HDDR 6303 Mediation and Dispute Resolution

Southern Methodist University

Annette Caldwell Simmons School of Education and Human Development

Dispute Resolution and Conflict Management
5228 Tennyson Parkway Suite 118
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972-473-3425

Fall Term

August 4, 2014 – October 10, 2014

Instructor Information

John Potter, OD, MA

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Office Hours: By appointment only

Class Time: Monday 6:00-10:15 PM

Credit: 3 hours

Course Description

HDDR 6303 Mediation and Dispute Resolution (3 credit hours)

Mediation is a process that employs a neutral third party, the mediator, to help disputing parties to make decisions that concern the future of the dispute. This course provides an overview of the theoretical and practical aspects of mediation process. Participants will learn a step-by-step process to conduct mediations, and practice fundamental dispute resolution skills, such as listening, reframing, summarizing, problem-solving, and creating a safe, non-threatening environment. Through lecture, discussion, video simulations and interactive exercises and role plays, participants will gain a functional knowledge of the power and practice of mediation. This course satisfies the 40-hour statutory requirement to serve as a mediator in Texas court-connected programs.

http://smu.edu/education/disputeresolution/coursedescriptions.asp

Course Objectives

Identifying The Learning Objectives	**How To Achieve The Learning Objectives**
Acquire the fundamental techniques of facilitative mediation, along with a basic understanding of evaluative and transformative medication techniques.	Required Readings Watch the associated videos. Participate in Class Discussions Be Active in Class Exercises
Expand your mediation techniques into skills so you will have confidence in your abilities as a mediator.	Required Readings Watch the associated videos. Participate in Class Discussions Be Active in Class Exercises
Gain insight into your own abilities as a mediator by being able to recognize the forms of mediation when you are using them, and to be able to label your techniques as you are using them.	Required Readings Watch the associated videos. Participate in Class Discussions Be Active in the Class Exercises Read the Recommended Readings Be Patient and Allow Wisdom to Grow

Required Reading

Freund, J. (2012). *Anatomy of a mediation*. New York: Practicing Law Institute.

Moore, Christopher W. The Mediation Process: Practical Strategies for Resolving Conflict. 4th ed. San Francisco: Jossey-Bass, 2014

Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass.

Recommended Readings

Bush, R., Folger, J. (2005). The promise of mediation. San Francisco, CA: Jossey-Bass Inc Publishers.

CLASS SCHEDULE AND ASSIGNMENTS

25% of your grade will be based upon your participation in our discussions and exercises.

25% of your grade will be based upon your preparation and submission of a personal insight journal.

50% of your grade will be based upon the preparation and submission of a mediation exercise of your own creation.

Class Schedule

Date	Topics
Monday, August 4, 2014	Introduction To Mediation and Dispute Resolution Review of Grading and Syllabus Freund, J. (2012). *Anatomy of a mediation*. New York: Practising Law Institute. In a nutshell. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapters 1: Understanding dispute resolution and mediation. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 2: How mediation works. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco : Jossey-Bass. Chapter 1: Values, models, and codes. Exercises

Monday, August 11, 2014	Freund, J. (2012). *Anatomy of a mediation*. New York: Practising Law Institute. Part I: The case for mediation. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapters 3: Managing initial contacts with the disputing parties. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 4: Selecting a strategy to guide mediation. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 2: Autonomy and diminished capacity. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 3: Autonomy and emotions. Exercises
Monday, August 18, 2014	Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 5: Collecting and analyzing background information. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 4: Disputant autonomy and power imbalance. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 5: Tensions between disputant autonomy and substantive fairness: The misinformed disputant.

	Exercises
Monday, August 25, 2014	Freund, J. (2012). *Anatomy of a mediation*. New York: Practising Law Institute. Part II: Mediating the dollar dispute. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 6: Designing a detailed plan for mediation. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 6: Information, autonomy, and the unrepresented party. Exercises
Monday, September 1, 2014	Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 7: Building trust and cooperation. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 7: Mediating on the wrong side of the law. Exercises
Monday, September 8, 2014	Freund, J. (2012). *Anatomy of a mediation*. New York: Practising Law Institute. Part III: Deal-dispute mediating. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 8: Beginning the mediation session. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving*

	Conflict. 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 9: Defining issues and setting an agenda. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 8: Mediating with lies in the room. Exercises
Monday, September 15, 2014	Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 10: Uncovering hidden Interests of the disputing parties. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 9: Confidentiality. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 10: Confidentiality continued: Attorney misconduct or child abuse. Exercises
Monday, September 22, 2014	Freund, J. (2012). *Anatomy of a mediation*. New York: Practising Law Institute. Part IV: Mediating multi-party disputes. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapters 11: Generating Options for Settlement. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 12: Assessing options for settlement.

	Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 11: Conflicts of interest. Exercises
Monday, September 29 2014	Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapters 13, Conducting Final Bargaining and Reaching Closure. Read Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 14: Achieving formal agreement and settlement. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 12: Mediating multiculturally: Culture and the ethical mediator. Exercises
Monday, October 6, 2014	Freund, J. (2012). *Anatomy of a mediation*. New York: Practising Law Institute. Part V: Representing a party in mediation. Freund, J. (2012). *Anatomy of a mediation*. New York: Practising Law Institute. Wrapping up. Freund, J. (2012). *Anatomy of a mediation*. New York: Practising Law Institute. Appendices. Read Moore, Christopher W. The Mediation Process: Practical Strategies for Resolving Conflict. 3rd ed. San Francisco: Jossey-Bass, 2003. Chapter 15: Strategies for Dealing with Special Situations.

	Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Chapter 13: Ethics for the ADR provider Organizations. Read Waldman, E. (Ed.). (2011). *Mediation ethics*. San Francisco: Jossey-Bass. Appendix: Model standards of conduct for mediators. Course Summary

Student Evaluation and Grading Policy

1/4 of the final grade will be based on the submission of a personal insight journal. 1/2 of the final grade is based upon the submission of a mediation exercise. 1/4 of the final grade will be based on attendance and class participation. We will use the following grading system.

STUDENT EVALUATION AND 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.

RUBRIC FOR CLASS PARTICIPATION AND MEDIATION EXERCISES

8-9 = Every class

6-7 = 85-99% of classes

4-5 = 72-84% of classes

2-3= 60-71% of classes

1 = < 60% of classes

Promptness and Attendance (Please note that this criterion has the potential to impact the other criteria because they are based primarily on interaction displayed during class sessions): 8 Points

1. attends classes
2. is always prompt
3. addresses emergency situations proactively and with professional courtesy (for example, notifies instructor and takes full responsibility for completing make-up work if an emergency arises)

Preparation: 8 Points

1. is always prepared for class
2. thinks about each reading, evidenced by offering thoughtful comments
3. takes appropriate notes on assigned readings, videos, and class activities/discussions
4. takes initiative in preparing assignments; reads directions carefully; seeks help or clarification in a timely manner when warranted (for example, not the night before a long-term assignment is due)

Level of Engagement in Class/Listening Skills/Group Behavior in Exercises: 9 Points

1. uses electronic devices only for class-related activities while class is in session
2. displays courtesy and respect at all times and in all interactions with instructor, classmates, and guest speakers
3. contributes to class dynamics by offering ideas and asking questions and by eliciting feedback from others during Exercises
4. contributes to Exercises/tasks by keeping group on task and assuming responsibility for equitable involvement in completion of the Exercises

COURSE POLICIES

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

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.