

 <p>THE CENTER FOR JUSTICE & PEACEBUILDING</p> <p>A PROGRAM OF EASTERN MENNONITE UNIVERSITY</p>	<p>MEDIATION AND NEGOTIATION PAX 601</p> <p>Fall 2023</p> <p><i>Thursdays, 6:00 – 9:00 pm EDT/EST</i></p>
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INSTRUCTOR INFORMATION:

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Meetings by appointment

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). Students will learn skills for mediating that work in person and while using online platforms.
- 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 readings will be posted on course Moodle site for each week.

For personal and professional development, students may choose to purchase the following books used in this course:

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

Docherty, Jayne Seminare (2005). *The Little Book of Strategic Negotiation: Negotiating During Turbulent Times*. Intercourse, PA: Good Books. ISBN: 978-1561484287.

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.

For further exploration, students may consider purchasing the following books:

Armster, Michelle E. and Stutzman Amstutz, Lorraine (2008). *Conflict Transformation and Restorative Justice Manual: Foundations and Skills for Mediation and Facilitation*, 5th 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

Bowland, S. Y., Batts, H., Roy, B., & Trujillo, M. A. (2022). *Beyond Equity and Inclusion in Conflict Resolution: Recentering the Profession*. Rowman & Littlefield Publishers.

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

LeBaron, Michelle. (2003). *Bridging Cultural Conflicts: A New Approach for a Changing World*. Jossey-Bass.

Mayer, B. S. (2004). *Beyond Neutrality: Confronting the Crisis in Conflict Resolution* (1st edition). Jossey-Bass.

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

REQUIRED ASSIGNMENTS:

Negotiation Module Assignments: — 30% of Grade

- *Reflection Activity* (due before beginning of class on Week 2) – **5% of grade** (with Tell Your Story about Negotiation below)
 - Observe, reflect, and write about negotiation experiences.
- *Tell Your Story about Negotiation* (due before beginning of class on Week 2)
 - Write and share a personal story involving two-party negotiation.

- **Paired Negotiation and self-reflection** (due before beginning of class on Week 3) – **10% of grade**
 - Prepare, carry out, and record a two-party negotiation with a class partner.
 - Write 2-3 page paper reflecting on strengths and skill development.
- **Multiparty Negotiation Activity** (due before beginning of class on Week 4) – **15% of grade** (with final reflection below)
 - Prepare for and carry out a complex multi-party negotiation (BEFORE beginning of class on week 4).
 - Participation in class simulation (**Week 4—September 21—participation in this class is mandatory!**).
- **Final Reflection Activity for Negotiation** (due before beginning of class on week 6)
 - Formulate a reflection question about the multiparty negotiation experience.
 - Prepare a 4-6 page double-spaced paper sharing your reflections and connecting to class learning from lectures, readings, and other class materials.

Mediation Module Assignments: — 70% of grade

- **Write a Mediation Role Play (3 pages single spaced)** (due before beginning of class on Week 10) — **20% 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).
- **Teaching and facilitating discussion of an assigned chapter reading – 10% of grade**
 - In pairs, you will choose a chapter to review and facilitate an in-class discussion from the reading, *Re-Centering: Culture and Knowledge in Conflict Resolution Practice*. (One of the following weeks: 10, 11, 12, 13, 14)
- **Simulation to the class of a conflict transformation intervention and Self-Assessment — 25% of grade**
 - Prepare, carry out, and record (or present live) a mediation 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. You will also be expected to provide feedback to your classmates after viewing their mediation 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. (Simulation on Week 15, feedback to classmates and reflection paper due by Week 16)
- **Participation in class discussion and role plays — 15% of grade** (Ongoing)

PLEASE NOTE: Students taking the course for 2 credit hours will be required to participate actively in class discussion and role plays. They will be expected to complete all the above assignments except:

- *Final Reflection Activity for Negotiation* and
- *Write a Mediation 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. **This is a tentative weekly schedule and will be updated and shared with those registered for the course.***

A note on Pre-class Preparation: Complete pre-class activities **before** each class session.

Week 1: August 31 — Conflict overview and approaches, What and Who negotiates

Week 2: September 7— Negotiation overview, Why and how to negotiate

Week 3: September 14 — When and where negotiations happen, guest speaker

Week 4: September 21— Multi-party Negotiation

Week 5: September 28— Intro to mediation, Mediation/Communication Skills

Week 6: October 5— Stage 1 and 2 of mediation process, practice skills

Week 7: October 12— Stage 3 of mediation process, mid-semester evaluation

Week 8: October 19 (Mid-semester recess) – no class

Week 9: October 26— Stages 4 & 5 of mediation process, role plays

Week 10: November 2— Begin chapter discussions, Identity of the mediator, role plays

Week 11: November 9— Chapter discussions, role plays

Week 12: November 16 — Chapter discussions, role plays

Week 13: November 23— Thanksgiving Recess

Week 14: November 30 — Extended role plays

Week 15: December 7— Conflict transformation simulations

Week 16: December 14— Wrap up

SUPPLEMENTAL INFORMATION FOR COURSE SYLLABI:

Last reviewed July 2023

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. Criteria for Evaluating Arts-Based Peacebuilding Projects can be found at the end of this document.

Academic Accountability & Integrity:

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 Academic Accountability Policy](#) to any events of academic dishonesty. If you have doubts about what is appropriate, [Indiana University’s Plagiarism Tutorials and Tests](#) may be a useful resource.

Turnitin:

Students are accountable for the integrity of the work they submit. You should be familiar with EMU’s Academic Integrity Policy (see link 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.

