

2.12 Module 17 Mediation

2.12.1 Headline information about the module

Module title	Mediation
Module NFQ level (only if an NFQ level can be demonstrated)	N/A
Module number/reference	Module 17
Parent programme(s) the plural arises if there are embedded programmes to be validated.	LLB (Hons)
Stage of parent programme	2
Semester (semester1/semester2 if applicable)	Semester 1 or Semester 2
Module credit units (FET/HET/ECTS)	ECTS
Module credit number of units	5
List the teaching and learning modes	Full Time, Part Time
Entry requirements (statement of knowledge, skill and competence)	Learners to have completed Stage 1 of the programme
Pre-requisite module titles	None
Co-requisite module titles	None
Is this a capstone module? (Yes or No)	No
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)	Lecturers expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Training and Education provided by Griffith College.
Maximum number of learners per centre (or instance of the module)	60
Duration of the module	One Semester, 12 weeks
Average (over the duration of the module) of the contact hours per week	2
Module-specific physical resources and support required per centre (or instance of the module)	Lecture room with internet access and digital projector.

Analysis of required learning effort										
Effort while in contact with staff										
Classroom and demonstrations		Mentoring and small-group tutoring		Other (specify)		Directed e-learning (hours)	Independent learning (hours)	Other hours (specify)	Work-based learning hours of learning effort	Total effort (hours)
Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner					
24	1:60						101			125
Allocation of marks (within the module)										
				Continuous assessment	Supervised project	Proctored practical examination	Proctored written examination	Total		
Percentage contribution				100				100%		

2.12.2 Module aims and objectives

This Module provides learners with the ability to identify the fundamentals of mediation and where it sits in the dispute resolution spectrum. Learners develop an understanding of the principles of mediation and the mediation process. The Module also enables learners to acquire knowledge of the principles of mediation as well as absorbing learners into the comparatively narrow legislative scheme within which the individual mediator and the mediation industry operates.

Learners also develop their understanding of ethical considerations in the field of mediation and their ability to discerningly evaluate the ethical code of practice of one organisation of mediators vis-à-vis another and thus exercise judgment in identifying an appropriate forum for disputing parties.

2.12.3 Minimum intended module learning outcomes

On successful completion of this module, learners will be able to:

- (i) Explain the principles governing mediation and the impact principles of mediation and the mediation process can have in resolving conflict;
- (ii) Evaluate different models and styles of mediation that exist;
- (iii) Investigate and communicate how legislative changes affect the mediation landscape in Ireland, including individual mediators in their daily work and the principles of mediation;
- (iv) Analyse the veracity of Agreements to Mediate and Mediated Agreements in the context of the principles of the law of contract;
- (v) Analyse the various professional codes of ethics present in mediation in Ireland and explain these, the process and principles of mediation to potential parties in a mediation;
- (vi) Differentiate the various forms of dispute resolution available to disputing parties and demonstrate an ability to exercise appropriate judgement as to when mediation may or may not be more suitable.
- (vii) Conduct effective research skills and communicate effectively.

2.12.4 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Mediation is an elective module where learners become familiar with the principles and legislation relating to mediation and its practical application within the Irish legal system. The module learning outcomes are aligned to a number of the Programme Learning Outcomes including to critically evaluate own academic performance and take responsibility for self-directed continuous learning and to demonstrate independent critical judgment and analytical skills supporting personal and career development.

This module will familiarise the learner with the fundamentals of mediation. It provides knowledge of the principles of mediation and the mediation process.

This module will also give learners an awareness of the impact of conflict behaviour on mediation, both from the perspective of the mediator themselves, and also from the parties to the mediation. The module emphasises the necessity of inherent emotional intelligence on the part of the mediator in this regard. It is sought to achieve this by introducing the learner to both academic reading and self-reflection on the area.

This module serves to directly underpin programme learning outcomes 1, 2, 3, 6, 7, 8, 9.

2.12.5 Information provided to learners about the module

Learners will receive the following resources and materials in advance of commencement:

- Module descriptor with module learning outcomes
- Class plan
- Assignment and project brief with assessment strategy
- Reading materials
- Notes

Additionally, this material will be made available through Moodle, the College Virtual Learning Environment, along with other relevant resources and activities.

2.12.6 Module content, organisation and structure

Mediation Law is a 5 ECTS credit module taught and assessed over 12 weeks. The module is delivered over 12 lecture sessions of 2 hours' duration for learners. The learning outcomes are articulated using the *Quality and Qualifications Ireland (QQI) Awards Standards for Honours Bachelor of Laws and Master of Laws (July 2014) and for Generic Higher Education and Training (July 2014)*.

- **Topic 1 - Introduction to Mediation and the Principles of Mediation**
 - Definition of Mediation
 - Mediation Principles
 - Dispute resolution models compared and analysed / Mediation in Context (on the ADR Spectrum)
 - An introduction to interests-based mediation: Positions versus underlying interests

- **Topic 2 – Mediation and the Law**
 - Mediation in the Irish Legal System
 - The Mediation Act 2017.
 - The interplay between principles of mediation and law.

