

**Certificate in Mediation
Level 8, QQI (Special Purpose Award)**

Module 3: Mediation in Practice

Stage					1			
Semester								
Module Title					Mediation in Practice			
Module Number					3			
Module Status					Mandatory			
Module ECTS Credits					10			
Module NFQ level					8			
Pre-Requisite Module Titles								
Co-Requisite Module Titles								
Capstone Module?								
List of Module Teaching Personnel								
Contact Hours					Non-contact Hours			Total Effort (hours)
35					165			200
Lecture	Lecture - Remote	Practical	Tutorial	Seminar	Assignment	Placement	Independent Work	
28	7				60		105	200
Allocation of Marks (Within the Module)								
	Continuous Assessment	Project	Practical	Final Examination				Total
Percentage Contribution	100%							100%

Intended Module Learning Outcomes

On successful completion of this module the learner will be able to:

1. Apply the appropriate processes and procedures of the mediation framework to best fulfil the mediator's role in accordance with best practice;
2. Manage the process and the content of mediation;
3. Demonstrate adeptness in the performance of the skills, competences and behaviours of a mediator;
4. Select and use a given skill or technique as appropriate to the conflict and relationship dynamics presenting in role-plays that simulate different and uncertain, real-life scenarios;
5. Recognise and manage issues that may present during a mediation such as destructive behaviour, anger and provocation;
6. Detect and manage possible power imbalances of parties engaging in the process of mediation;
7. Recognise and manage effectively the causes of resistance and the dynamic leading to impasse during the mediation process;
8. Evaluate his or her own performance as a mediator in a role-play in relation to prescribed core competencies of a mediator;
9. Evaluate the importance of his or her own behaviour as a mediator in the various phases of mediation, and the impact that this can have on the parties involved;

Module Objectives

The primary purpose of this module is to prepare the learner to respond to a request for mediation, for activating the mediation procedure and for practising as a mediator to bring the dispute to an agreed conclusion.

The module will enable learners to gain knowledge and to be able to demonstrate the core competencies necessary for mediating a dispute and to be able to transfer this knowledge to practice.

The module further seeks to enable learners gain an in-depth understanding of the concepts and methods underlying the development and use of mediation and to actualise their ability to implement the skills to practice. The aim is to ensure that the learner will be a naturalised, confident, highly effective and self-reflective mediator.

Finally, the module will enable learners to understand and to deal effectively and appropriately with issues and difficulties that may arise during mediation.

Module Curriculum

1. Mediation Skills

In this section learners will learn the importance of body language in mediation. Essential listening skills are explained and taught, as well as various strategies and skills surrounding the asking of questions and problem solving.

2. The Mediation Framework – Procedure & Process

Learners are given in-depth exposure to the mediation framework, including all of the necessary aspects of procedure and process necessary to be able to successfully mediate. Content spans from preparation for mediation to demonstration of the different types of meeting involved in mediation sessions: Initial Separate Meetings; Plenary Meetings; Caucus Meetings.

3. Issues in Mediation

All mediation sessions meet with varying issues that must be negotiated by the mediator and learners are exposed to examples of these issues, include demonstrations of techniques for dealing with such issues as (but not limited to): Challenging Destructive Behaviour; Prevention of power struggles between the Mediator and the Parties; Coping with Anger and Provocative Statements; Coping with Resistance; Breaking an Impasse; Power Balancing in Mediation

4. Application of Mediation Learning

Learners will apply mediation through Role-Play Practice, feedback and self-reflection in line with the core competencies of mediation.

Reading lists and other learning materials

Primary Reading

- Beer, J.E., Packard, C.C. & Stief, E., *The mediator's handbook*, [Gabriola, B.C.]: New Society Pub., 2012
- Moore, Christopher, *The Mediation Process*, 3rd ed. San Francisco: Jossey-Bass Publishers, 2003
- Fisher, Roger, William Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreements Without Giving In*, 2nd ed., Boston: Houghton Mifflin Company, 1991
- Madigan, Josepha, *'Appropriate Dispute Resolution (ADR) in Ireland'*, Jordan Publishing Ltd, 2012

