

School Vision: Building upon a foundation of social justice and an ethic of care, we are a community of learners actively engaged in the development of critical, transformative knowledge for social work practice.

Year/Term	Fall and Winter, 2015-16
Course Title	SOWK 522 (99C) - Mediation and Conflict Resolution (3 credits)
Course Schedule	Jan 4 - April 8, 2016 (Term 2)
Course Location	N/A - Online Course

Instructor	Office Location	Office Phone	e-mail address
Dr. Edward Kruk	Room 237	604-822-2383	edward.kruk@ubc.ca
Office Hours	Monday, 1 – 4 p.m. or by appointment		

COURSE DESCRIPTION:

This course will provide students with an introduction to the theory, process, and skills of mediation and conflict resolution as a specialization within social work practice. The course will introduce students to the core elements of conflict, restorative justice, mediation and conflict resolution, and provide an opportunity to develop skills and methods relevant to the stages of the mediation process in a wide range of fields of social work practice. The theory and practice of mediation will be emphasized in equal measure.

The course is designed to offer the student these opportunities:

1. To acquire the foundation knowledge, values and skills of restorative justice, mediation and conflict resolution in a range of practice contexts and fields of practice (child and family, health and social care, international social development), within the person-in-environment domain of social work practice;
2. To acquire specialist knowledge and skills of family mediation, including alternative approaches to and strategies of family mediation.

LEARNING OBJECTIVES:

1. To acquire a basic understanding of the mediation process applicable to a variety of social work practice contexts.
2. To acquire a basic understanding of core strategies, methods and skills of restorative

justice, mediation and conflict resolution in a variety of social work practice contexts.

3. To acquire an advanced-level understanding of the dynamics of intrafamilial conflict and family transition, the family mediation process, and an awareness of alternative models of practice with families in conflict.

4. To acquire an advanced-level understanding of core strategies, methods and skills of family mediation.

PREREQUISITES AND/OR COURSE RESTRICTIONS:

SOWK 522 is a practice course within the MSW program. Enrollment is restricted to students in the graduate program.

COURSE READINGS:

Required Textbook:

Moore, C.W. (2014). The Mediation Process: Practical Strategies for Resolving Conflict (Fourth Edition). San Francisco: Jossey-Bass.

Book Chapters Online (Course Website):

Kruk, E. (1997). Mediation and Conflict Resolution in Social Work and the Human Services. Chicago: Nelson-Hall.

Articles (Available Online):

Bush, R. A. B., & Folger, J. P. (2012). Mediation and social justice: Risks and opportunities. Ohio State Journal on Dispute Resolution, 27, 1.

Family Mediation Canada (1997). Family Mediator Skills Assessment. Kitchener, ON: Author.

Folger, J. P., & Bush, R. A. B. (1996). Transformative mediation and third-party intervention: Ten hallmarks of a transformative approach to practice. Mediation Quarterly, 13(4), 263-278.

Huber, M. (1993). Mediation and the Medicine Wheel. Mediation Quarterly 10 (4), 355-365.

Johnston, J. & Campbell, L.E.G. (1993). Parent-child Relationships in Domestic Violence Families Disputing Custody. Family and Conciliation Courts Review 31 (3), 282-298.

Kruk, E. (2012). Arguments for an Equal Parental Responsibility Presumption in Contested Child Custody. American Journal of Family Therapy, 40 (1), 33-55.

Thomas, K.W. & Kilmann, R.H. (2002). Thomas-Kilmann Conflict Mode Instrument. Tuxedo, NY: Xiacom.

Winslade, J., & Monk, G. (2002). A narrative approach in mediation. Context, 63, 9-12.

Relevant Journals:

Conflict Resolution Quarterly
Mediation Quarterly
Negotiation Journal
Family Court Review
Journal of Dispute Resolution
Peace, Environment and Education

COURSE POLICIES [attendance, participation, academic dishonesty]:

Excerpt from the UBC calendar:

Regular attendance is expected of students in all their classes (including lectures, laboratories, tutorials, seminars, etc.). Students who neglect their academic work and assignments may be excluded from the final examinations. Students who are unavoidably absent because of illness or disability should report to their instructors on return to classes.

