

 <p><b>THE CENTER FOR JUSTICE &amp; PEACEBUILDING</b></p> <p>A PROGRAM OF EASTERN MENNONITE UNIVERSITY</p>	<p align="center"><b>MEDIATION AND NEGOTIATION PAX 601</b></p> <p align="center"><b>FALL 2018</b></p> <p align="center"><i>CJP Classroom in Hartzler Library (LB 121) Fridays, 8:45-11:45 a.m.</i></p>
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**INSTRUCTOR'S INFORMATION:**

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**COURSE DESCRIPTION:**

Negotiation is the fundamental process by which human beings discern how to resolve differences and move forward together—whether in a family, a local community, an organization, a society, or a world community. Mediation adds a third party to the negotiation process, and has proven remarkably effective in resolving and even transforming certain disputes. This course will train participants to be effective negotiators and to serve as impartial mediators, but will also explore the varying contexts in which these processes take place and the variety of perspectives and worldviews that parties bring to a negotiation or mediation process. For CJP MA in Conflict Transformation students this course satisfies the skills assessment course requirement. Each student will be evaluated by the instructor and by class peers for competency in mediation & negotiation skills

**COURSE GOALS AND OBJECTIVES:**

- 1) **Understand the core processes, skills and theories** that underlie both negotiation and mediation, and the contributions and limitations of each process.
- 2) **Assess the context** in which a conflict transformation process is taking place, the level of conflict, and the nature of each party's worldview. This would include an understanding of the embedded nature of the conflict in a particular culture or intersection of cultures, and the importance of **decolonizing** our methodologies.
- 3) Participate skillfully as a **party** to a negotiation process, as a **third-party mediator**, and/or as a **coach** to a negotiation or mediation process (particularly in community, commercial, family and organizational contexts).
- 4) Understand the nature of **multi-party negotiation and mediation**, and the role of mediation in complex political mediation processes.

## REQUIRED TEXTS AND OTHER RESOURCES:

### Required Texts:

Beer, Jennifer E. and Packard, Caroline C. (2012). *The Mediator's Handbook*, 4<sup>th</sup> Edition. Gabriola Island, BC: New Society Publishers. ISBN 978-0-86571-722-0.

Monk, Gerald and Winslade, John (2013). *When Stories Clash: Addressing Conflict with Narrative Mediation*. Chagrin Falls, OH: Taos Institute Publications. ISBN 014672755.

Trujillo, Mary Adams, Bowland, S.Y., Myers, Linda James, Richards, Philip M., and Roy, Beth (2008). *Re-Centering: Culture and Knowledge in Conflict Resolution Practice*. Syracuse: Syracuse University Press. ISBN 978-0815631620

Articles posted on course Moodle site.

### Recommended Texts:

Armster, Michelle E. and Stutzman Amstutz, Lorraine (2008). *Conflict Transformation and Restorative Justice Manual: Foundations and Skills for Mediation and Facilitation*, 5<sup>th</sup> Edition. Akron, PA: Mennonite Central Committee. ISBN 0-964-2003-0-9.

Augsburger, David W. (1995). *Conflict Mediation Across Cultures: Pathways & Patterns*. Louisville, KY: Westminster / John Knox Press.

Baruch Bush, Robert A. and Folger, Joseph P. (2005). *The Promise of Mediation: The Transformative Approach to Conflict*. San Francisco, CA: Jossey-Bass. ISBN 0-7879-7483-8

Fisher, Roger and Ury, William (2011). *Getting to Yes: Negotiating Agreement without Giving In*, 3<sup>rd</sup> edition. New York: Penguin Group. ISBN 978-0143118756

## REQUIRED ASSIGNMENTS:

### **Reflection Paper re an experience of negotiation (6 to 8 double spaced pages)—25% of Grade**

Reflect back on a negotiation in which you were personally involved, which could be to purchase a major item, negotiate a salary or job contract, a recent living situation, or anything else that required negotiation. Describe the context in which the negotiation took place, the parties to the negotiation, the power dynamics, the process that was used, and the outcome that resulted.

### **Role Play re a conflict that requires third party intervention (minimum of 3 pages single spaced)—25% of Grade**

Draft a role play based on a two-party or multi-party conflict that requires the intervention of a third party. Clarify the context in which the conflict is taking place, and draft instructions for each party to the conflict as well as a briefing paper for the mediator(s).