Secondary Reading

- Barrett, J. and O'Dowd, J., *Interest-Based Bargaining*, Trafford Publishing, 2005
- Benjamin, Robert D., "Managing the Natural Energy of Conflict: Tricksters, Mediators and the Constructive Uses of Deception," in *Bringing Peace Into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution*, Bowling, D., Hoffman, D., eds. Jossey-Bass, Inc, 2003
- Bush, R.A.B. and J. P. Folger, *The Promise of Mediation*, San Francisco, Jossey-Bass Publishers, 1994
- Kolb, Deborah, *When Talk Works: Profile of Mediators*, San Francisco: Jossey-Bass Publishers, 1994
- Kolb, D. M. and J. M. Bartunek, eds., *Hidden Conflict in Organizations*, Newbury Park, Calif.: Sage, 1992
- Lang, Michael D. and Taylor, Alison, *The Making of a Mediator*, San Francisco: Jossey-Bass, Publishers, Inc., 2000
- Netic, M. and Boule, L., *Mediation: Principles, Process, Practice*, LexisNexis Butterworths 2005

Journals (non-exhaustive list of journals available to students via some of the numerous Griffith College database subscriptions)

- *Journal of Dispute Resolution*, University of Missouri School of Law. (accessible through Heinonline)
- *Negotiation Journal*, Plenum Press. (Business Source Premier)
- *Dispute Resolution Journal*, Ohio State University School of Law. (Business Source Premier)
- *Dispute Resolution Magazine*, American Bar Association (Heinonline)
- *Employee Relations Law Journal*, Aspen Publishers Inc. (Business Source Premier)
- *International Journal of Human Resource Management*, (Education Resource Complete)
- *Research Journal of Social Science & Management*, (ERIC)

Module Learning Environment

Accommodation

A base classroom is used for the delivery of the module. Participants also have access to online teaching resources and Moodle¹. The use of guest speakers from practice will allow for discussion around real issues encountered in the field.

¹ Moodle is Griffith College's current Virtual Learning Environment (VLE)

Library

All learners have access to an extensive range of “actual” and “remote access” library resources. The library monitors and updates its resources on an on-going basis, in line with the College’s Library Acquisition Policy. Lecturers update reading lists for this programme on an annual basis as is the norm with all programmes run by Griffith College.

Module Teaching and Learning Strategy

This module will be delivered through a series of tutor-led discussions, group-work sessions, online lectures, role-plays and related exercises. It will be supplemented by appropriately structured web-based resources and reading materials. Pre-course work for this module would include observing a narrated recording of a mediation role-play exhibiting a discussion of mediation skills.

Formative assessment and feedback will underpin all elements of the teaching and learning strategy in this module. Participants on this module will enjoy the challenge of extensive collaborative learning experiences through involvement in role-play, both as mediators and as actors. Self- and peer-assessment will be used as key formative tools, particularly in relation to the numerous role-plays that will be carried out by the parties throughout the module. Fostering a collegial spirit where participants feel comfortable to bring their real life mediation training assessment challenges to the table will be key to the successful learning.

The teaching and learning strategies have been chosen for their ability to instil high levels of participant engagement and development. Collaboration underpins all learning strategies adopted. Each teaching session will have a highly participative and practical element. Examples of such include:

- Participant led sessions
- Participative group sessions
- Tutor led discussions
- Active participation in simulated role-plays
- Feedback sessions on role-plays

The role-play scenarios will be real life problems experienced by participants with suggested resolutions coming from role-playing parties (fellow students of the role-playing mediator). Participants will be expected to reflect on all of these learning experiences and allow the reflection, combined with peer and group feedback, to inform future practice.

Module Assessment Strategy

This module will be assessed by way of two distinct assessments.

The first assessment entails the learner being examined on a practical role-play, as well as on an accompanying self-critique of this role-play. This role-play will entail assessing the practical application of what has been learned, with a view to future

work in mediation. The role-play will be recorded and the learner will have access to this recording for the purposes of self-reflection and self-critique. This assessment will take place on a separate day, on completion of this 5-day module.

The second assignment will take the form of a reflective professional development mediation ePortfolio.

This 2000 word ePortfolio will be reflecting on all of their learning throughout the programme, as well as on their practical training and assessments.

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.

Element No	Weighting	Type	Description	Module Learning outcomes
1	50%	Practical Role-Play	Recorded role-play with an accompanying self-reflective critique	1, 2, 3, 4, 6
2	50%	Continuous Assessment	Professional development ePortfolio of evidence showing highlights of their mediation training experience	1, 5, 7, 8, 9