

## **Module 3    Mediation in Practice**

### **1.1.1    Module aims and objectives**

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

The module enables 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 learners are confident, highly effective and self-reflective mediators.

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

### **1.1.2    Minimum intended module learning outcomes**

On successful completion of this module, learners can:

- (i) Evaluate and apply the appropriate processes and procedures of the mediation framework to best fulfil the mediator's role in accordance with best practice;
- (ii) Manage the process and the content of mediation;
- (iii) Demonstrate adeptness in the performance of the skills, competences and behaviours of a mediator;
- (iv) Evaluate and apply 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;
- (v) Manage issues that may present during a mediation such as destructive behaviour, anger and provocation, power imbalances of parties engaging in the mediation process.
- (vi) Manage effectively the causes of resistance and the dynamic leading to impasse during the mediation process;
- (vii) Critically reflect on his or her own performance and behaviour as a mediator in a role-play in relation to prescribed core competencies of a mediator in the various phases of mediation, and the impact that this can have on the parties involved.

### **1.1.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs**

Learners have previously gained a grounding in the area of mediation, the law and mediation, codes of ethics and mediation agreements and now focus on the practical application of their skills. The module learning outcomes are specifically aligned to a number of the programme's minimum intended learning outcomes, for example, the module supports learners to:

- (i) Demonstrate detailed knowledge, understanding and skills in the field of mediation, including the impact of interpersonal conflict on same.
- (ii) Demonstrate mastery of a complex and specialised area of skills and tools in mediation; use and modify advanced skills and tools to conduct closely guided research, professional or advanced technical activity in conflict resolution.
- (iii) Exercise appropriate judgement at detecting and managing problem content in mediation and adapt accordingly, utilising appropriate techniques in order to manage a given mediation session optimally.
- (iv) Exercise appropriate judgement in applying mediation techniques creatively and effectively to a range of mediation scenarios.
- (v) Effectively perform the skills and behaviours of a mediator while upholding the efficacy of the mediation process.
- (vi) Evaluate their own performance as a mediator in a constructive way that will continually inform their practice.
- (vii) Express a comprehensive, internalised, personal world view manifesting solidarity with others in the area of conflict resolution and mediation.

### **1.1.4 Information provided to learners about the module**

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

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

Module related support and reference material is made available online using Moodle, the College VLE. Moodle also provides learners with access to a range of relevant resources and activities, for example library, video resources, and links to college related supports.

### **1.1.5 Module content, organisation and structure**

Mediation in Practice is a 10 ECTS credit module taught and assessed over 28 hours of lectures and supported with 7 hours of directed e-learning.

## **Mediation Skills**

- Learners understand the importance of body language in mediation.
- Essential listening skills are explained and taught.
- Various strategies and skills surrounding the asking of questions and problem solving are considered.

## **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.

## **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, including 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

## **Application of Mediation Learning**

- Through Role-Play Practice, feedback and self-reflection in line with the core competencies of mediation.

### **1.1.6 Module teaching and learning (including formative assessment) strategy**

This module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. Formative assessment is provided through tutorial-style discussions, group work and exercises which focus on specific scenarios and problem-based scenarios. These require learners to analyse case studies and apply the mediation process to practical disputes or issues. The module is supplemented by structured web-based resources and reading materials. Self- and peer-assessment is used as key formative tools. Learners have an opportunity to participate in role-plays with both peers and external contributors.

The teaching and learning strategies have been chosen for their ability to instil high levels of learner engagement and development. Each teaching session has a highly participative and practical element, fostered by encouragement of class interaction and interspersed with

chances for learners to practice skills learned. The conflict materials provided require the sharing of experiences in group discussion.

Pre-readings are forwarded to all learners prior to commencement of the module. These readings equip learners with the basic outline of the module, including answering relevant self-evaluation questionnaires, thereby saving time whereby the tutor is available for more valuable analysis.

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

Structured web-based resources are provided for learners to enable them to interact with the tutor and each other in the online learning environment, reducing the isolation any learner may feel during the period between the in-person days of the module and the other modules on the programme.