### **Simulation to the class of a conflict transformation intervention and Self-Assessment—30% of Grade**

Prepare a simulation for the class of a conflict transformation case based on a role play drafted by you or a colleague. We will form working groups in the second half of the semester to prepare the presentations/simulations. Your "final paper" will consist of your reflection on the mediation simulation and your development as a third party intervenor, including areas for ongoing growth.

**In-class presentation re an aspect of conflict transformation that interests you – 10% of grade**

Prepare a presentation on an aspect of mediation or negotiation that interests you and a colleague. Your presentation should be approximately 10 to 15 minutes followed by 10 to 15 minutes of questions / discussion. Student presenters will meet with the instructors the week prior to the presentation.

**Participation in Class Discussion and Role Plays—10% of Grade**

The assignments shown above are all required for those students taking the course for three credit hours. With permission of the instructors, students may also take the course for two credit hours or for professional education / training. Students taking the class for professional education / training will be required to participate actively in class discussion and role plays. Students taking the course for two credit hours will be required to participate actively in class discussion and role plays, and will also need to complete the Reflection Paper AND draft a Role Play.

*These are brief descriptions of required graded assignments for the course. More details for each assignment can be found on the “Guidance Notes” that will be provided in class.*

**SCHEDULE AND TOPICS:**

*A general outline of the course schedule and topics follows. Specific reading assignments will be on the course Moodle site.*

August 31—Welcome and Introductions, Syllabus Review, Introduction to Principled Negotiation

September 7—Discussion re Negotiation Experiences; Narrative Negotiation

September 14—Strategic Negotiation, Context and Worldview (Guest Speaker); Negotiation Role Plays

September 21— **Negotiation Reflection Paper Due**; In-class simulations based on a real-life negotiation experience.

September 28— Intro to Mediation; The Person of the Mediator (Identity, Power, Gender, Class, Culture, Religion, etc.)

October 5— Mediation Skills (Paraphrasing, Summarizing, Reframing, Use of Questions)

October 12— Stages of the Mediation Process I—Intro, Story-Telling, Issue Identification & Role Plays

October 19—Mid-semester recess

October 26— Stages of the Mediation Process II—Problem-Solving & Healing, Agreement; Role Plays

November 2— **Role Play Papers Due**; Challenges in Mediation (Guest Speaker); Role Plays

November 9— Extended Role Plays

November 16— Multi-Party Mediation (Guest Speaker)

November 23— Thanksgiving recess

November 30— Decolonizing Conflict Transformation

December 7— **Conflict Transformation Simulations**

December 14— **Conflict Transformation Simulations**

## **GRADING CRITERIA AND OTHER POLICIES:**

### **Writing Guidelines:**

*Writing* will be a factor in evaluation: EMU has adopted a set of writing guidelines for graduate programs that include six sets of criteria: content, structure, rhetoric & style, information literacy, source integrity, and conventions (see page 3). It is expected that graduates will be able to write at least a “good” level with 60% writing at an “excellent” level. For the course papers, please follow the APA style described in CJP’s *GUIDELINES for GRADUATE PAPERS* (see CJP Student Resources Moodle page or request a copy from the Academic Program Coordinator), unless directed otherwise by the instructor.

### **Academic Integrity Policy (AIP):**

EMU faculty and staff care about the integrity of their own work and the work of their students. They create assignments that promote interpretative thinking and work intentionally with students during the learning process. Honesty, trust, fairness, respect, and responsibility are characteristics of a community that is active in loving mercy and doing justice. EMU defines plagiarism as occurring when a person presents as one’s own someone else’s language, ideas, or other original (not common-knowledge) material without acknowledging its source (Adapted from the Council of Writing Program Administrators). This course will apply EMU’s AIP to any events of academic dishonesty. For more information see [https://emu.edu/cms-links/writing-program/docs/Student\\_Academic\\_Integrity\\_Policy.BB.9-16.pdf](https://emu.edu/cms-links/writing-program/docs/Student_Academic_Integrity_Policy.BB.9-16.pdf). If you have doubts about what is appropriate, one useful website is <https://www.indiana.edu/~academy/firstPrinciples/index.html>.

