

**THE UNIVERSITY OF TENNESSEE  
COLLEGE OF SOCIAL WORK**

**SW540 - General Topics in Social Work:  
Principles and Techniques of Mediation  
Summer 2008**

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Monday-Wednesday 9:05 - 12:05 EDT  
Monday-Wednesday 8:05-11:05 CDT  
Second Summer Session  
61 Communications (Knoxville)

### **Code of Conduct**

It is the student's responsibility to have read the College of Social Work Ethical Academic and Professional Conduct code that is in the College of Social Work MSSW Handbook ([www.csw.utk.edu](http://www.csw.utk.edu))

### **The Honor Statement**

An essential feature of The University of Tennessee is a commitment to maintaining an atmosphere of intellectual integrity and academic honesty. As a student of the University, I pledge that I will neither knowingly give nor receive any inappropriate assistance in academic work, thus affirming my own personal commitment to honor and integrity. (*Hilltopics, 2007*).

### **Disability**

If you need course adaptations or accommodations because of a documented disability or if you have emergency information to share, please contact the University of Tennessee Office of Disability Services at **191 Hoskins Library (865-974-6087)**. This will ensure that you are properly registered for services.

### **Course Description**

This is a course on the principles and techniques of mediation. Mediation is an alternative approach to dispute resolution in which an impartial third party, called the mediator, works with parties involved in a dispute in order to facilitate the peaceful and satisfactory resolution of the dispute. Mediation is being used more and more extensively in social work settings, ranging from community work, to juvenile justice, to child protective services.

### **Course Rationale**

The rapid growth of mediation as an alternative approach to dispute resolution in a wide variety of settings makes this course a useful elective for social work students studying to become either direct service workers or community practitioners. Mediation is now being used in a wide range of settings and with a wide range of disputes. Mediation is being used in such problem areas as marriage and family disputes and problems; divorce and post-divorce conflicts; child protection; criminal justice; workplace harassment; parent-child disputes; community disputes; adoptions; disputes involved with the provision of mental health services; disputes involving persons with disabilities; peer mediation in schools; and intercultural disputes, to name just a few of the contexts in which mediation is being used. There are also approaches to couples and family “therapy” that are mediation based that have been developed and are being used. The wide range of applications of mediation make this conflict resolution approach important for social workers to know.

### **Course Objectives**

By the end of this course students are expected to be able to:

1. Describe a general settlement driven approach to mediation that can be used in a wide range of social work practice settings;
2. Demonstrate an opening statement for use in a mediation, and discuss the role that the opening statement plays in mediation;
3. Engage parties in a dispute in the “story telling” portion of a mediation session. The student will also be able to demonstrate the use of active listening, open ended questions, and reframing during disputant’s story telling. The student will also be able to describe the importance of the story telling portion of a mediation session;
4. Assist disputant’s in a mediation session to define the “problem to be solved” in a win-win manner. The student will also be able to describe how the win-win definition of the problem to be solved functions as a reframing of the problem;
5. Discuss the differences between a disputant’s “positions” and her or his “interests;”
6. Engage disputants in a mediation session in a “brainstorming” session to find solutions to the “problem to be solved;”
7. Assist disputants in the writing of a conflict resolution agreement;
8. Plan for follow-up meetings to a mediation session;
9. Discuss the advantages and disadvantages of joint mediation sessions, caucus sessions, and shuttle mediation;
10. Identify different forms of “framing” of conflicts and how these different framings can influence the development of, and resolution of, conflict;
11. Discuss the use of mediation as a conflict resolution process in a variety of social work practice settings, including family; parent-child; adoptions; juvenile justice; and community settings; and
12. Demonstrate an understanding of the impact of cultural differences on the role that diversity plays in the use of, and conduct of, mediation as a conflict resolution mechanism.

### **Required Text**

Kruk, E. (Ed.), (1997). *Mediation and conflict resolution in social work and the human services*. Chicago, IL: Nelson-Hall.

This book is on sale at the bookstore in The University Center.

Chapter 14, “Mediation techniques for persons in disputes.” In Kevin Corcoran, (1992, pp. 272- 291), *Structuring change*.

This is a book chapter that presents a generic mediation model. The instructor may also require the reading of specific journal articles during the course of the semester.

## Recommended (but NOT required) Books

Leviton, S., & Greenstone, J. (1997). *Elements of mediation*. Pacific Grove, CA: Brooks/Cole.

Umbreit, M. (1994). *Victim meets offender: The impact of restorative justice and mediation*. Monsey, NY: Willow Tree Press.

## Grading

Exam	50%
Weekly quizzes (total)	<u>50%</u>
	100%

## Grading Criteria

Final course grades will be assigned according to the following criteria:

A	92 and up
B+	87 to 91.99
B	80 to 86.99
C+	75 to 79.99
C	70 to 74.99
D	64 to 69.99
F	below 63.99

## Exam

There will be one exam at the end of the semester. The exam will be composed of multiple choice, matching, and fill-in-the-blank items. This exam will be done on Blackboard.