Independent learning for Module 3 is 215 hours in total which comprises research, assignment drafting, reflective journal writing and role play preparation, an indicative breakdown of learner hours being 40% of time dedicated to research, 20% of time dedicated to assignment drafting, 20% of time dedicated to reflective journal writing and 20% of time dedicated to role play preparations.

#### **1.1.7 E-learning**

Moodle, the College VLE, is used to disseminate notes, advice, and online resources to support the learners. The learners are also given access to Lynda.com as a resource for reference.

#### **1.1.8 Module physical resource requirements**

The module requires the use of a suitably equipped classroom that can accommodate flexible participative engagement. Learners require online access to Moodle the College VLE, and can avail of various open labs on campus and in the library.

The College's physical and online library provides dedicated access to extensive online legal research tools (JustisOne, Westlaw, Hein Online).

### **1.1.9 Reading lists and other information resources**

*Madigan, J., Appropriate Dispute Resolution (ADR) in Ireland: A Handbook for Family Lawyers and Their Clients, Jordan Publishing (2012)*

*O'Sullivan, G., The Mediator's Toolkit: Formulating and Asking Questions for Successful Outcomes, New Society Publishers (2018)*

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

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

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

### **1.1.10 Module summative assessment strategy**

This module uses distinct assessments as follows:

#### **Role Play and Self-Reflection**

The first and second assessment are linked with the learner being examined on a practical role play in the first assessment as well as on an accompanying self-critique of the role play in the second assessment.

**Role Play:** The learner is examined on a practical role-play. This role-play entails assessing the practical application of what has been learned, with a view to future work in mediation. The role play is recorded.

**Self-Reflection:** The learner is given a recording of the role-play in Part 1 for the purposes of self-reflection and completing a self-critique of the mediation.

The external assessment of both parts takes place on a separate day, following completion of the role-play.

#### **Module Reflective Journal**

This involves a reflective professional development mediation Reflective Journal. This 700-word Reflective Journal requires learners to reflect on their learning throughout the module, as well as on their practical training and assessments.

On completion of all three modules' related Reflective Journals, the combined programme related Reflective Journal constitutes an in-depth self-reflective, structured work, that can be used as a tool in future study and practice/employment.

### Programme Reflective Journal

This involves another reflective professional development mediation Reflective Journal. This 900-word Reflective Journal requires learners to reflect on their learning throughout the entirety of the programme to-date and the interplay between the three constituent modules.

No.	Description	MIMLOs	Weighting
1	Role-play	(i) to (vi)	40%
2	Self-reflection	(i) to (iv) and-(vii)	30%
3	Reflective Journal	(i), to (iv), (vii)	20%
4	Reflective Journal	(i), to (iv), (vii)	10%

### Module 3 – Mediation in Practice

#### Reflective Portfolio

Participants will be assessed on their ability to reflect on and evaluate their mediation training experience in the form of the compilation of a 'Professional Development Portfolio'.

At a minimum your Reflective Journal provides:

- A demonstration of knowledge and understanding you have developed in the field of mediation, including showing the impact of interpersonal conflict on same (500-600 words);
- Drawing on the work you did in preparation for the Mediation Ethics and Regulatory Framework module, and the work you did for the assessment, reflect on the issues that arose for you in that module and the impact it would have on your practice as a mediator (500-600 words);
- Drawing on the preparatory work and assessment that you did for the practical role-play assessment completed in module 3 "Mediation in Practice", reflect and evaluate your performance as a mediator (i.e. tools and techniques used to create an appropriate environment, and strategies you used to deal with any issues that arose) making reference to areas that work well for you in terms of engaging mediating parties, and areas that require further academic and professional development on your behalf (800-1000 words).

#### Learning Outcomes Assessed

- (i) Apply the appropriate processes and procedures of the mediation framework to best fulfil the mediator's role in accordance with best practice;
- (ii) Recognise and manage issues that may present during a mediation such as destructive behaviour, anger and provocation;
- (iii) Recognise and manage effectively the causes of resistance and the dynamic leading to impasse during the mediation process;
- (iv) Evaluate his or her own performance as a mediator in a role-play in relation to prescribed core competencies of a mediator;
- (v) 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.