COURSE DESCRIPTION

This two-course series, Theories of Practice I and II, will provide an examination of the nature and many possible roles of third parties in conflict intervention. Theoretical perspectives and case analyses will be used to understand the situations in which third parties operate. The Winter quarter course will begin by reviewing various third-party roles, as well as the contextual factors influencing the emergence of different intervention forms. Following this review, the bulk of the quarter will focus more specifically on theories and current issues in mediation. The second quarter, in the Spring, will turn to a more in-depth consideration of conciliation and reconciliation processes. Each course will consider the values, motives, resources, and competencies that third parties bring to their role, as well as ethical guidelines and the issues of power, neutrality, gender, and culture as they affect third-party functioning.

The course will use a combination of readings, observation, case studies, lectures and seminar discussions to enhance class members’ understanding and appreciation of this central aspect of conflict analysis and resolution. The course also will involve participants in partnerships that will complete and present case analyses of selected third-party interventions.

This course presumes a basic knowledge of negotiation and hopefully mediation as well. Students lacking this are strongly advised to do supplemental reading of Fisher & Ury’s *Getting to Yes*, further reading in Moore’s *Mediation Process*, and/or take a local training course. Condensed trainings in negotiation and mediation are available through DU’s University College or from local private providers. For example, in February, DU’s University College will offer a classic 40-hour mediation training, led by well-respected Denver mediator Robin Amadei. Students are strongly encouraged to enroll if they have not yet received mediation training. This is true regardless of the level or domain of mediation they hope to study or practice in.

COURSE REQUIREMENTS

**Readings preparation** (25%) – This will be handled in two ways:
Readings weeks 1-3: **Quiz** over basic conflict analysis and resolution concepts on **Jan. 19**.
Readings weeks 4-9: Discussion and critique of readings. By 10 am on the day of each week’s meeting, starting with week 4, students will be expected to submit two discussion questions on that week’s readings to the instructor, preferably by email. (See email listed above.) These will often, though not always, be used to stimulate class discussion on the assigned readings for the week.
**Case Analysis (45%)** – Class members will be asked to form teams of three or four and choose a particular, documented case of mediation. The case should be analyzed in terms of the nature of the conflict, a third-party intervention that was carried out including any issues that attended it, and the motives, values, and ethics, and competencies of the third party.

Your team will be asked to make two brief presentations during the term: the first a brief conflict analysis, and the second describing the mediation carried out to address the conflict, as well as the apparent motives, values, ethics, and competencies of the third party. Guidelines for both of these phases of case analysis will be provided so that cases can be compared in class discussion. This assignment is designed to provide experience in working in a professional team, to provide comparative illustration of course concepts for class discussions, and to deepen understanding of course material through application to an actual case. The final written version of the case analysis (20-25 pages) is due on **Mar. 12**, and **should incorporate class readings as well as outside research**. The mark will be assigned to the team as a unit, unless members negotiate to take individual marks based on identified components of analysis.

**Mediation Observations and Journal (30%)** – Understanding the dynamics, issues, and challenges of mediation requires observing it firsthand. Ideally, students have observed or participated in mediation before coming to this course. However, this course also creates several opportunities for students to experience mediation and related processes. These include:

1) in-class observation of simulated mediations, both videotaped and realtime.
2) videolinks for viewing mediation simulations
3) a standing opportunity to observe actual small claims settlement conferences at Jefferson County courthouse in Golden
4) periodic, and somewhat spontaneous, opportunities to observe actual mediations when they are scheduled through Jefferson County Mediation Services or Longmont Community Services. Details on these sites will be presented in class.

This assignment incorporates observation, reflection, and integration. Students in this course are required to view three mediations via videolink. Several are available through CRI/Law professor Jeffrey Hartje’s website, at [http://www.law.du.edu/index.php/Faculty-Streaming-Videos/prof-jeff-hartje-streaming-videos](http://www.law.du.edu/index.php/Faculty-Streaming-Videos/prof-jeff-hartje-streaming-videos). (These website has other interesting videos to view also, but only the mediations will count for this assignment.)

Students also are required to spend **two hours outside of class**, at the site of a mediation provider, either observing real (not simulated) mediation or volunteering with a mediation provider such as the ones mentioned above. Boulder Mediation Services does not take outside observers welcomes (and train) volunteers. Only one hour of this requirement can be met through observing small claims mediation, since it is a unique and somewhat truncated form of “mediation.”

These opportunities are meant to be accompanied by reflection on **linkages to course readings and class discussions**. This is an essential part of the assignment. Students will keep a ‘journal’ (8-10 pp.) summarizing observations and lessons learned, and **relating/incorporating course concepts and readings**, and all of these pieces will be taken into account to determine one’s grade. Each entry should include a description of what was observed and/or done, and then reflections on it. Example:

“February 24 (2 hours) – Today I observed a staff member do two case intake interviews, and then observed the facilitation of a multiparty community meeting. The interviews went smoothly, but I was surprised to learn.... Perhaps this can be explained by Moore’s (2003) chapter on .... Or possibly by Bush & Folger's (1994) point that........ “The community meeting setup was focused on achieving .......This reminded me of the reading by .......... Things I would suggest that they might have done differently, or in addition, include..........”

