MEDIAITION AND NEGOTIATION
ORGL 2600
SUMMER 2020

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Reading

Articles on reserve will be assigned with notice. Articles will be distributed in class or can be found on E Reserve. Required texts for our class are:

Texts are available as ebooks or hard copies. Please purchase in the first two weeks of class.


Course Objective

Our objective during this semester will be for students to understand mediation, negotiation and Alternative Dispute Resolution (ADR) as a process and as a profession in a culturally diverse and changing world.

In addition it is this course's objective to teach students how to develop abilities as a mediator and or negotiator by applying what he or she learns. Students will develop awareness of what mediation and negotiation means to themselves personally and to society. At the end of the semester each participant should be able to explain the meaning of ADR, and comprehensively explain the meaning, use and trends in mediation as a process and as a profession.

The history of mediation, negotiation and ADR in New York and laws that govern such areas will be discussed. Through these discussions the student will be able to recognize the stages and goal of the mediation process. Through class discussion and in class exercises, students will demonstrate an understanding and an ability to assist disputants to identify issues, interests, and needs, and create options by applying mediation and negotiation techniques. Each student will become aware of their own personality including emotions, biases, assumptions, limitations and strengths.
ATTENDANCE AND PARTICIPATION

Your final grade will be based on attendance, participation and written assignments. Participation may be demonstrated by thoughtful contributions to class discussions regarding the assigned readings and by introduction of a relevant topic for discussion. You are encouraged to build on the comments of others and identify feelings related to the discussion, however, you are encouraged to move beyond feelings to identify evidence that can support or undermine the position taken.

All students are expected to attend every class and be able to participate in discussion about the assigned materials for that session as well as have retained a comprehensive recollection regarding previously assigned material. More than two unexcused absences will result in your grade automatically being lowered by a full letter grade. For example, if your grade was to be an A-, you will receive a B- as a result of your absenteeism. If you are more than 15 minutes late to class without explanation, that will result in an absence. If you are going to be late call the department secretary and leave a message. Or, if you know in advance you are going to be late inform me prior to you tardiness. There is no excuse for recurring lateness.

We will be able to use Blackboard to continue facilitate discussion by posting threads. This will encourage an ongoing dialogue and allow for reflection as we progress in the course, learn and utilize new theories, skills and concepts. Feel free to use this opportunity to make suggestions and inquiries, I will be happy to implement what we can and answer your questions. Prior to each class meeting I will post a statement, a question or a scenario for you to think about and this will serve as our launching point for class interaction.

CLASSROOM ETIQUETTE

1. Respect the views of others
2. Openness to new ideas
3. Ask questions
4. Taking turns to speak
5. Respect for classroom etiquette

IN CLASS ROLE PLAYS

Each student will play the mediator and or the disputant in at least one role-play. Students who are not acting as the mediator or the disputant will take notes on what worked and what did not work during the role play and identify what you would or would not do as the mediator. You will be expected to share your debriefings. Our role plays will be simulating realistic situations where mediation and negations are necessary.

Reflective Writing: 30%
You will be working in role-plays. You will not be graded on how well you perform in the role-play, rather you will submit a 3-4 page reflection paper due when we meet as a class following the role-play. You will discuss how you experienced the role-play, personal feelings, thoughts about how well the conflict was resolved, what could have been done differently and what skills were used.
Guidelines for Role Plays
Facilitator Guidelines:
Focus on
1. the behavior rather than the people in the roles
2. the observations rather than inferences
3. the description rather than judgment
4. here and now or future
5. sharing ideas rather than giving advice
6. give feedback in small amounts
7. suggestion about things people can change
8. be aware of the appropriate time and place for feedback
9. use I statements rather than “you” or “we”

Participant Guidelines:
1. Hear and understand what is being said to you, and reflect back what you have heard
2. Check out feedback with others
3. Give yourself time to reflect on feedback
4. Decide what you will do with the feedback
5. Offer thanks for the feedback in order to acknowledge the other person’s honest attempt

Role Play Reflection Papers 3 – 4 pgs
Title Page: Name, Your role in the role-play
Introduction: give information about the role-play, including the conflict, participants, and issues covered in the role play
Overview of the Intervention: Describe what happened, how each member reacted, how the intervention began (and intervention strategies that were used if you were the mediator, what happened throughout the intervention, and how the intervention was concluded.
Critique: Reflect back on your experience of the role-play. How did you feel in your role? What emotions were brought up? How did you feel towards the other members? How do you feel the facilitator did*? Did you feel heard and understood? How do you feel about the outcome? What would you do differently if your group re-enacted this role-play again?
*For the facilitator: In addition to the above material, please reflect on your skills as the facilitator. What do you think you did well? What could you improve on? What skills do you think you need to learn more about?
Conclusion: What insights did you gain? What have you learned about yourself and the way you see yourself managing conflict? Any further thoughts you would like to include?