### **Turnitin:**

Students are accountable for the integrity of the work they submit. Thus, you should be familiar with EMU’s Academic Integrity Policy (see above) in order to meet the academic expectations concerning appropriate documentation of sources. In addition, EMU is using Turnitin, a learning tool and plagiarism prevention system. For CJP classes, you may be asked to submit your papers to Turnitin from Moodle. For more information about Turnitin, with instructions for using it see: [https://guides.turnitin.com/01\\_Manuals\\_and\\_Guides/Student\\_Guides](https://guides.turnitin.com/01_Manuals_and_Guides/Student_Guides).

### **Moodle:**

Moodle (<https://moodle.emu.edu/>) is the online learning platform that EMU has chosen to provide to faculty, administrators and students. Students will have access to course information within Moodle for any class they are registered for in a given term. The amount of time a student has access to information before and after the class is somewhat dependent on the access given to students by the individual faculty member. However, please note that courses are not in Moodle permanently – after two years the class will no longer be accessible. Please be sure to download resources from Moodle that you wish to have ongoing access to.

### **Technology Requirements and Communication (if joining a class by zoom):**

Communication will largely be accomplished via the Moodle platform utilized by EMU and your EMU email. Check both frequently during the semester. In addition, during class synchronous sessions, it will be expected that you will use a noise-reducing headset to minimize background noise and disruption. Remember to keep your headsets UNMUTED during the sessions and avoid moving, brushing, touching or fumbling with them as it creates unwanted noise in the class space.

### **Institutional Review Board:**

All research conducted by or on EMU faculty, staff or students must be reviewed by the Institutional Review Board to assure participant safety: <http://www.emu.edu/irb/>.

### **Grading Scale & Feedback:**

In most courses *grades* will be based on an accumulation of numerical points that will be converted to a letter grade at the end of the course (several CJP courses are graded pass/fail). Assignments will receive a score expressed as a fraction, with the points received over the total points possible (e.g. 18/20). The following is the basic scale used for evaluation. *Points may be subtracted for missed deadlines.*

95-100 = A outstanding	90-94 = A- excellent	85-89 = B+ very good
80-84 = B good	76-79 = B- satisfactory	73-75 = C+ passing
70-72 = C unsatisfactory	Below 70 = F failing	

Graduate students are expected to earn A's & B's. A GPA of 3.0 for MA students and 2.75 for GC students is the minimum requirement for graduation.

*Regarding feedback on papers/projects:* Students can expect to receive papers/assignments back in a class with faculty feedback before the next paper/assignment is due. This commitment from faculty assumes that the student has turned the paper in on the agreed upon due date.

### **Graduate & Professional Studies Writing Center:**

Please utilize the writing center! They offer free individual tutoring from a graduate student tutor. Please see <http://www.emu.edu/writing-program/> for more information, including how to schedule appointments.

### **Library**

The Hartzler Library offers research support (via e-mail, chat, phone, or SSC campus) and the library home page offers subject guides to help start your research. These resources are accessible from the library home page: <https://emu.edu/library/>.

### **Office of Academic Access:**

*If* you have a physical, psychological, medical or learning disability that may impact your work in this course, it is your responsibility to contact the Office of Academic Access in the Academic Success Center on the third floor of the Hartzler Library. They will work with you to establish eligibility and to coordinate reasonable accommodations. All information and documentation is treated confidentially. See <http://www.emu.edu/academics/access/> for more information.

### **Class Attendance:**

Students are expected to attend all class meetings. If unusual or emergency circumstances prevent class attendance, the student should notify the professor in advance if possible. Multiple absences from class will result in lower grades. The student is responsible for the material presented in classes missed (from EMU Graduate Catalog). Students should be aware of the importance of regular class attendance, particularly in the case of CJP classes that only meet once a week or over several weekends. Being absent for more than one class leads to a student missing a large portion of the class content. In addition to consistent class attendance, students should make every effort to arrive to class on time out of respect for the learning process, fellow students and faculty.

