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**Course Outline**

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<b>COURSE:</b>	<b>LAWS 3006A - Mediation</b>
<b>TERM:</b>	<b>Fall 2014</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000 and one of LAWS 2003, LAWS 2004, LAWS 2005 or BUSI 2601</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday – 18:05-20:55</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (Contract)</b>	<b>Peter Bishop 60 Amberlakes Drive, Stittsville, ON, K2S 2A2</b>
<b>CONTACT:</b>	<b>Office: B442 Loeb Bldg</b>
	<b>Office Hrs: By Appointment Only - Tuesdays - 5:00 – 6:00 p.m.</b>
	<b>Telephone: 613-836-1303</b>
	<b>Email: <a href="mailto:peter@pbishop.ca">peter@pbishop.ca</a></b>

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**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:** 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: <http://www2.carleton.ca/equity/>

**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: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto: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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

## 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://www.carleton.ca/studentaffairs/academic-integrity/>

## 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://www.carleton.ca/law/student-resources/department-policies/>

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## COURSE DESCRIPTION

Over the past three decades, the mediation process has been applied to resolve many types of conflicts and disputes. It has been developed and adapted in a variety of situations and contexts where it has proven to have a number of advantages over the more formal, traditional 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, 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 trends such as models of practice, the role of the mediator, narrative mediation, Insight mediation, restorative justice, intercultural mediation, gender issues and particular areas of practice will also be examined.

## COURSE OBJECTIVES

To understand the principles and theories of mediation and its practice;  
To evaluate and reflect critically upon those principles and theories and their impact on practice;  
To gain an introductory understanding of the goals, strategies, skills and art of mediation practice.

## REQUIRED TEXTS

1. Picard, Cheryl, Peter Bishop, Rena Ramkay, Neil Sargent. *The Art and Science of Mediation*. Toronto: Emond Montgomery, 2004

**EVALUATION** – All four components must be completed in order to get a passing grade.  
– All assignments under items 1, 2, and 3 below will be submitted through cuLearn or other electronic means

**– 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.**

**1. Class Preparedness and Participation (15%)**

Students are required to complete readings before class and offer informed and analytical discussion based on assigned readings. Students will be evaluated on their preparedness and participation in class and in small group discussions and exercises. Students will also be evaluated on a group assignment to be done during and between classes. This component will constitute 15% of the final mark

**2. Reflective Journal (25%)**

Students will be required to keep a regular journal of their insights, reflections and experiences relating to the subject matter of this course. In particular, a student will be required to write five journal entries, applying course concepts and methods to actual conflict situations. A journal entry may include reflections on one's own and other's communication styles and preferences, perspectives and perceptions, personality types, cultural factors and generally any aspect of how different people relate and respond to conflict. Guidelines for the course journals assignment will be provided on the course cuLearn site. The first journal entry is to be submitted for feedback on or before October 8 and all five journal entries are to be submitted for marking on or before November 19. The journal assignment is worth 25% of the final mark.

**3. Research Term Paper (30%)**

Students will be required to submit a research term paper that relates to some course themes and principles. Students may select any area of practice to research. Guidelines for this term paper will be provided on the course cuLearn site. Students will be asked to submit a two page proposal (plus preliminary bibliography) of what they will undertake for their research paper. The term paper proposal should be submitted by October 14 and the term paper is due on November 26. The term paper is worth 30% of the final mark.

**4. Final Examination (30%)**

Students will be required to write a final examination at a time to be scheduled during the fall term examination period of December 10 - 21, 2014. It may be necessary for this examination to be scheduled during the day. This final examination will be a three hour, closed book examination with essay questions. The final examination will be worth 30% of the student's final mark.

**COURSE AND READING OUTLINE**

**Note:** PowerPoint slides for each class will be posted on the cuLearn site the day before the class.

**Class 1 (September 9)**

- Course Overview
- Basic Concepts
- Understanding Conflict

*The Art and Science of Mediation*, Chapter One – “Opening Pandora’s Box: Understanding Conflict”, pp. 1-15

Bishop, Peter. “What is Conflict” – Paper posted on the 3006 cuLearn site

**Class 2 (September 16)**

- Dispute Resolution Methods
- Basic Principles and Practices of Mediation

*The Art and Science of Mediation*, Chapter Two – “Choosing a Path: Methods for Resolving Disputes”

**Class 3 (September 23)**

- Conflict Behaviour

*The Art and Science of Mediation*, Chapter One – “Opening Pandora’s Box: Understanding Conflict”, pp. 15 -30

Bishop, Peter. “Conflict Emotion” – Paper posted on the 3006 cuLearn site

*The Art and Science of Mediation*, Chapter Three – “Trading Lemons for Something Sweeter: Mediation as Assisted Negotiation”, pp. 67-75

*The Art and Science of Mediation*, Chapter Nine – “Bridging Differences: Managing the Interaction”, pp. 255-266

- Principles of Negotiation

*The Art and Science of Mediation*, Chapter Three – “Trading Lemons for Something Sweeter: Mediation as Assisted Negotiation”, pp. 76 – 88

**Class 4 (September 30)**

- Conflict Communication

*The Art and Science of Mediation*, Chapter Eight – “Packing Your Toolkit: Communication Skills”, pp. 221 - 231

- Conflict and Culture

*The Art and Science of Mediation*, Chapter Three – “Trading Lemons for Something Sweeter: Mediation as Assisted Negotiation”, pp. 88 – 94

- The Mediation Process

*The Art and Science of Mediation*, Chapter Three – “Trading Lemons for Something Sweeter: Mediation as Assisted Negotiation”, pp. 94 – 100

*The Art and Science of Mediation*, Chapter Six – “Opting for a Guide: The Mediation Process”

**Class 5 (October 7)**

- Philosophies and Approaches to Mediation
- Restorative Justice and Victim-Offender Mediation

*The Art and Science of Mediation*, Chapter Four – “Weaving the Stories: Approaches to Mediation”  
Bishop, Peter. “Restorative Justice and Victim-Offender Mediation” – Paper posted on the 3006 cuLearn site

**Class 6 (October 14)**

- Mediation Theories and Competencies

*The Art and Science of Mediation*, Chapter Five – “Seeing the Forest and the Trees: Mediation Artistry”

Bishop, Peter. “Mediator Competencies” – Paper posted on the 3006 cuLearn site

**Class 7 (October 21)**

- Mediation Skills

*The Art and Science of Mediation*, Chapter Eight – “Packing Your Toolkit: Communication Skills”, pp. 232 - 253

**FALL READING WEEK: October 27-31 - No class.**

**Class 8 (November 4)**

- Mediation Skills

4

*The Art and Science of Mediation*, Chapter Nine – “Bridging Differences: Managing the Interaction”, pp. 267-283

**Class 9 (November 11)**

- Convening a Mediation

*The Art and Science of Mediation*, Chapter Seven – “Deciding on and Preparing the Path: Convening a Mediation”

**Class 10 (November 18)**

- Mediation and Justice

*The Art and Science of Mediation*, Chapter Ten – “Turning Swords into Ploughshares: Mediation and Justice”

**Class 11 (November 25)**

- Mediation as a Profession

*The Art and Science of Mediation*, Chapter Eleven – “Taking the Unknown Path: Mediation as a Profession”

**Class 12 (December 2)**

- The Future of Mediation
- Course Summary

*The Art and Science of Mediation*, Chapter Eleven – “Taking the Unknown Path: Mediation as a Profession”