The University accommodates students with disabilities who have registered with the Disability Resource Centre. The University accommodates students whose religious obligations conflict with attendance, submitting assignments, or completing scheduled tests and examinations. Please let your instructor know in advance, preferably in the first week of class, if you will require any accommodation on these grounds. Students who plan to be absent for varsity athletics, family obligations, or other similar commitments, cannot assume they will be accommodated, and should discuss their commitments with the instructor before the drop date.

It is recommended that students retain a copy of all submitted assignments (in case of loss) and should also retain all their marked assignments in case they wish to apply for a Review of Assigned Standing. Students have the right to view their marked examinations with their instructor, providing they apply to do so within a month of receiving their final grades. This review is for pedagogic purposes. The examination remains the property of the university.

Academic Dishonesty:

Please review the UBC Calendar “Academic regulations” for the university policy on cheating, plagiarism, and other forms of academic dishonesty. Also visit www.arts.ubc.ca and go to the students’ section for useful information on avoiding plagiarism and on correct documentation.

COURSE SCHEDULE:

Unit 1: Introduction to Mediation and Conflict Resolution

Topics:

- Course outline and expectations
- Relevant theoretical concepts: mediation and conflict resolution
- Mediation as distinct from other dispute resolution processes
- Mediation as distinct from other social work practice models

Agenda:

- 1. Introductory comments (commentary)
- 2. Student introductions (online discussion)
- 3. Course outline (reading and commentary)
- 4. Introduction to the field of conflict resolution (exercise and commentary)
- 5. Core elements of mediation I (reading and online posting)
- 6. Core elements of mediation II (commentary)

Reading:

- Kruk, Ch. 1
- Moore, Ch. 1 & 2
- Family Mediation Canada, Family Mediator Skills Assessment

Objectives:

- Introduction to the field of mediation and conflict resolution, including the range of application of mediation
- Introduction to the core skills of conflict resolution
- Introduction to the core elements of mediation
- Articulation of your interests
- Review of course outline and expectations

Unit 2: The Anatomy of Conflict and Violence

Topics:

- Relevant theoretical concepts: human destructiveness, violence, oppression
- Conquest of violence: the Gandhian philosophy of conflict

Agenda:

1. Analysis of oppression, ideology and courage (reading)
2. Gandhian Satyagraha: basic precepts (reading)
3. Applied conflict as socio-political action: an analysis of two Satyagraha campaigns (commentary)
4. Applied conflict as socio-political action today (commentary and online posting)

Reading:

- Moore, Ch. 3-5

Objectives:

1. Understanding of the core elements of oppression, violence and human destructiveness
2. Understanding of the basic precepts of Satyagraha
3. Introduction to methods of applied conflict as socio-political action

Unit 3: Theoretical Foundation: Alternative Conceptual Frameworks

Topics:

- Anxieties about becoming a mediator
- Conflict handling modes: assertiveness and cooperation
- Current issues and debates in mediation practice
- Alternative models of and approaches to mediation

Agenda:

1. Anxieties about becoming a mediator (self-reflection and commentary)
2. Thomas-Kilmann conflict mode instrument (reading, exercise and commentary)
3. Theoretical foundation: Overview of the mainstream model; current debates; emerging models of practice (commentary)
4. Transformative and narrative mediation (reading and online posting)

Reading:

- Thomas-Kilmann Conflict Mode Instrument
- Baruch Bush & Folger chapter
- Folger & Baruch Bush chapter
- Winslade & Monk article

Objectives:

1. The development of self-awareness of conflict handling mode and alternate modes of handling conflict
2. An understanding of the theoretical foundation of mediation and conflict resolution: mainstream and emergent approaches

Unit 4: The Mediation Process: The Beginning Stage

Topics:

- Theory and skill development related to the engagement, data collection and assessment phases of the mediation process, including:
 - the premediation orientation session
 - the first joint session

- opening statement of the mediator
- opening statement of the parties
- framing the issues for negotiation
- setting the mediation agenda

Agenda:

1. Overview of beginning phase (commentary)
2. The premediation orientation/ screening session (commentary)
3. Beginning the first mediation session (commentary)
 - Opening statement by mediator
 - Opening statement by parties
4. The planning phase: defining/ framing issues and setting an agenda (commentary)
5. Readings
6. Beginning stage skills (roleplay and group online posting)

Reading:

- Moore, Ch. 6-9

Objectives:

1. Knowledge of the fundamentals of the premediation orientation/ screening session, both content and process.
2. Development of the skills essential to effective practice related to the premediation orientation/screening session.
3. Knowledge of the fundamentals of the opening statement of the mediator, both content and process.
4. Development of the skills essential to effective practice related to the opening statement of the mediator
5. Knowledge of the fundamentals of facilitating the opening statement by the parties, both content and process.
6. Development of the skills essential to facilitating the opening statement by the parties.
7. Knowledge of the fundamentals of setting the agenda for mediation, both content and process.
8. Development of the skills essential to setting the agenda for mediation.

Unit 5: The Middle Stage

Topics:

- Theory and skills relating to the intervention stage of the mediation process.

Agenda:

1. Introduction to the middle stage of mediation practice (commentary)
2. Readings
3. Middle stage skills (roleplay and group online posting)

Reading:

- Moore, Ch. 10-13

Objectives:

1. Knowledge of the fundamentals of the middle stage, both content and process.
2. Development of the skills essential to effective practice related to the middle stage.

Unit 6: The Ending Stage

Topics:

- Theory and skills related to the evaluation and termination stages of the mediation process
- Settlement and drafting the memorandum of understanding.

Agenda:

1. Overview of ending phase (commentary)
2. Readings
3. Ending stage skills (roleplay, exercise and group online posting)

Reading:

- Moore, Ch. 14-15

Objectives:

1. Knowledge of the fundamentals of the ending phase, both content and process.
2. Development of skills essential to effective practice related to the ending phase.
3. Ability to draft final memoranda of understanding.

Unit 7: Introduction to Family Mediation and the Divorce Process

Topics:

- Family mediation and the divorce and remarriage service delivery continuum
- Divorce outcome research findings: the impact of divorce on family members and the family system
- Post-divorce parenting patterns and influences

Agenda:

1. Introduction to the field of family mediation (commentary)
2. Group exercise-- the impact of divorce on mothers and fathers (online posting)
3. Individual exercise-- the “best interests of the child” in divorce
4. Effects of divorce on families (commentary)
5. Readings

Reading:

- Kruk, Ch. 3

Objectives:

1. to introduce you to family mediation as a specialization
2. to understand the main effects of divorce on family members, and the family system as a whole

Unit 8: Family Mediation, Parent Education and Parenting Plans

Topics:

- Mediation in the arena of family transition attendant to divorce and remarriage
- Facilitating the development of post-divorce parenting plans in mediation
- Handling power imbalances and spousal abuse allegations in family mediation

Agenda:

1. Introduction to family mediation and the parenting plan approach (commentary)
2. Family mediation: core components and distinguishing characteristics (commentary)
3. Family mediation, power imbalances and spousal abuse (commentary)
4. Readings
5. Family mediation skills development (screening roleplays and online posting)

Reading:

- Kruk, Ch. 4
- Kruk article
- Johnston & Campbell article

Objectives:

1. Identification of the core elements of the prenegotiation, beginning, middle, ending and follow-up stages of family relations mediation focused on the development of parenting plans
2. Utilization of a range of core skills related to family relations mediation in the prenegotiation, beginning, middle, ending and follow-up stages of the process
3. The ability to mediate in the context of spousal abuse and power imbalances

Unit 9: Mediation in Other Contexts I

Topics:

- Mediation in child protection
- Parent-child mediation
- Adoption mediation

Agenda:

1. Readings (online posting)
2. Skill development (role play)

Reading:

- Kruk, Chapters 6-8

Objectives:

1. An understanding of the fundamental issues and process of child protection mediation
2. An understanding of the fundamental issues and process of parent-child mediation
3. An understanding of the fundamental issues and process of adoption mediation

Unit 10: Mediation in Other Contexts II

Topics:

- Health care
- Mental health
- Disability
- Aging

Agenda:

1. Readings (online posting)
2. Skill development (role play)

Reading:

- Kruk, Chapters 9-12

Objectives:

1. An understanding of the fundamental issues and process of mediation in health care
2. An understanding of the fundamental issues and process of mediation in mental health
3. An understanding of the fundamental issues and process of mediation in the field of disability
4. An understanding of the fundamental issues and process of mediation in the field of aging

Unit 11: Mediation in Other Contexts III

Topics:

- Victim-offender reconciliation programs
- Sexual harassment mediation
- School-based mediation
- Neighbourhood and community conflicts

- Public policy/environmental disputes.

Agenda:

1. Readings (online posting)
2. Skill development (role play)

Reading:

- Kruk, Chapters 13-17

Objectives:

1. An understanding of the fundamental issues and process of victim-offender mediation
2. An understanding of the fundamental issues and process of sexual harassment mediation
3. An understanding of the fundamental issues and process of school-based mediation
4. An understanding of the fundamental issues and process of neighbour and community mediation
5. An understanding of the fundamental issues and process of public policy/environmental mediation.

Unit 12: Mediation in the Context of Human Diversity

Topics:

- Intercultural disputes
- Developing culturally-specific models of mediation and conflict resolution
- Mediation in the context of First Nations peoples and communities
- Spirituality, harm reduction and mediation
- Emergent trends in mediation

Agenda:

1. Cultural awareness exercise (self-reflection)
2. Mediation and multicultural reality (commentary)
3. Readings (online posting)
4. The future of mediation and conflict resolution (commentary)
5. A “harm reduction” approach to mediation (commentary)
6. Feedback on the course: What you have learned and your future contribution to the field (online posting)

Reading:

- Kruk, Ch. 18
- Huber article

Objectives:

1. Understanding of the process of development of culturally-specific models of practice.

2. Understanding of emergent trends and models of mediation.

Week 13: Working on Final Assignment (DVD Demonstration or Long Essay)

ASSIGNMENTS

Submitting Assignments

Students may either submit assignments electronically or use the drop box located in the main office on the reception counter. Items will be date-stamped and distributed to the appropriate mailbox throughout the day.

Return of marked student assignments

If the paper has been submitted electronically, the instructor will mark it on-line (with track changes) and return to the student on-line; if you prefer, the instructor will return the paper to the student by snail mail (the student provides a self-stamped, addressed envelope to the instructor). Marked papers not returned by any of the options above will be held by the instructor.

Late assignments

Deadlines for the assignment of grades for grading purposes are established on the basis of the university schedule to assure submission of marks to the registrar's office. In accordance with university policy, a deadline may be extended only in the event of serious illness or domestic affliction documented by the student's physician and approved by Student Health Services.

Students who submit assignments late will have one mark deducted per day late from the final grade for the course.

Assignments

For all essays, please use APA format, 11 or 12 point font, and double spacing. You may write in the first person or third person, as long as there is consistency throughout the paper.

Evaluation of the essays will be based on the following criteria: use of relevant readings; engagement of the reader; format and synthesis of material; writing competence; description of key concepts; demonstration of your understanding of both the theoretical and ethical foundation of mediation and conflict resolution; linkage to social work perspectives; creativity and originality; logic of your inquiry; critical analysis; ability to reflect on and integrate material from the course, including online discussions, roleplays and other exercises in an accurate and critical manner; and ability to integrate the skills dimension of practice into your discussion. Above all, please pay careful attention to the instructions below, and make sure you address the topics you are asked to address.