### **Course Extensions and Outstanding Grades:**

For fall and spring semesters, all coursework is due by the end of the semester. If a student will not be able to complete a course on time, the student must submit a request one week before the end of the semester for an extension (up to 6 months), by emailing the instructor, academic advisor and the Academic Program Coordinator. If the request is granted the student will receive an "I (incomplete)" for the course which will later be replaced by a final grade when the work has been turned in on the agreed

upon date. If the request for an extension is denied, the student will receive a grade for the work that has been completed up until the time the course was expected to have been completed. If no work has been submitted, the final grade will be an F (or W under unusual circumstances and with permission of the Program Director). Extensions will be given only for legitimate and unusual situations. Extensions are contracted by the student with the program for up to a maximum of 6 months after the deadline for the course work. *PLEASE NOTE: Grades for coursework submitted late may be reduced at the instructor's discretion and in line with their course policy on turning in coursework after the due date. If the extension deadline is not met, the instructor will submit the final grade based on what has been received to date.*

**Inclusive, Community-Creating Language Policy:**

Eastern Mennonite University expects all its faculty, staff, and students to adopt inclusive written and spoken language that welcomes everyone regardless of race or ethnicity, gender, disabilities, age, and sexual orientation. We will use respectful and welcoming language in all our official departmental documents and correspondence, including those put forth by way of Internet communication, and throughout all academic coursework, inclusive of classroom presentations and conversations, course syllabi, and both written and oral student assessment materials (see CJP Student Resources moodle page or request a complete copy along with best practices from the Academic Program Coordinator).

**Title IX:**

*The following policy applies to any incidents that occur (on or off campus) while you are a student registered at EMU. It does not apply if you are talking about incidents that happened prior your enrollment at EMU.* It is important for you to know that all faculty and staff members are required to report known or alleged incidents of sexual violence (including sexual assault, domestic/relationship violence, stalking). That means that faculty and staff members cannot keep information about sexual violence confidential if you share that information with them. For example, if you inform a faculty or staff member of an issue of sexual harassment, sexual assault, or discrimination he/she will keep the information as private as he/she can, but is required to bring it to the attention of the institution's Title IX Coordinator. If you would like to talk to this office directly, Irene Kniss, Title IX Coordinator, can be reached at 540-432-4302 or [irene.kniss@emu.edu](mailto:irene.kniss@emu.edu). Additionally, you can also report incidents or complaints through the online portal at <http://emu.edu/safecampus/>. You may report, confidentially, incidents of sexual violence if you speak to Counseling Services counselors, Campus Ministries' pastors, or Health Services personnel providing clinical care. These individuals, as well as the Title IX Coordinator, can provide you with information on both internal & external support resources. Please refer to the Student Handbook which can be found at <https://emu.edu/cms-links/graduate/docs/graduate-student-handbook.pdf> for additional policies, information, and resources available to you.

**Academic Program Policies:**

For EMU graduate program policies and more CJP-specific graduate program policies, please see <https://helpdesk.emu.edu/confluence/display/gradcatalog/Graduate+Catalog+Home>.

