BASIC MEDIATION
FCS 5962-061/5964-061
3 Credit Hours

Instructor: Marcella L. Keck 801-944-5400
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The instructor does not have on-campus offices, thus no specific office hours. Appointments will be available as scheduled directly with the instructor. All e-mail communication should be confirmed by phone contact to ensure receipt by the instructor.

Meeting Times: See Class Schedule
8:00 a.m. to 5:00 p.m. each day

Location: Murray Cedar Park Campus
(Specific room to be designated on first day of class

Required Texts: Basic Mediator Training Manual (Available on course web page)
Getting to Yes, Fisher and Ury
Difficult Conversations, Stone, Patton, and Heen

Course Description:

Basic Mediation is an interactive, intensive workshop-style course during which students explore mediation theory and practice. The course involves extensive class participation exercises and role plays.

Course Objectives

This course is intended to introduce the student to the concepts and practice of mediation as a life skill, a conflict resolution option, and as a professional service.

Students will be expected to understand interest-based negotiation concepts, the importance of communication skills in conflict resolution, the role and value of third party neutrals, and various methods of third party intervention in conflict.

The course is highly experiential and utilizes numerous simulations and course discussions. It is expected that each student will participate fully in these simulations and will be willing to bring to the course discussion their previous life experience.
Course Requirements

To complete the class, students are required to attend all class sessions, take an exam at the conclusion of the course, and submit three additional written projects: simulation critiques (6), thought paper (5 to 10 pages), and one book review (of Getting to Yes or Difficult Conversations).

The Simulation Critiques and review of Getting to Yes or Difficult Conversations will not be graded and will be evaluated as credit/no-credit. The critiques are intended to give the student an opportunity to think critically about their experiences during the simulations; the book review is intended to encourage the student to read the materials and to assimilate the concepts. These may be handwritten or typewritten and of any reasonable length. Failure to complete the Critiques will result in a loss of points from your grade. Failure to complete the review of Getting to Yes or Difficult Conversations will result in a loss of points from your grade. Both the critiques and the book review are due and should be turned in at the time the student takes the exam.

The paper and the exam will be graded.

The exam format will be of a combination of short essay and short answer questions and you will be allowed two hours. The exam is closed book. Grading of the exam will be based upon a demonstration of both technical knowledge and practical understanding of the material presented. You need to demonstrate that you know what you are talking about. The quality of your writing may impact your grade on your exam.

The paper will be an analysis of a conflict using the Mediator's Timeline Analysis that will be discussed in class and a discussion of the factors that a mediator should consider if asked to mediate a conflict, including whether mediation is an appropriate process and the reasons for the conclusion. If the conflict is not appropriate, why not, and, if it is appropriate, discuss the structure of the mediation process, including the identity of the participants if the dispute is institutional. The conflict may be of any nature, e.g. personal, organizational, societal, etc. The paper should be not less than five pages nor more than ten pages typed and double-spaced. You must demonstrate an understanding of the process and uses of mediation. Grading of the
paper will be based on the quality of thought, research, and writing skills demonstrated. **You need to demonstrate that you understand the substance of your paper.**

**Note to Graduate Students**

Various graduate programs have negotiated credit for this course through additional course work. Please contact your graduate advisor and Marcella L. Keck should you have any questions in this regard.

**Exam and Assignment Deadlines:**

The **exam** may be taken at the Cedar Park Campus 9:00 a.m. Saturday morning following the last session of class. **Remember, the critiques and the book review are to be turned in with the exam.**

The **paper** will be due by 12:00 noon on **Monday, three weeks following the exam, the specific date to be specified in class.** The papers are to be turned into the FCS office on the second floor of the Alfred Emery Building on the University of Utah campus. Papers will NOT be accepted by e-mail.

If you want your paper or exam returned to you, please include a self-addressed, stamped envelope for each document to be returned. Each document will be mailed when the grades are posted. The critiques and book review will not be returned.

**Late Assignments:** Late assignments will be accepted only upon prior approval of and upon consultation with the instructor. Except in extraordinary circumstances, full credit for the late work will not be granted.