1. Short Essay: Analysis of a Conflict, and Application of Mediation Principles to the Conflict

You are asked to select a current conflict or dispute, either from your personal experience or from the public domain, which has the potential of being resolved via mediation. You are not restricted to intrafamilial conflicts; you may select any one of a range of disputes in which social workers may become involved, including environmental, neighbourhood, community, child protection, divorce, adoption, education, sexual harassment, victim-offender, parent-adolescent, business and labour. During the Units 4-6 of the course, you are asked to keep a journal in which to record salient aspects of this conflict or dispute. Based on your journal entries, you are asked to write a short paper detailing the following:

1. Your analysis of the conflict/dispute

- identify the issues under dispute, from the perspective of each of the parties in mediation

2. Your analysis of positions and interests

- identify the positions of each of the parties with respect to ONE of the issues under dispute between them (select one core issue in dispute between the parties for analysis)
- identify the interests underlying each of these positions

3. Your view of options for settlement

- focus on the core issue in the dispute you have selected
- list a range of options for settlement of this issue
- from your own perspective, evaluate each of the options generated. Link to existing mediation theory /knowledge
- briefly, how do you think each of the parties would evaluate the options? Is there any “common ground” between the parties? If so, what?

Please link to mediation theory and theory pertinent to the field of practice corresponding to the dispute.

Length: 8-12 pages

Weight of Assignment 1: 30%

Time and date due: 9 a.m., Thurs., Feb. 25, 2016.

2. CHOICE of EITHER (A) DVD Demonstration of Mediation and Conflict Resolution Skills; OR (B) Long Essay: A Summary of Key Learning Regarding Mediation and Conflict Resolution, and Intended Practice Model

(A). DVD Demonstration of Mediation and Conflict Resolution Skills

Early in the course, you are asked to make contact with other members of the class,

and select two roleplay partners, with whom you will be practicing mediation skills, recorded on camera, for this skills development assignment. If you prefer random assignment, I will randomly assign groups of three. Alternatively, you may choose to complete this assignment with friends or colleagues as your roleplay partners.

You are asked to outline, in writing, a conflict or dispute involving two persons, which has the potential of being resolved via mediation (i.e., the characteristics of the dispute and the disputants are such that mediation is a suitable dispute resolution device), and provide this outline to your roleplay partners, who will be playing the roles of the disputants. You are not restricted to intrafamilial conflicts; you may select any one of a range of disputes in which social workers may become involved, including environmental, neighbourhood, community, child protection, adoption, education, sexual harassment, victim-offender, parent-adolescent, business and labour.

When you meet as a group, you will be asked to “set up” your dispute scenario for your partners/ roleplayers. You may want to assign clear roles with a detailed case fact pattern for the roleplayers. Or you may want to provide a brief fact pattern and have your role players spontaneously enact the dispute scenario.

For this assignment, each student is asked to produce a DVD recording, a continuous one hour mediation session, which includes your partners as disputants/participants. You will be assessed on a 20-minute segment of your hour-long recorded session, chosen by you, but you are expected to submit the entire (continuous) hour-long DVD.

You are asked to transcribe your 20-minute segment, making sure to comment on each of the following to analyze each interaction in the segment: stage of mediation, affective tone, skills demonstrated, rationale for skill used, alternative response (if applicable).

Your DVD should demonstrate:

- a clear process, including a beginning, middle, and closing phase of the session
- your guiding of the process
- as many of the core mediation skills as possible
- if applicable, interventions that address impasses in the negotiation

You are also asked to complete a self-assessment of the 20-minute mediation segment, using an assessment check sheet that will be provided. The same form will be used to grade the skills demonstration portion of the assignment.

Although it is not part of the evaluation, please record the participants’ feedback (what was helpful and what more they needed). This is another source of feedback that you may find useful.