**Writing Standards –Graduate Level (revised Spring 2016)**

<b>Criteria</b>	<b>A excellent</b>	<b>B adequate expectations</b>	<b>C below expectations</b>	<b>Comments</b>
<b>Content</b> <i>(quality of the information, ideas and supporting details)</i>	<ul style="list-style-type: none"> <li>shows clarity of purpose</li> <li>offers depth of content</li> <li>applies insight and represents original thinking</li> <li>follows guidelines for content</li> </ul>	<ul style="list-style-type: none"> <li>shows some clarity of purpose</li> <li>offers some depth of content</li> <li>applies some insight and some original thinking</li> <li>mostly follows guidelines for content</li> </ul>	<ul style="list-style-type: none"> <li>shows minimal clarity of purpose</li> <li>offers minimal depth of content or incorrect content</li> <li>applies minimal insight and original thinking</li> <li>does not follow guidelines for content</li> </ul>	
<b>Structure</b> <i>(logical order or sequence of the writing)</i>	<ul style="list-style-type: none"> <li>shows coherence, and logically developed paragraphs</li> <li>uses very effective transitions between ideas and sections</li> <li>constructs appropriate introduction and conclusion</li> </ul>	<ul style="list-style-type: none"> <li>shows some coherence and some logically developed paragraphs</li> <li>uses some effective transitions between ideas &amp; sections</li> <li>shows some construction of appropriate introduction and conclusion</li> </ul>	<ul style="list-style-type: none"> <li>shows minimal coherence and logically developed paragraphs</li> <li>uses minimal transitions between ideas and sections</li> <li>shows minimal construction of appropriate introduction and conclusion</li> </ul>	
<b>Rhetoric and Style</b> <i>(appropriate attention to audience)</i>	<ul style="list-style-type: none"> <li>is concise, eloquent and rhetorically effective</li> <li>effectively uses correct, varied and concise sentence structure</li> <li>is engaging to read</li> <li>writes appropriately for audience and purpose</li> </ul>	<ul style="list-style-type: none"> <li>is somewhat concise, eloquent, and rhetorically effective</li> <li>generally uses correct, varied, and concise sentence structure</li> <li>is somewhat engaging to read</li> <li>generally writes appropriately for audience and purpose</li> </ul>	<ul style="list-style-type: none"> <li>shows minimal conciseness, eloquence, and rhetorical effectiveness</li> <li>uses incorrect, monotonous or simplistic sentence structure</li> <li>is not engaging to read</li> <li>lacks appropriate writing for audience and purpose</li> <li>uses inappropriate jargon and clichés</li> </ul>	
<b>Information Literacy</b> <i>(locating, evaluating, and using effectively the needed information as appropriate to assignment)</i>	<ul style="list-style-type: none"> <li>uses academic and reliable sources</li> <li>chooses sources from many types of resources</li> <li>chooses timely resources for the topic</li> <li>integrates references and quotations to support ideas fully</li> </ul>	<ul style="list-style-type: none"> <li>uses mostly academic and reliable sources</li> <li>chooses sources from a moderate variety of types of resources</li> <li>chooses resources with mostly appropriate dates</li> <li>integrates references and quotations to provide some support for ideas</li> </ul>	<ul style="list-style-type: none"> <li>lacks academic and reliable sources</li> <li>chooses sources from a few types of resources</li> <li>chooses a few resources with inappropriate dates</li> <li>integrates references or quotations that are loosely linked to the ideas of the paper</li> </ul>	
<b>Source Integrity</b> <i>(appropriate acknowledgment of sources used in research)</i>	<ul style="list-style-type: none"> <li>correctly cites sources for all quotations</li> <li>cites paraphrases correctly and credibly</li> <li>includes reference page</li> <li>makes virtually no errors in documentation style</li> <li>makes virtually no errors in formatting</li> <li>incorporates feedback given in previous written assignments</li> </ul>	<ul style="list-style-type: none"> <li>correctly cites sources for most quotations</li> <li>usually cites paraphrases correctly and credibly</li> <li>includes reference page with some errors</li> <li>makes some errors in documentation style</li> <li>makes some errors in formatting</li> <li>incorporates some feedback given in previous written assignments</li> </ul>	<ul style="list-style-type: none"> <li>provides minimal sources for quotations</li> <li>sometimes cites paraphrases correctly and credibly,</li> <li>includes reference page with many errors</li> <li>makes many errors in documentation style</li> <li>makes many errors in formatting</li> <li>lacks incorporation of feedback given in previous written assignments</li> </ul>	
<b>Conventions</b> <i>(adherence to grammar rules: usage, spelling &amp; mechanics of Standard Edited English or SEE)</i>	<ul style="list-style-type: none"> <li>makes virtually no errors in SEE conventions</li> <li>makes accurate word choices</li> </ul>	<ul style="list-style-type: none"> <li>makes some errors SEE conventions</li> <li>almost always makes accurate word choices</li> </ul>	<ul style="list-style-type: none"> <li>makes many errors in SEE conventions</li> <li>makes many inaccurate word choices</li> </ul>	
<p>The weighting of each of the six areas is dependent on the specific written assignment and the teacher's preference. Plagiarism occurs when one presents as one's own "someone else's language, ideas, or other original (not common-knowledge) material without acknowledging its source" (adapted from Council of Writing Program Administrators).</p>				