Assignments & Grading

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<tr>
<th>Assignment</th>
<th>Percent of Final Grade</th>
<th>Date Due</th>
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<tbody>
<tr>
<td>Participation in class discussion and experiential exercises</td>
<td>15</td>
<td>On going</td>
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<tr>
<td>Journaling</td>
<td>25</td>
<td>If you would like me to comment on your work draft of Journals until 5th week of class</td>
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</table>
You will be required to hand in a journal. The purpose of this reflective journal is to encourage you to practically apply your knowledge of the material issues presented in class and encourage you to apply related knowledge to everyday personal and professional situations. Your journal should be a comprehensive journal worthy of fifteen percent of your grade, double-spaced, written in Times New Roman font, and font size 12. Margins are to be 1” for the top, bottom, and left and right. Do not feel as though you need to site to other publications, however if you do, be sure to site accurately. Plagiarism is a form of cheating and will not be tolerated. You will be given a brief amount of time in class to make an entry to your journal and discuss your related experiences with other students. Your reflections may consist of what you and your colleagues discuss.

Your heading (single-spaced) on your journal entries should be as follows:
Name
Date
Relative Topic
Points of Interest – these should be particular ideas that stood out or you may want to have clarified further

TENTATIVE CLASS SCHEDULE

BE SURE TO CHECK BLACKBOARD FOR CLASS ANNOUNCEMENTS AND UPDATES

A discussion prompt will be posted on blackboard for every class session.

<table>
<thead>
<tr>
<th>CLASS</th>
<th>TOPIC</th>
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<tbody>
<tr>
<td>Class 1/2</td>
<td>Welcome and Introduction to your course</td>
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<tr>
<td></td>
<td>Begin the discussion of the history of alternative dispute</td>
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</tbody>
</table>
| Class 3 | Conflict Resolution Theory  
A. The conflict spiral, types of conflict  
B. Win/win – collaborative negotiation and problem solving  
C. Responses to conflict  
D. Competitive Distributive Negotiation |
| Class 4 | Mediation Theory & Practice  
A. Definition of Mediation  
B. Characteristics and role of mediators  
C. Benefits of mediation process  
D. Differences in roles (judges, mediators, arbitrators) |
| Class 5 | Mediation Process & Techniques  
Goals of the Mediation process  
1. Structure  
2. Issue Identification (fact finding)  
3. Creating Options  
4. Negotiation  
5. Clarification and writing plan  
6. Legal Review & Implementation |
| Class 6 | Stages of Mediation  
1. Preparation, opening statement, uninterrupted time, exchange, setting the agenda, building the agreement, writing the agreement, closing statement  
2. Comparison to non mediation setting  
3. Caucusing (separate meetings) |
| Class 7/8 | ADR  
1. Forum & Purpose  
Techniques  
1. Venting emotions, directing, interruption, clarification, reflection, acknowledging, encouraging confronting, reframing  
2. Communication: Active listening, barriers to listening  
3. Communication : Asking questions, mediator language and phrases dealing with strong emotions  
4. Working with third parties |
| Class 9 | Characteristics of Mediation  
What mediation is not  
Communication Variables: Nonverbal eye contact, body language etc. Mediation, Negotiation, ADR as a profession  
Self Awareness  
1. Diversity/ Cultural awareness (bias)  
2. Language Differences  
3. Responding to Conflict  
4. Conflict Style |
| Class 10 | Values of a Mediator & Negotiator |
A. Balance  
B. Self Determination  
C. Flexibility  
D. Awareness  
E. Respect

| Class 11 | Ethics in Mediation, Negotiation, ADR  
A. Conflict of Interest/ appearance of impropriety  
B. Neutrality  
C. Dual Roles |
| Class 12 | When to use Mediation, Negotiation, & ADR as opposed to the courts & Why  
Divorce Mediation  
Elements of a contract and negotiating methods |
| Class 13 | Movie: End Game (2009) Director, Pete Travis  
You will be required to write a synopsis and describe the strategies used by the parties; this synopsis will be due the following class meeting |
| Class 14 | Final Paper is Due  
Last day to hand in late assignments  
Presentations |
| Class 15 | Presentations and Wrap up |

**LOOKING FORWARD TO OUR CLASS.**

**THANK YOU.**

**Suggested Course Reference List:**

http://intl-jcr.sagepub.com/  
http://jpr.sagepub.com/  
http://law.missouri.edu/csdr/journal/  


Kenneth Arrow, Robert Mnookin, Lee Ross, Amos Tversky and Robert Wilson, (eds), *Barriers to Conflict*, (W.W. Norton, 1995)


William Ury, *Getting to Peace* (Viking, 1999)

William Ury, *Getting Past No* (Bantam, 1991)