

Mediation Skills and Processes

ADRN6204

Course Outline

Description: You will explore the role of the neutral mediator and ethical standards that apply to mediation. As a mediator, you are a negotiation facilitator who is disinterested in the outcome of the negotiation. You will have opportunities to practice structuring and facilitating mediation sessions, as well as the communications skills and interventions that you will require when mediating disputes. The ADR Institute of Ontario (ADRIO) has approved this course, in combination with Collaborative Conflict Resolution, as a prerequisite for mediator membership. You will be eligible to receive a certificate from the ADRIO acknowledging your completion of the approved program.

Pre-Requisite: Collaborative Conflict Resolution

Course Goals: To introduce participants to the practice of mediation and provide them with a step by step process as well as communication tools to assist disputing parties reach a resolution. Participants will practice the process and the skills in mediation role plays in a small group with a coach. A review of the Collaborative Conflict Resolution course manual before the beginning of the course is recommended.

Course Objectives: At the completion of this course, students will be able to:

- Understand the purpose and limitations of mediation
- Appreciate the mediator's role including ethical imperatives
- Learn how to structure and conduct a mediation, including screening and orienting the parties
- Learn the skills and approaches that assist mediators to facilitate problem-solving and achieving settlement
- Implement the interest-based approach introduced in Collaborative Conflict Resolution
- Develop empathy by playing the roles of disputants
- Practice mediating (including use of the mediation model, problem-solving and communication skills) with coaching from the instructor and knowledgeable coaches

Texts: Course manual is provided at the start of the course

Attendance Requirements:

Students are required to attend 100% of class time in order to receive a completion for this course. A grade report can be printed from myWCS.

Code of Student Conduct

The purpose of the Code of Student Conduct is to define the general standard of conduct expected of students registered at The University of Western Ontario, provide examples of behaviour that constitutes a breach of this standard of conduct, provide examples of sanctions that may be imposed, and set out the disciplinary procedures that the University will follow. For the complete Code of Student Conduct: <http://www.uwo.ca/univsec/pdf/board/code.pdf>.

Western Continuing Studies

Course Schedule: Four days from 9 am to 5 pm

DAY ONE

Dispute Resolution Continuum
Qualities of a Good Mediator
Mediation Practice Issues
BREAK
Interests and Information
Independent Standards and BATNA
Probing
LUNCH
The Mediation Model
Review of Communication Skills
BREAK
Additional Communication Skills
Demonstration Mediation

HOMEWORK: Read Agreements to Mediate, p. 70-74 and Sample Script for Co-Mediators, p. 84-85

Optional: Read Key Success Factors for Effective Mediation – Advice to New Mediators. (p. 45-49)

DAY TWO

ADRIO Code of Conduct
Small group discussion of ethical situations
BREAK
Working with Lawyers and Other Experts
Drafting Memoranda
'Mediation Jeopardy'
Principles of Contract Law
Screening Clients
LUNCH
Orienting Parties. Logistics
Mediator Mistakes
Developing Trust
Stage 1 – Discussion and Practice

BREAK
Stage 2
Exercise on Interests and Issues
Stage 3
Power

HOMEWORK: Familiarize yourself with your disputant role

DAY THREE

(co-mediation role plays)
Role Play #1 – Stages 1,2,3
BREAK
Role Play #2 – Stages 1,2,3
Role Play #3 – Stages 1,2,3
LUNCH
Brainstorming
Stage 4
Create Goal Statement
Caucus
Role Play #1 (caucus if needed)
BREAK
Role Play #2 (caucus if needed)
Role Play #3 (caucus if needed)

HOMEWORK: Individual Reflection, p. 100

DAY FOUR

(individual mediator role plays)
Distribute and Read new Roles
Role Play #4 begins with first mediator
BREAK
Role Play #4 continues with second mediator
Role Play #4 continues with third mediator
LUNCH
Dealing with Impasses
Role Play #5 begins with first mediator
Role Play #5 continues with second mediator
BREAK
Role Play #5 continues with second mediator
Implementation of Mediation Program and Practice Issues
Course Closing

Evaluation Method:

As part of the course/instructor evaluation, a survey will be sent to you electronically by Continuing Studies. You will be asked the following questions. Please consider these throughout the course.

1. How would you rate your overall experience?
2. Please indicate your agreement with the following statements:
 - a. The course content was relevant and valuable.
 - b. The instructor conducted class sessions in an organized, well-planned manner.
 - c. The instructor explained concepts clearly.
 - d. The instructor displayed enthusiasm and energy in conducting class sessions.
 - e. The instructor made me feel comfortable in the learning environment.
 - f. The instructor encouraged my participation and interaction.