Magic of Forgiveness*; *Mediating Dangerously: The Frontiers of Conflict Resolution*; *The Crossroads of Conflict: A Journey into the Heart of Dispute Resolution*; *Conflict Revolution: Mediating Evil, War, Injustice, and Terrorism*; and *A Meditation Home Companion*. He is co-author with Joan Goldsmith of *Thank God It's Monday! 14 Values We Need to Humanize the Way We Work*; *Resolving Personal and Organizational Conflict: Stories of Transformation and Forgiveness*; *The End of Management and the Rise of Organizational Democracy*; *The Art of Waking People Up: Cultivating Awareness and Authenticity at Work*; and *Resolving Conflicts At Work: Ten Strategies For Everyone On The Job* (1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Editions).

His coaching, consulting, facilitation, and training practice includes work with leaders of public, private and non-profit organizations on effective communications, collaborative

negotiation, relationship building, conflict resolution, leadership development, strategic planning, team building, systems, and organizational change.

His university teaching includes mediation, law, history, political science, conflict studies, urban studies, and other social sciences at a number of colleges and universities including Southwestern University School of Law, Antioch University, Occidental College, USC and UCLA. He is or has recently been an Adjunct Professor at Pepperdine University School of Law; Southern Methodist University; Global Negotiation Insight Institute at Harvard Law School and Omega Institute; Albert Einstein College of Medicine, Cape Cod Institute; University of Amsterdam ADR Institute; Saybrook University; Massey University (New Zealand). He has done conflict resolution work in Austria, Bahamas, Brazil, Canada, China, Cuba, Denmark, England, Georgia, Greece, India, Ireland, Japan, Mexico, Netherlands, New Zealand, Nicaragua, Pakistan, Puerto Rico, Scotland, Thailand, Turkey, Ukraine, USSR, United Kingdom, and Zimbabwe. He is founder and first President of Mediators Beyond Borders.

He served as an Administrative Law Judge for the California Agricultural Labor Relations Board and the Public Employment Relations Board, a Factfinder for the Public Employment Relations Board, and a Judge *Pro Tem* for the Superior Court of Los Angeles. He has been an Arbitrator and Mediator for over thirty three years in labor management disputes, and is a member of a number of arbitration panels.

He received his B.A. from the University of California, Berkeley; J.D. from U.C. Berkeley's Boalt Law School; Ph.D. from U.C.L.A.; LL.M. from U.C.L.A. Law School; and did post-doctoral work at Yale University School of Law. He is a graduate of the National Judicial College and has taken graduate level courses in a variety of subjects.