In sum, the journal should document thoughts and reflections on: (a) the three hours spent at a site observing and/or volunteering, (b) the four mediation videos viewed outside of
class, and (c) additional observation opportunities that one utilized, such as online, in class, etc. Be sure to include connections to course readings. The journal will be turned in twice: Part I, reflections on videos and the in-class simulation, is due Februay 2, and Part II, including observations and reflections on live mediations is due March 4.

Though the requirement for this course is only three hours at a mediation center, students who do not yet have hands-on experience mediating are strongly encouraged to continue volunteering with a local mediation center beyond this course to gain critical experience during this initial year of the program.

NOTE: For all papers, please use APA (American Psychological Association) referencing style. For the formal case analysis paper, submit a paper that you would submit for publication, i.e., polished, and clearly the result of more than one draft. Grammar, style, punctuation, etc., are considered in grading. Informality, disorganization, and improper citation and referencing, etc., will affect a paper's grade.

**TEXTS**

A. **Required books**, recommended for purchase:


B. **Optional books**, made available for your further reading if interested:


C. Other required individual articles and chapters:

All other required readings are stored in a file on one of Conflict Resolution Institute’s computers and available for you to copy to your own CD or data key. If you make your own personal copy of these articles, there is no copyright charge. Plan to come in to the Institute during business hours so that you can copy this file of articles. This process has proved to be easier than e-reserve or traditional reserve. **Items marked with (PENROSE) are available electronically through Penrose Library. To find these items search the catalog for the journal title and then follow the link to online access.**
COURSE OUTLINE

I. Third Party Intervention: Assumptions, Goals, Processes and Roles
II. Conflict Analysis and Resolution: General Theoretical Frames
III. Forms of Mediation
IV. Victim-Offender ‘Mediation’ and other Restorative Justice Models
V. Complexities of International Mediation
VI. Issues of Directiveness, Power, and Neutrality
VII. Issues of Culture
VIII. Values, Motives, Ethics & Competencies

COURSE SYLLABUS

Topics listed for each week are approximate; certain topics may carry over into the beginning of the next week’s session. Readings listed for each week should be completed BEFORE class. Optional readings are also listed in case you have more time to read that week, or would like to pursue a topic further.

Jan. 5  TOPIC  Third Party Intervention: Assumptions, Goals, Processes, & Roles
READ  Moore, Ch. 1, “Approaches to Managing and Resolving Conflict.”

Pruitt & Kim, Ch. 1, “Overview,” & Ch. 2, “Nature and Sources of Conflict.”

Ury, Parts I & III (Part II is optional)

Optional:

Jan. 12  TOPIC  Conflict Analysis and Resolution: General Theoretical Frames
~Formation of Case Analysis Teams~
READ  Pruitt & Kim, Ch. 3, “Strategic Choice.”


Optional:
Jan. 19

TOPIC
Mediation as Problem-Solving
Mediation Simulation
Conflict analysis and resolution quiz

READ
Moore, Ch. 2, “How Mediation Works.”


Optional:
Rest of Moore.


Jan. 26

TOPIC
Mediation as Transformation
Mediation as Narrative Reconstruction

READ
Bush & Folger, Intro., Chs. 1 & 2 (pp.1-84). Ch. 3 optional.
View “Purple House Conversations” videos on Transformative mediation on DU CourseMedia. (Transcript also in Bush & Folger, Chs. 4 & 5.)


**Optional:**

**Feb. 2**

**TOPIC**
The Many Ways of Mediation
~Journal check-in: part 1~
~First case analysis presentations ~

**READ**


Bush & Folger, Ch. 7, pp. 237-266. Living with Differences in Values and Practice.

**Optional:**


For assessment of various forms of mediation:
See *Conflict Resolution Quarterly*, 22, (2004), entire issue. *(PENROSE)*

**Feb. 9**

**TOPIC**
Victim-Offender ‘Mediation’ and other Restorative Justice Models
Guest speaker
~First case analysis presentations (cont’d.) ~

**READ**


Optional:


---

**Feb. 16**

**TOPIC**

Complexities of International Mediation

**READ**


Optional:


**Feb. 23**  
**TOPIC** Issues of Directiveness, Power and Neutrality


**Optional:**


See also Laue under Jan. 5.
March 2  TOPIC  Issues of Culture
~Completed Journals due~

READ


And one of the following three articles:


Optional:


March 9  TOPIC  Competencies, Values, Motives, and Ethics
~Second case analysis presentations~

READ


Optional:


March 12           FINAL CASE PAPERS DUE