- **Topic 3 – Mediation Process**
 - Criteria for assessing the suitability of mediation
 - The mediation process
 - Status of Agreements (binding or non-binding) & the Law of Contract

- **Topic 4 – Role of the Mediator**
 - Mediators' Codes of ethics and ethical considerations in implementing the core principles
 - Mediators privilege

2.12.7 Module teaching and learning (including formative assessment) strategy

This module is delivered through a series of tutor-led discussions, group-work sessions and related exercises, and is supplemented by appropriate structured web-based resources and reading materials. The module makes extensive use of enquiry-based learning and; problem based learning and suggests solutions for critical incidents experienced by participants.

Formative assessment and feedback underpins all elements of the teaching and learning strategy in this module.

The tutor is available for Q&A via an interactive discussion board on Moodle throughout the module.

The teaching and learning strategies are chosen for their ability to instil high levels of participant engagement and development. Collaboration underpins all learning strategies

adopted. Participants debate and critique many legal concepts during each session. Each teaching session has a highly participative and practical element.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including in-class presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

2.12.8 Work-based learning and practice-placement

Mediation is a class based 5 ECTS credit module and does not require work-based learning and practice placement.

2.12.9 E-learning

Moodle, the College Virtual Learning Environment, is used to disseminate notes, advice, and online resources to support the learners. Moodle can be accessed in the learner's home, various open labs on campus and in the library. The learners also have access to Lynda.com as a resource for reference.

2.12.10 Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom is equipped with a PC and Microsoft Office; no other software is required for this module.

The College library has a dedicated law section and online legal research tools (Justice One, Westlaw, Hein Online).

2.12.11 Reading lists and other information resources

Primary Reading

McRedmond, P. (2018) Mediation Law, Bloomsbury Professional (2018)

Beer, J., Packard, C., Elwood Gates, E., Stief, E. (2012) The Mediator's Handbook: Revised and Expanded, 4th edition, New Society Publishers

Fisher, R., Ury, W. & Patton, B. (2011) Getting to Yes: Negotiating Agreements without Giving In. Boston: Houghton Mifflin Company

Barrett, J. & O'Dowd, J. (2005) Interest-Based Bargaining. Manchester: Trafford Publishing

2.12.12 Specifications for module staffing requirements

Lecturers qualified to the appropriate academic or professional level and preferably with a third level teaching qualification (e.g. Certificate in Training and Education).

Learners also benefit from the support of the Programme Director, Programme Administrator, Lecturers, Learner Representative, Students' Union and Counselling Service.

2.12.13 Module summative assessment strategy

The module is assessed by way of assignment and reflective development portfolio.

The first assessment is a 2,000 – 2,500-word assignment to include in-depth research. This is deemed the most appropriate assessment method for this module as the depth of research required lends itself best to an academic paper of this nature.

The assignment will assess the learner on their understanding of the impact of legislation on the principles of mediation; and their ability to critically dissect multiple codes of ethics and evidence deep understanding of ethical considerations in mediation. The scope of the assignment covers both legislation and a dissection of codes of ethics in order that a learner be given the opportunity to demonstrate knowledge of both the legislative environment in which the mediation industry exists, as well as a depth of understanding of the ethical considerations impacting upon an individual mediator.

The second assessment will take the form of a reflective development portfolio. This 2000 – 2,500-word portfolio will require the learner to reflect on all of their learning throughout the programme. This should take the form of an in-depth self-reflective, structured work, and can be used as a tool in future study and practice/employment.

The assessed work breakdown can be seen in the table below.

No	Description	MIMLOs	Weighting
1	Assignment	i to vii	60%
2	Reflective development portfolio	i to vii	40%

2.12.14 Sample assessment materials

Assignment

Critically analyse the Mediation Act 2017 and its effects on the principles of mediation, the mediation process, the role of the mediator and requirements placed on the mediator by both the Act and Codes of Practice, in addition to the impact of the Act on the Irish Legal System.

Sample Answer

Learners are required to discuss the Mediation Act 2017, its impact on the Irish legal system and the requirements placed upon solicitors and the courts. Learners are also required to outline and discuss the principles of mediation and any possible effects that the Act has had or is likely to have on mediation in Ireland. In addition, learners are required to consider the requirements placed upon a mediator in respect training and qualification in addition to the mediators behaviour and the relevant codes of ethics. Finally, the learner must consider the mediation process.

Reflective Development Portfolio

Learners are required to prepare a reflective development portfolio which will reflect on all of your learning throughout the programme. This should take the form of an in-depth self-reflective, structured work, and can be used as a tool in future study and practice/employment.

Sample Answer

Learners will be assessed on their ability to reflect on and evaluate their knowledge and understanding of mediation in the form of a reflective development portfolio.

At a minimum the portfolio will

- *demonstrate the knowledge and understanding you have developed in the field of mediation*
- *draw on your preparation for in class discussions and research carried out for your assignment*
- *reflect on the issues that arose for you in the module*
- *consider the impact you believe mediation will have on the Irish legal system*

Sample Marking Criteria / Rubric

- Assignment
- Reflective Development Portfolio