(B.) Long Essay: A Summary of Key Learning Regarding Mediation and Conflict Resolution, and Intended Practice Model

You will be responsible for a 12-15 page paper with the following components:

1. Briefly describe your professional and personal orientation to practice in the field of mediation, especially toward consumers, community associations, service providers,

policymakers, legislators, and the public. Outline your position with respect to mediation practice/policy issues/debates relevant to your intended mediation practice model. This should include a summary of the salient theoretical and practice principles underlying each of the debates, and a clear indication of your professional position in regard to the issues. (2-4 pages)

2. Outline in detail your intended mediation practice model, with an emphasis on the theoretical and ethical foundations of the model, and illustrating how generic social work practice skills and skills specific to mediation are to be integrated within the model, and how and with whom the model can be applied. What assumptions and values underpin the model/approach? What theories inform your approach? What skill sets do you consider essential within your approach? (12-15 pages)

Weight of Assignment 2: 50%

Time and date due: 9 a.m., Thurs., April 7, 2016.

3. Online Participation: Weekly Postings

The online participation grade is based on the quality of required weekly postings to the online Discussion Fora, each NO MORE THAN one page (double-spaced) in length. It is expected that students will make postings as required, and you will have access to each others' postings. There is a combination of individual and small group postings during the course. There are also optional postings (i.e., commenting on other students' postings). Students will not be graded on the optional postings.

Evaluation of the postings will be based on the following criteria: use of relevant readings; engagement of the reader; succinct format and synthesis of material; writing competence; description of key concepts; demonstration of your understanding of key concepts; linkage to social work perspectives; creativity and originality; logic of your inquiry; and critical analysis. Above all, please pay careful attention to the posting instructions, and make sure you address the topics you are asked to address.

Note: You will receive feedback on your online postings halfway through the course, and at the conclusion of the course.

Weight: 20%

Time and date due:

Posting for Unit 1: by 9 a.m., Thurs., Jan. 7 (2%)
 Posting for Unit 2: by 9 a.m., Thurs., Jan. 14 (1.5%)
 Posting for Unit 3: by 9 a.m., Thurs., Jan. 21 (1.5%)
 Posting for Unit 4: by 9 a.m., Thurs., Jan. 28 (1.5%)
 Posting for Unit 5: by 9 a.m., Thurs., Feb. 4 (1.5%)
 Posting for Unit 6: by 9 a.m., Thurs., Feb. 11 (1.5%)
 Posting for Unit 7: by 9 a.m., Thurs., Feb. 25 (1.5%)
 Posting for Unit 8: by 9 a.m., Thurs., March 3 (1.5%)
 Posting for Unit 9: by 9 a.m., Thurs., March 10 (1.5%)
 Posting for Unit 10: by 9 a.m., Thurs., March 17 (1.5%)
 Posting for Unit 11: by 9 a.m., Thurs., March 24 (1.5%)

Postings (2) for Unit 12: by 9 a.m., Thurs., March 31 (3%)

GRADING CRITERIA:

Letter Grade	Percent Range	Mid-Point	
A+ A A-	90-100 85-89 80-84	95 87 82	Represents work of exceptional quality. Content, organization and style are all at a high level. Student demonstrates excellent research and reference to literature where appropriate. Also, student uses sound critical thinking, has innovative ideas on the subject and shows personal engagement with the topic.
B+ B B-	76-79 72-75 68-71	77.5 83.5 69.5	Represents work of good quality with no major weaknesses. Writing is clear and explicit and topic coverage and comprehension is more than adequate. Shows some degree of critical thinking and personal involvement in the work. Good use of existing knowledge on the subject.
C+ C C-	64-67 60-63 55-59	65.5 62.5 57	Adequate and average work. Shows fair comprehension of the subject, but has some weaknesses in content, style and/or organization of the paper. Minimal critical awareness or personal involvement in the work. Adequate use of literature.
D	50-54	52	Minimally adequate work, barely at a passing level. Serious flaws in content, organization and/or style. Poor comprehension of the subject, and minimal involvement in the paper. Poor use of research and existing literature.
F	0-49		Failing work. Inadequate for successful completion of the course or submitted beyond final date of acceptance for paper.