**Academic Honesty:** Exam performance and all papers must be your own work and not a collaborative effort. The papers are to be prepared for this class and are not to be a resubmission of work prepared for another course. **If the quality of your writing on the paper is widely disparate from the quality of writing on your exam and the quality of writing on the exam is less than that of the paper, we will conclude that the paper is not your personal work.**

If it is discovered that you have engaged in academic misconduct of any type in this
course, **the Family & Consumer Studies departmental policy states that you will be given a failing grade in the course** and be reported to the Dean and the VP for Academic Affairs, who will keep your name on record. Should you be reported more than once, you may face expulsion from the University.

For further information about the University of Utah’s policies regarding academic misconduct, please refer to the online version of the Student Handbook and look for “University Code”: [http://www.acs.utah.edu/sched/handbook/toc.htm](http://www.acs.utah.edu/sched/handbook/toc.htm)

**Students With Special Needs:** The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in the class, **reasonable prior notice needs to be given to the Center for Disability Services**, 162 Olpin Union Building, 581-5020 (V/TDD). CDS will work with you and the instructor to make arrangements for accommodations.

All written information in this course can be made available in alternative format with prior notification to the Center for Disability Services.

**Scheduling Accommodations:** Students should register for courses for which they have no scheduling conflicts. Instructors have been instructed to be very cautious in providing accommodations for students missing classes due to trips, family events, etc. It is the student’s responsibility to get class information from other students (not the instructor).

U of U policy allows students to make up assignments and exams if they are participate in officially sanctioned University activities such as intercollegiate athletics.

If students miss an exam due to illness, medical documentation (i.e., a doctor’s note) should be provided in order to make up missed work. Except in the case of an emergency, students must inform the instructor before the exam.
Grading Criteria

Because of the nature of this training, class attendance and participation is essential to the experience of all participants in the course. **Failure to attend all sessions of the course may result in a failing grade without regard to performance on the exam and the paper.** Class participation may positively influence a student's grade by one step, e.g. B+ to A- or C to C+, etc. The grades will be determined on a point system as follows:

- 50 Points (Max.) Exam
- 50 Points (Max.) Paper
- 100 Points Total Possible

Failure to complete a simulation critique will result in the loss of 2 points per critique and failure to submit a written review of *Getting to Yes* or *Difficult Conversations* will result in the loss of 10 points. The grading structure will be as follows:

- 96-100 A
- 91-95 A-
- 86-90 B+
- 81-85 B
- 76-80 B-
- 71-75 C+
- 66-70 C
- 61-65 C-
- 56-60 D+
- 51-55 D
- 46-50 D-
- 0 - 45 E

Attendance in this course is MANDATORY. **If you cannot be present for every session of the course, you may not receive a passing grade.**

**University Credit/No-credit, Drop and Withdrawal Policies:** You may elect the credit/no-credit option or drop this class without penalty or permission by contacting the Registrar in person or by phone prior to 5:00 p.m. on the first day of class or by sending an e-mail to registrar@sa.utah.edu prior to 8:00 a.m. on the morning of the
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second day of class. You may withdraw from the course without permission by contacting the Registrar in person or by phone (801-581-8969) prior to 5:00 p.m. on the third day of class or by sending an e-mail to registrar@sa.utah.edu prior to 8:00 a.m. on the morning of the last day of class., but a “W” will be recorded on your academic record, and applicable tuition and fees will be assessed. If you have any questions regarding this policy, please contact the Office of Admissions and Registrar at (801) 581-5808.

Incompletes: In order to qualify for an “Incomplete” in any University of Utah course, you must complete no less than 80% of the course work and be in good standing (i.e., have earned at least a C on all completed work) and receive permission from the instructor. The FCS Department Policy is that students who do not complete the work within 1 year will automatically receive a failing grade. No exceptions will be made to this policy.

