



Introduction to Mediation Full 6 Module Program

Course Content and Overview

Module 1: Introduction to Dispute Resolution Processes

Course Content:

- Assignments:
 - Recorded Lecture 1
 - Principles of Interest Based Negotiation
 - Understanding the negotiation process and the elements of effective negotiation
 - Recorded Lecture 2
 - Contracting for service and ensuring that the appointment is consistent with applicable laws or institutional rule
 - Setting a cooperative tone. Encouraging opportunities for recognition and ensuring parties have an opportunity to participate in the process
 - Choice of Language. Being respectful of the parties
 - Framing issues. Developing and evaluating options/brainstorming
 - Ensuring voluntariness of participation and agreements. Sensitivity to parties' values and culture and recognizing disputants' differences regarding ethnicity, gender, and culture
 - Contracting and knowing community services, legal, financial, and other resources
 - Reading Materials to accompany Lecture 1
 - Resolving Disputes – think about your options
 - What is Mediation? By Jim Melamed
 - What is Arbitration? By HR.com
 - Med-Arb: The Best of Both Worlds or Just a Limited ADR Option? By Mark Batson Baril and Donald Dickey
 - Reading Material to accompany Lecture 2
 - STEP IN to Improvisational Negotiation. By Jeffrey Krivis
 - The Good and Bad of Anger in Negotiation! By Phyllis Pollack
 - Foundation for Comprehensive Dispute Resolution. By Uma Ramanathan
 - What is collaborative Law? By Maury Beaulier
 - Audio/Visual Materials to accompany Lecture 1
 - Restorative Practice to Resolve Conflict/Build Relationships – Katy Hutchison at Tedx West Vancouver ED

- Conflict – Use It, Don't Defuse It – CrisMarie Campbell & Susan Clarke at Tedx Whitefish
- Audio/Visual Materials to accompany Lecture 2
 - What is conflict and Alternative Dispute Resolution? ADR Mediate Radio
 - Dispute Resolution REVOLUTION. The Ty Brown Show
- Essay Assignment to accompany Lecture 1
 - What are the advantages and disadvantages of mediation, arbitration, and med-arb?
 - 500 – 1,000 Words, 3 References, and post to the course's Slack channel
- Essay Assignment to accompany Lecture 2
 - Are there any other dispute resolution processes that were not covered in this module that are intriguing to you? Which dispute resolution process covered in this module is the most intriguing to you? If you could invent your own dispute resolution process, what would it be called and what would be the steps to resolution in your process?
 - 500 – 1,000 Words, 3 References, and post to the course's Slack channel
- Reflective Journal Video to accompany Lecture 1
 - Record a 5-minute video of reflecting upon first section of learning materials
- Reflective Journal Video to accompany Lecture 2
 - Record a 5-minute video of reflecting upon second section of learning materials
- 1 Hour Roleplay Video Assignment
 - Using the Roleplay materials within the course, go through the questions with a volunteer, recording it as a video.
 - Post to the course's Slack channel
- Written Reflective Journal
 - Write your reflections about the entirety of the course
 - Approximately 500 words and post to the course's Slack channel

Module 2: Introduction to Mediation

Course Content:

- Assignments:
 - Recorded Lecture 1
 - The Mediation Process: A Model

- Key mediation process and ground rules, such as confidentiality, role of the mediator, caucusing, authority to settle and respectful behaviour
- Recorded Lecture 2
 - Client intake procedures. Developing overall perspective of the engagement and reconstructing the issues for clarity and understanding by parties; setting agenda/prioritizing issues; and questioning
 - Establishing trust and forming relationships/building rapport
 - Active listening and questioning; paraphrasing/rephrasing statements into an assertive manner for clarity
 - Converting positions into interests and identifying and analyzing problems and needs/uncover parties' needs and interests
 - Understanding the ADR Canada Code of Ethics and Code of Conduct for Mediators and other mediation standards of practice. Dealing with common ethical dilemmas
 - Setting up a practice and professionalism
- Reading Materials to accompany Lecture 1
 - Dispute Resolution Reference Guide: Mediation, by the Department of Justice
 - How Does the Mediation Process Work? By Jessica A. Stepp
 - A Study in Mediation Styles: A Comparative Analysis of Evaluative and Transformative Styles. By Katina Foster
 - Resolving conflict Together: The Understanding-Based Model of Mediation. By Gary Friedman and Jack Himmelstein
- Reading Material to accompany Lecture 2
 - Why Mediation Works. By Michael Roberts
 - What Does a Mediator Do? By Edward P. Ahrens
 - The “What” of Mediation: When is Mediation the Right Process Choice? By Paula Young
 - Eleven Questions Most Commonly Asked About Mediation. By Forrest (Woody) Mosten
 - Why Mediation? By Lawrence A. Huerta
- Audio/Visual Materials to accompany Lecture 1
 - What is Mediation?
 - Mediation and mindfully getting in the middle: Brad Heckman at TEDx Teachers College
 - The Stages of Mediation
- Audio/Visual Materials to accompany Lecture 2
 - The Breakup Movie Clip – Mediation
 - Wedding Crashers Mediation Scene
 - Fist Fight Mediation Scene
- Essay Assignment to accompany Lecture 1