## Criteria for Evaluating Arts-Based Peacebuilding Projects

CRITERIA	A – Excellent	B – Minimal expectations	C – Below expectations	Comments
<b>Goals &amp; Audience</b> <i>Are the goals or learning objectives of the project clear? Have they been met?</i> <i>Is the intended audience clearly specified?</i> <i>Is the project appropriate for this audience?</i> <i>Does the project communicate to the intended audience?</i>	-audience & goals/learning objectives clearly identified. -project appropriate for, and likely to meet, its goals -project is appropriate for specified audience -project understandable to & likely to engage and/or communicate to audience	-audience and goals identified though not as clearly as they could be - project may meet its goals but this is not entirely clear - project is at least somewhat appropriate for, and likely to communicate to audience.	-audience and goals inappropriate or inadequately identified  -project unlikely to meet its goals and/or communicate to the audience	
<b>Methodology</b> <i>Is the overall methodology clear and appropriately used?</i> <i>Has the project incorporated specific methods required by the assignment?</i> <i>If intended as a form of intervention, has thought be given to how it will be implemented?</i>	-project incorporates inquiry methods required by the assignment -all methodologies & technologies have been appropriately used, with attention to ethical and methodological issues -if intended as intervention or advocacy, project has given adequate thought to implementation -sources & methods are adequately identified	- methodology basically appropriate to the project and appropriately used, but could be strengthened  -sources and methods identified but not as fully as they could be  -more thought should be given to implementation issues	-methodology inadequate and/or inadequately articulated.  -sources not appropriately identified  -inadequate attention to implementation issues	
<b>Analysis</b> <i>Is there evidence of critical thinking and analysis?</i>	- evidence of critical thinking about methods, sources, information and analysis or editing. -uses analysis/editing methods appropriate for the project -method of analysis or editing is adequately articulated	- some evidence of critical thinking but could be stronger  -analytical approach and the analysis itself is basically appropriate but could be stronger and/or articulated better.	-inadequate evidence of critical thinking  -analysis lacking or inadequate  -analytic approach inappropriate or inadequately specified	
<b>Craft &amp; Coherence</b> <i>Is the level of artistic and/or technical craft adequate for the</i>	- level of craft is clearly adequate for the audience & to meet project goals (whether or not it	-level of craft is minimally adequate for the audience and goals  -project coherence could be stronger	-level of craft inadequate for purposes and/or audience  -project is not coherent	



<i>specified goals and audience?</i> <i>Did it involve an appropriate amount of work?</i> <i>Does the final product have coherence and "resonance?"</i>	meets "artistic" standards) -project is coherent & likely to resonate with the intended audience -product shows an appropriate amount of effort for this assignment			
<b>Content</b> <i>Is the content appropriate &amp; adequate, given the goals, audience &amp; assignment?</i> <i>Is there evidence of insight, originality &amp;/or creativity?</i>	- information conveyed is clearly adequate for goals, audience & assignment -shows depth & breadth of content -shows insight, originality &/or creativity	-information conveyed is adequate but could be strengthened  -some evidence of insight, originality, or creativity	-inadequate information  -little or no evidence of insight, originality and/or creativity	
				<b>Grade</b>

### Criteria for Evaluating Arts-Based Peacebuilding Projects

#### Background notes:

- Arts approaches can be used in several different stages of a project:
  1. To gain or create knowledge. (For example, research "subjects" or participants might be engaged in an arts-based project as a way of soliciting information or encouraging insight.)
  2. To add complexity or nuance to created knowledge. (For example, an arts practice may serve as one method in a multi-method research project, creating an integrated, reflective methodology for the project. Alternatively, an arts practice could be used to analyze and/or interpret data collected by conventional methods.)
  3. To test knowledge. (For example, researchers might verify their interpretation of findings from a more traditional research process by creating a play or exhibit and testing it for resonance with their subjects.)
  4. To share findings. (For example, a play or exhibit might be created to (re)-present data collected or analyzed via conventional methods in order to impart the particular kinds of meaning the researcher considers important, and as a way to reach and engage a broader audience.)
  5. As a form of intervention. (For example, a project might be designed to raise awareness of an issue or conflict, to promote dialogue on a contested issue, or to advocate for a cause.)
- Arts-based products often do not specify methodologies used. Thus it may be important for a project to be accompanied by a short paper discussing analysis, theory of change, audience, goals, and methods used.
- Patricia Leavy, in *"Method Meets Art: Arts-based Research Practice"* (New York: Guilford Press) 2009, argues that "[t]raditional conceptions of validity and reliability, which developed out of positivism, are inappropriate for evaluating artistic inquiry." (p. 15). She suggests that authenticity, trustworthiness, and validity can be assessed through attention to such elements as aesthetics, resonance, and vigor.
- For a discussion of standards, see "Method Meets Art" (Leavy, 2009: 15ff and Chapter 8).