Instructor Responsibilities: The instructor will:

1. Be prepared for class.
2. Arrive on time or early for class and have all equipment set up.
3. Use a variety of teaching methods, including lecture, group work, discussion, demonstrations, films, etc. in an effort to create a stimulating learning environment and accommodate different learning styles.
4. Provide feedback on assignments in a timely manner.
5. Be available for individual consultation by appointment.
6. Reply to email within 48 hours, not including weekends or holidays prior to October 12 and after October 18.
7. Follow all official University of Utah policies regarding conduct within the classroom, incompletes, and accommodations. Accommodations will be considered on an individual basis and only with the required documentation. No exceptions will be made to this policy.
8. Not cancel classes unless appropriate in light of health concerns – if there is an emergency situation efforts should be made to inform students.
9. Treat students equitably and with respect. This includes enforcing responsible classroom behavior on the part of students.
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Student Responsibilities: The student is expected to:

1. Spend time preparing for this class, including completing reading assignments, written assignments, and studying for exams. As this is an intensive 3 credit hour course, you should plan to spend substantial time in preparation for this course in addition to class time.
2. Complete required reading assignments in a timely manner.
3. Complete written assignments on time, or make alternate arrangements for completing assigned work with the instructor in advance of assigned due dates.
4. Attend class and participate in class activities and discussions.
5. Arrive on time for class and stay the entire class period – arriving late and/or leaving early will be disruptive to group work and class discussions.
6. Treat one another, the instructor, campus staff, and the classroom with respect.
7. Seek help from the instructor (and other resources such as the Center for Disability Services or the Writing Center) whenever necessary, and before minor problems become major barriers to learning.
8. Refer to the syllabus and the class webpage for important information pertaining to exams, written assignments, and class policies.
9. Maintain a respectful atmosphere during the class meeting, including minimizing disruption caused by electronic devices. Students will be free to use laptop computers in class. Inappropriate viewing of non-class-related videos, internet streaming, etc., may result in the loss of this option.

Note: The syllabus is not a binding, legal contract. It may be modified by the instructor when the student is given reasonable notice of the modification. The General Course Outline may be modified by the instructor at any time to accommodate the needs of each particular class.
General Course Outline

Day 1 Morning Session (8:00 a.m. to noon)

  Instructor Introductions and “Housekeeping”
  Student Introductions
  Course Overview and Requirements

  Overview of Conflict Resolution

  Interest-based Negotiation Concepts

  Negotiation Game

Lunch Break (noon to 1:00 p.m.)

Day 1 Afternoon Session (1:00 p.m. to 5:00 p.m.)

  Overview of Mediation

  Stages of the Mediation Process

  Opening Statements/Demonstration
      Agreement to Mediate

  Agenda Setting

  Student Simulation and Debriefing

  Task: Listen/No Advice
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Day 2 Morning Session (8:00 a.m. to noon)

- Review of Day 1
- Mediation Timeline
- Purpose of Communication
- Active Listening Skills/Exercise
- Mediator Attitudes and Values
  "Turning Loose"
- Student Simulation and Debriefing

Lunch Break (noon to 1:00 p.m.)

Day 2 Afternoon Session (1:00 p.m. to 5:00 p.m.)

- Caucus and Shuttle
- Questioning
- Reframing
- Student Simulation and Debriefing

Task: Sacrifice Being Right
  Read Ethical Canons and Statutes
Day 3 Morning Session (8:00 a.m. to noon)

Review of Days 1 and 2
Transitions
Negotiation in Mediation
Student Simulation and Debriefing
Videotape Demonstration
  “Save the Last Dance”

Lunch Break (noon to 1:00 p.m.)

Day 3 Afternoon Session (1:00 p.m. to 5:00 p.m.)

Option Generation
Risk Analysis and Evaluating Options
Student Simulation and Debriefing
Power and Balancing the Process
Task: Questions
  Draft Memorandum of Understanding
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**Day 4 Morning Session** (8:00 a.m. to noon)

- Review of Days 1 through 3
- Video Demonstration
  - “Prosando”
- Agreement Writing and Closure
- Student Simulation (w/writing exercise) and Debriefing

Lunch Break (noon to 1:00 p.m.)

**Day 4 Afternoon Session** (1:00 p.m. to 5:00 p.m.)

- Ethical Issues
- Mediator Neutrality/Bias
- Breaking Deadlock and Resolving Special Problems

Course Wrap-up
  - Discussion of "Bin" Topics
  - Review Course Requirements