- Describe the understanding-based style of mediation and compare and contrast it to at least one other style you are familiar with
 - 500 – 1,000 Words, 3 References, and post to the course’s Slack channel
- Essay Assignment to accompany Lecture 2
 - In the video clip examples of mediation, what were the strengths and weaknesses of the mediators in each example? What style of mediation did each mediator use? Include at least three references.
 - 500 – 1,000 Words, 3 References, and post to the course’s Slack channel
- Reflective Journal Video to accompany Lecture 1
 - Record a 5-minute video of reflecting upon first section of learning materials
- Reflective Journal Video to accompany Lecture 2
 - Record a 5-minute video of reflecting upon second section of learning materials
- 1 Hour Roleplay Video Assignment
 - Using the Roleplay materials within the course, use some volunteers to practice the intake and mediation process, recording it as a video.
 - Post to the course’s Slack channel
- Written Reflective Journal
 - Write your reflections about the entirety of the course
 - Approximately 500 words and post to the course’s Slack channel

Module 3: Mediating Workplace Disputes

Course Content:

- Assignments:
 - Recorded Lecture 1
 - Nature of conflict and conflict management theory and principles
 - Making sure that individuals with full settlement authority will be present
 - Forming relationships/building rapport
 - Balancing communication
 - Framing and narrowing issues
 - Encouraging genuine recognition between the parties
 - Report
 - Recorded Lecture 2
 - Nature of conflict and conflict management theory and principles
 - Identifying and screening issues/isolate non-mediable and less relevant issues

- Establishing neutrality and impartiality and treat the parties fairly and to run the mediation process in an impartial, respectful, and dignified manner
 - Confronting
 - Reality testing using appropriate reality checks
 - Managing power appropriately
 - Correspondence with multiple parties
- Reading Materials to accompany Lecture 1
 - Can we call a Truce? Ten Tips for Negotiating Workplace Conflicts. By Jeffrey Krivis
 - What is Mediation and how does it fit into the Workplace? By Tim Hicks
 - When mediation is the right approach to resolving workplace conflict. By Louisa Dickinson
 - Workplace bullying – is mediation appropriate? By Saranne Segal
- Reading Material to accompany Lecture 2
 - Break & Repair vs. Preventive Maintenance in Workplace Conflict. By Lorraine Segal
 - Risk Factors for Workplace Interpersonal Conflict: How to Prevent it Before it Begins. By Vanessa Rose
 - Cost of Workplace Conflict. By Kathleen Kauth
 - It Ain't My Fault: How Best to Manage Workplace Conflict. By Amy Robertson
- Audio/Visual Materials to accompany Lecture 1
 - A New Approach for Conflict Management Podcast
 - Workplace Mediation Podcast
 - Mediation Intake Examples
- Audio/Visual Materials to accompany Lecture 2
 - Workplace Mediation in Action – Conflict Masters
- Essay Assignment to accompany Lecture 1
 - Would using a formal mediation process be more effective than an informal mediation process for resolving workplace disputes?
 - 500 – 1,000 Words, 3 References, and post to the course's Slack channel
- Essay Assignment to accompany Lecture 2
 - Having watched the video example of a workplace mediation, what did you see as the strengths of the mediator? What were the weaknesses of the mediator? Do you feel that this dispute was appropriate for mediation? If so, why? If not, why not?
 - 500 – 1,000 Words, 3 References, and post to the course's Slack channel
- Reflective Journal Video to accompany Lecture 1

- Record a 5-minute video of reflecting upon first section of learning materials
- Reflective Journal Video to accompany Lecture 2
 - Record a 5-minute video of reflecting upon second section of learning materials
- 1 Hour Roleplay Video Assignment
 - Using the Roleplay materials within the course, use some volunteers to practice the mediation process, recording it as a video.
 - Post to the course's Slack channel
- Written Reflective Journal
 - Write your reflections about the entirety of the course
 - Approximately 500 words and post to the course's Slack channel

Module 4: Mediating Elder and Estate Matters

Course Content:

- Assignments:
 - Recorded Lecture 1
 - Nature of conflict and conflict management theory and principles
 - Clarify how the mediation session will be conducted and settlement effected and identify what parties and experts will be involved and exploring client interests and concerns effectively for facts, issues, and perceptions
 - Encouraging opportunities for recognition and ensuring all parties have an opportunity to participate in the process
 - Questioning using succinct questions to clarify issues
 - Ensuring parties; ability to negotiate for themselves
 - Correspondence with multiple parties
 - Recorded Lecture 2
 - Nature of conflict and conflict management theory and principles
 - Recording and retaining data
 - Empowering parties and preserving parties' autonomy in decision-making, and allow all parties to make objections and respond fully to objections
 - Clarifying
 - Assisting parties to identify and evaluate alternatives to a negotiated agreement (BATNA)
 - Recognizing responsibilities to non-present parties
 - Billing estates
 - Reading Materials to accompany Lecture 1

- Exploring the Role of Elder Mediation in the Prevention of Elder Abuse, by Justice Canada
- Eldercare Mediation: Setting Families up for Success, by Kathleen Kauth
- Elder Mediation, by Georgia Daniels
- Elder and Guardianship Mediation, by The Canadian Centre for Elder Law
- Elder Mediation in Theory and Practice: Study Results from a National Caregiver Mediation Demonstration Project, by Alexandra Crampton
- Reading Material to accompany Lecture 2
 - Conflict Theory and Management – Excerpts from Choices in Approaching Conflict
 - Effective Alternatives Analysis in Mediation BATNA/WATNA – Analysis Demystified
 - Types of Questions and Clarifying Questions
 - Supplemental Reading for Module 4 Document by CSM Academy
 - Mediating Family Property and Estate Conflicts: Keeping the Peace and Preserving Family Wealth, by Jay Folberg
 - Why are you and your sibling fighting over your parents' house? By Kamela Laird
 - The use of mediation in estate planning: A pre-emptive strike against potential litigation, by John Gromala
 - Mediation in estate planning: A strategy for everyone's benefit, by David Gage and John Gromala
- Audio/Visual Materials to accompany Lecture 1
 - We need to talk: Elder Mediation, by Staying Put or Moving On
 - Elder Mediation, by Mediation and Training
 - Elder Mediation in Ontario, by Sally Morgan
 - Elder Mediation, Victoria BC, by Lori Frank
- Audio/Visual Materials to accompany Lecture 2
 - Estate Mediation, by Educaloi
 - Mediation Works: Estate Mediation with Colleen Cattell, QC., by GoReClinic
 - This is Where I Leave You, Shiva Chairs, Warner Bros. Entertainment, by Warner Bros.
- Essay Assignment to accompany Lecture 1
 - What are the benefits of elder mediation? What are the drawbacks? Can you think of a situation where elder mediation might be successful? What about a situation where you feel elder mediation might not be successful?
 - 500 – 1,000 Words, 3 References, and post to the course's Slack channel

- Essay Assignment to accompany Lecture 2
 - In the clip from the movie “This is Where I Leave You”, the siblings are negotiating and the mother steps in and speaks of her husband’s, their father’s, dying wish. If his situation were more escalated and required mediation, what are some of the interests that might be at play in this situation? Imagine you are the mediator for this family. What do you imagine might be their goal statement?
 - 500 – 1,000 Words, 3 References, and post to the course’s Slack channel
- Reflective Journal Video to accompany Lecture 1
 - Record a 5-minute video of reflecting upon first section of learning materials
- Reflective Journal Video to accompany Lecture 2
 - Record a 5-minute video of reflecting upon second section of learning materials
- 1 Hour Roleplay Video Assignment
 - Using the Roleplay materials within the course, use some volunteers to practice the mediation process, recording it as a video.
 - Post to the course’s Slack channel
- Written Reflective Journal
 - Write your reflections about the entirety of the course
 - Approximately 500 words and post to the course’s Slack channel

Module 5: SK Family Law

Course Content:

- Assignments:
 - Recorded Lecture 1
 - Nature of conflict and conflict management theory and principles
 - Role of counsel or other professionals in ADR process
 - Encouraging opportunities for recognition and ensuring all parties have an opportunity to participate in the process
 - Identifying areas of consensus and disagreement
 - Identifying principles and criteria to assist in decision-making
 - Avoiding personal opinions or value judgments and maintain neutrality and integrity
 - Case management: review documents and information received, timetable for dealing with preparatory matters and conduct of the mediation, bring the engagement to completion, and achieve settlement
 - Recorded Lecture 2

- Nature of conflict and conflict management theory and principles
- Dealing with complex factual materials
- Forming relationships and building rapport
- Reframing
- Dealing with impasses by utilizing appropriate tools and techniques and steer the process to settlement
- Establishing and maintaining parties' right to self-determination
- Competence and knowing when to refer cases
- Reading Materials to accompany Lecture 1
 - Divorce Act
 - The Divorce Act Changes Explained
 - Strengthening and modernizing Canada's family justice system
 - Fact Sheet – Family dispute resolution: resolving family law issues out of court
 - Parenting arrangement after separation or divorce
 - Fact Sheet – Divorce and Family Violence
 - Fact Sheet – A Child's View and Preferences
 - Fact Sheet – Duties for Parents and Others
 - Moving after separation and divorce?
 - The Family Maintenance Act
 - The Family Maintenance Act Regulations
 - The Family Property Act