Moodle:

[Moodle](#) 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/Zoom Best Practices:

Communication will largely be accomplished via the Moodle platform utilized by EMU and your EMU email. Check both frequently during the semester. Zoom will be used for synchronous online course sessions. Please review these [best practices](#) for online classes!

Graduate & Professional Studies Writing Center:

Please utilize the [writing program](#). They offer free individual sessions with a graduate student writing tutor. Please visit the website to schedule an appointment or request additional information from CJP’s Academic Program Coordinator.

Institutional Review Board (IRB):

All research conducted by or on EMU faculty, staff or students must be reviewed by the [Institutional Review Board](#) to assure participant safety.

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
80-84 = B good

90-94 = A- excellent
76-79 = B- satisfactory

85-89 = B+ very good
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.

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. The library can help you acquire resources not held by EMU through the Interlibrary Loan (ILL) system. The link to ILL is on the left side of the library homepage.

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](#). They will work with you to establish eligibility and to coordinate reasonable accommodations. All information and documentation is treated confidentially.

Class Attendance (for in-person and synchronous online courses):

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. 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.

Religious Holidays

EMU respects the diversity of religious holidays and wishes to provide reasonable accommodations for students who may be unable to fully participate in class, lab, exams, or other assignments due to observation of a significant religious holiday. Students should provide adequate notice (a week in advance) to the faculty of such requests.

Classroom Culture & Related Policies

EMU's [Life Together](#) statement describes the sort of learning community that we aspire to be. Learning thrives where there is free and open exchange of ideas, thoughts, emotions, and convictions. Open discourse requires trust and safety. While I anticipate that you may find that some aspects of the class challenge your views and theoretical frameworks, I invite you to respectfully express either agreement or disagreement without fear of consequences. If you feel that I am violating this commitment, please make an appointment to meet outside of class so that we can discuss the issue.

I hope we can welcome differences and demonstrate a willingness to analyze issues from frameworks that may or may not feel comfortable. I have opinions, which I may express from time to time. Please be sensitive in your class participation by not unfairly dominating discussions. Be aware of others' right to speak and welcome questions from your classmates. My goal is to create a brave space in which everyone learns to participate in scholarly dialogue that values listening, thinking, feeling, study, and professionalism. (*Adapted from Margaret Sallee and Kathryn Roulston*)

1. Our primary commitment is to learn from each other. We will listen to each other and not talk at each other. We welcome differences amongst us in backgrounds, skills, interests, and values. We realize that it is these very differences that will increase our awareness and understanding through this process.
2. We will trust that people are always doing the best they can.
3. Challenge the idea and not the person. We debate ideas, not the individual sharing this idea or practice.
4. Each of us will strive to speak our discomfort. When something is bothering you, please practice sharing this with the group. Often our emotional reactions offer valuable learning opportunities.
5. Step Up, Step Back. Be mindful of taking up much more space than others. On the same note, empower yourself to speak up when others are dominating the conversation.
6. Stay engaged. When overwhelmed or stressed, it can be tempting to slip away from the class or group while meeting. Let us honor one another with focused connection. When we catch ourselves disengaging, let us gently refocus on the tasks at hand.

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.

As an inclusive community, we strive to sustain safety and belonging for students of all gender and sexual identities expressed in the [LGBTQIA+ Student Support Policy](#).

Bias Response:

Bias incidents are harmful to the EMU community and/or individuals within the EMU community. Bias can be intentional or unintentional and may be directed toward an individual or group. A bias incident may take the form of a verbal interaction, cyber-interaction, physical interaction, or interaction with property. Bias reporting is a resource for anyone who needs to communicate an incident or explore a better understanding around issues of discrimination and learning how to effectively respond. All members of the university community are encouraged to [report](#) incidents of bias.

Title IX:

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The following policy applies to any incidents that occur (on or off campus or online) 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 they will keep the information as private as they can, but is required to bring it to the attention of the institution's [Title IX Coordinator](#). You can also report incidents or complaints through the [online portal](#). 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.

Academic Program Policies:

For EMU graduate program policies and more CJP-specific graduate program policies, please see the complete [Graduate Catalog](#).

Criteria for Evaluating Arts-Based Peacebuilding Projects

CRITERIA	A – Excellent	B – Minimal expectations	C – Below expectations	Comments
<p>Goals & Audience <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></p>	<p>-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</p>	<p>-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.</p>	<p>-audience and goals inappropriate or inadequately identified -project unlikely to meet its goals and/or communicate to the audience</p>	
<p>Methodology <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></p>	<p>-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</p>	<p>- 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</p>	<p>-methodology inadequate and/or inadequately articulated. -sources not appropriately identified -inadequate attention to implementation issues</p>	
<p>Analysis <i>Is there evidence of critical thinking and analysis?</i></p>	<p>- 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</p>	<p>- 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.</p>	<p>-inadequate evidence of critical thinking -analysis lacking or inadequate -analytic approach inappropriate or inadequately specified</p>	
<p>Craft & Coherence <i>Is the level of artistic and/or technical craft adequate for the</i></p>	<p>- level of craft is clearly adequate for the audience & to meet project goals (whether or not it</p>	<p>-level of craft is minimally adequate for the audience and goals -project coherence could be stronger</p>	<p>-level of craft inadequate for purposes and/or audience -project is not coherent</p>	

<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			
Content <i>Is the content appropriate & adequate, given the goals, audience & assignment?</i> <i>Is there evidence of insight, originality &/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	
				Grade

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).