## Weekly Quizzes

There will be on-line (Blackboard) quizzes each week that will cover readings and material presented in previous class sessions.

## Mediation Simulations

There will be simulated mediation sessions that will form important learning opportunities for students. These simulations will cover mediations in a variety of settings, such as county court, community mediation centers, and family mediation programs.

## Special Class Sessions

There will be special class sessions in which mediation specialists present on important mediation topics.

## Tentative Reading Schedule

### Part I – Conflict resolution and mediation

Chapter 1 and appendix in Kruk; Chapter 14 from Corcoran; the following essays from <http://www.beyondintractability.org/index.jsp?nid=1> .

Disputes versus conflicts

<http://www.beyondintractability.org/action/essay.jsp?id=27062&nid=1006>

Intractable conflicts

<http://www.beyondintractability.org/action/essay.jsp?id=28744&nid=1003>

Mediation: What is it?

<http://www.beyondintractability.org/action/essay.jsp?id=28741&nid=1291>

Neutrality

<http://www.beyondintractability.org/action/essay.jsp?id=39160&nid=6713>

Insider-partial mediation

<http://www.beyondintractability.org/action/essay.jsp?id=30590&nid=2377>

The culture of mediation

<http://www.beyondintractability.org/action/essay.jsp?id=41286&nid=6756>

## **Part II: Cultural and diversity issues**

Chapter 18 from Kruk, and the following essays:

Culture and conflict

<http://www.beyondintractability.org/action/essay.jsp?id=26234&nid=1186>

Culture based negotiation styles

<http://www.beyondintractability.org/action/essay.jsp?id=26232&nid=1187>

Cross cultural communication

<http://www.beyondintractability.org/action/essay.jsp?id=26228&nid=1188>

Communication tools for understanding cultural differences

<http://www.beyondintractability.org/action/essay.jsp?id=26721&nid=1189>

## **Part III: Frames and conflict**

Frames and reframing

<http://www.beyondintractability.org/essay/framing/?nid=1129>

Dehumanization

<http://www.beyondintractability.org/essay/dehumanization/?nid=1082>

Enemy images

[http://www.beyondintractability.org/essay/enemy\\_image/?nid=1133](http://www.beyondintractability.org/essay/enemy_image/?nid=1133)

Reframing

[http://www.beyondintractability.org/essay/joint\\_reframing/?nid=1145](http://www.beyondintractability.org/essay/joint_reframing/?nid=1145)

Cultural and worldview framing

[http://www.beyondintractability.org/essay/cultural\\_frames/?nid=1130](http://www.beyondintractability.org/essay/cultural_frames/?nid=1130)

Interests, rights, power, and needs frames

[http://www.beyondintractability.org/essay/interests\\_rights\\_power\\_needs\\_frames/?nid=1136](http://www.beyondintractability.org/essay/interests_rights_power_needs_frames/?nid=1136)

Polarization

<http://www.beyondintractability.org/essay/polarization/?nid=1084>

#### **Part IV: Mediation contexts**

The following chapters in Kruk:

Chapter 2: Marriage and family mediation

Chapter 6: Parent-Child mediation

Chapter 8: Adoptions

Chapter 13: Community mediation

Chapter 14: Criminal justice; also read articles at:

<http://www.vorp.com/articles/justice.html>

<http://www.vorp.com/articles/neutral.html>

<http://www.vorp.com/articles/ddcasest.html>

#### **Bibliography and Suggested Readings**

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Barshy, A.E. (1995b) Mediation in Child Protection Cases. In H. H. Irving & M. Benjamin, eds., *Family Mediation: Contemporary Issues*. Thousand Oaks, CA: Sage.

Benjamin, M. & Irving, H.H. (1989). Shared Parenting: critical Review of the Research Literature. *Family and Conciliation Courts Review*, 27, 21-35.

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Corcoran, K.O. & Melamed, O. (1990). From Coercion to Empowerment: Spousal Abuse and Mediation. *Mediation Quarterly*, 7(4), 303-316.

Cox, E.O., & Parsons, R.J. (1992). Senior-to-Senior Mediation Service Project. *The Gerontologist*, 32(3), 420-422.

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- Docking, B., & Pries, B. (1995). Trasformative mediation and settlement driven mediation: Examining the divide. Manitoba Social Worker, 27(5), 1 - 11.
- Duryee, M. (1992). Mandatory Court Mediation: Demographic Summary and Consumer Evaluation of One Court Service. Family and Conciliation Courts Review, 30(2), 260-267.
- Dworkin, J., Jacob, L. & Scott, E. (1991). The Boundaries between Mediation and Therapy: Ethical Dilemmas. Mediation Quarterly, 9(2), 107-119.
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- Grillo, T. (1991). The Mediation Alternative: Process Dangers for Women. Yale Law Journal, 100(6), 1545-1610.
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