We understand that reading legislation is boring and time consuming; please become familiar with these documents, however, do not stress if you do not read everything "cover to cover"
- Reading Material to accompany Lecture 2
 - Rights of children
 - The Children's Law Act
 - The Children's Law Act Regulations
 - Convention on the Rights of the child

We understand that reading legislation is boring and time consuming; please become familiar with these documents, however, do not stress if you do not read everything "cover to cover"
- Audio/Visual Materials to accompany Lecture 1
 - Divorce and Separation: Where to Start, by Department of Justice Canada
- Audio/Visual Materials to accompany Lecture 2
 - Family Matters – Assisting Families through Separation and Divorce, by skgovskjustice
- Essay Assignment to accompany Lecture 1

- Do common-law spouses enjoy the same rights as legally married people? What legislation applies to common-law spouses?
 - 500 – 1,000 Words, 3 References, and post to the course’s Slack channel
- Essay Assignment to accompany Lecture 2
 - Are there rights of children that are not considered in the separation and divorce process?
 - 500 – 1,000 Words, 3 References, and post to the course’s Slack channel
- Reflective Journal Video to accompany Lecture 1
 - Record a 5-minute video of reflecting upon first section of learning materials
- Reflective Journal Video to accompany Lecture 2
 - Record a 5-minute video of reflecting upon second section of learning materials
- 1 Hour Roleplay Video Assignment
 - Using the Roleplay materials within the course, use some volunteers to practice the mediation process, recording it as a video.
 - Post to the course’s Slack channel
- Written Reflective Journal
 - Write your reflections about the entirety of the course
 - Approximately 500 words and post to the course’s Slack channel

Module 6: Mediating Family Disputes

Course Content:

- Assignments:
 - Recorded Lecture 1
 - Nature of conflict and conflict management theory and principles
 - Clarify how the mediation session will be conducted and settlement effected. Identify what parties and experts will be involved
 - Forming relationships and building rapport
 - Disclosure
 - Reality testing and independent legal advice
 - Establishing a mutual commitment to honest disclosure
 - Working with experts effectively
 - Recorded Lecture 2
 - Nature of conflict and conflict management theory and principles
 - Screening for appropriateness/determine if issues are covered by mediation

- Remaining non-judgmental and separating mediator’s personal values from issues under consideration
 - Assertiveness skills e.g., using “I” statements and encourage parties to be assertive
 - Designing and testing plans and arrangements
 - Confidentiality and caucusing and emphasizing the confidentiality principle and explaining its limitations
 - Drafting process notes, minutes of settlement, and other memoranda (engagement letter or contract, memorandum of understanding/settlement agreement)
- Reading Materials to accompany Lecture 1
 - What You Don’t Know Can Hurt You: The importance of family violence screening tools for family law practitioners
- Reading Material to accompany Lecture 2
 - The 8 Keys to Resolving Family Conflict, by Diana Mercer
 - Tipping Points – Reasons Why Mediation Works in Complex Family Disputes, by Rikk Larsen
 - Mediation for resolving family disputes, by Marina Kamenecka-Usova
- Audio/Visual Materials to accompany Lecture 1
 - Why domestic violence victims don’t leave, Leslie Morgan Steiner
 - “What I See” – A Domestic Violence Short Film
- Audio/Visual Materials to accompany Lecture 2
 - Family Mediation in Action, by RelScot
 - An Inside Look at Family Mediation, by Legal Aid BC
- Essay Assignment to accompany Lecture 1
 - What are some tools a mediator can use to screen for safety concerns? What plans can a mediator put in place to help provide safety to clients as they move through the mediation process?
 - 500 – 1,000 Words, 3 References, and post to the course’s Slack channel
- Essay Assignment to accompany Lecture 2
 - Are all family disputes appropriate for mediation? If so, why? If not, which family disputes are inappropriate for mediation and why?
 - 500 – 1,000 Words, 3 References, and post to the course’s Slack channel
- Reflective Journal Video to accompany Lecture 1
 - Record a 5-minute video of reflecting upon first section of learning materials
- Reflective Journal Video to accompany Lecture 2
 - Record a 5-minute video of reflecting upon second section of learning materials

- 1 Hour Roleplay Video Assignment
 - Using the Roleplay materials within the course, use some volunteers to practice the mediation process, recording it as a video.
 - Post to the course's Slack channel
- Written Reflective Journal
 - Write your reflections about the entirety of the course
 - Approximately 500 words and post to the course's Slack channel