Module 1 Mediation and Conflict Resolution

1.1.1 Module aims and objectives

This Mediation and Conflict Resolution module familiarises learners with the fundamental mediation theories and concepts. It provides knowledge of the principles of mediation and the mediation process. Its role is to provide a basis on which the learner can build and apply mediation theories and practices in simulated and real settings.

This module also aims to give learners an awareness of the impact of conflict behaviour on mediation, both from the perspective of the mediator themselves, and also from the parties to the mediation and emphasises the necessity of inherent emotional intelligence on the part of the mediator in this regard. It seeks to achieve this by introducing learners to both academic reading and self-reflection on the area.

The module further aims to enable learners gain an in-depth understanding of the theories, concepts and methods underlying the development and use of conflict management skills and to acquire the skills of competent conflict management of parties undergoing mediation.

1.1.2 Minimum intended module learning outcomes

On successful completion of this module, learners can:

(i) Critique how the position that parties take in a mediation is driven by their unconscious and/or unstated underlying interests;
(ii) Demonstrate detailed knowledge and understanding of the principles governing mediation;
(iii) Critically analyse the impact the principles of mediation and the mediation process can have in resolving conflict;
(iv) Compare and contrast the different models and styles of mediation prior to selecting the appropriate model and style;
(v) Critically reflect on their own approach to conflict including their own triggers and conflict behaviours and the skills that are utilised in managing interpersonal conflict;
(vi) Critically assess and evaluate the impact of interpersonal conflict on the mediation process.

1.1.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Learners require a grounding in the theories, principles and practices of mediation prior to progressing into later modules which focus on the law and mediation, codes of ethics and practical application of their skills. The module learning outcomes are specifically aligned to a number of the programme's minimum intended learning outcomes, for example, the module supports learners to:

(i) Demonstrate an understanding of theories, concepts and current awareness pertaining to the field of mediation
(ii) Demonstrate understanding of current legislation, principles and ethical best practice in relation to mediation
(iii) Demonstrate detailed knowledge, understanding and skills in the field of mediation, including the impact of interpersonal conflict on same

1.1.4 Information provided to learners about the module

Learners receive the following resources and materials in advance of commencement:

- Module descriptor with module learning outcomes
- Assignment and project brief with assessment strategy
- Reading materials
- Notes

Module related support and reference material is made available online using Moodle, the College VLE. Moodle also provides learners with access to a range of relevant resources and activities, for example library, video resources, and links to college related supports.

1.1.5 Module content, organisation and structure

Mediation and Conflict Resolution is a 5 ECTS module taught and assessed over two days involving 14 hours. The indicative module content is shown below.

Mediation:

- Definition of mediation;
- Introduction to the mediation process;
- An introduction to interests-based mediation: Positions versus underlying interests;
- Mediation principles;
- Ladder of inference;
- Models of mediation and different styles of mediation (transformative/facilitative);
- Discussion of mediation video which learners watched prior to Module 1;
- Role Play;
- Overview of assignment work to be done in preparation for Module 3.

Conflict:

- Definition and dimensions of conflict;
- The Nature of Conflict;
- The Path of Conflict;
- Conflict Dynamics Profiling;
- Conflict Competence.
- The sources (including a discussion of Values, Needs and Identity) and competences surrounding conflict
- The considerations surrounding conflict triggers and the importance of recognising these in a mediation environment.

The learner is introduced to the CDP-I tool in this module. CDP-I is an assessment instrument that measures conflict behaviours and assists learners in reflecting on how conflict triggers themselves and others in mediation. The assessment is completed by the individual by means of questions and rating mechanisms. Each learner receives a 21-page report and a 114-page development guide. The CDP-I is only available through CDP-Certified Practitioners.

As a "self-report," the CDP-I looks at how the learners view themselves. It provides a way of helping them to understand more about how they respond to conflict both behaviourally and emotionally. The CDP-I enables learners to compare their own perceptions about how they behave during conflict with that of their colleagues. It provides a complete "conflict profile" with feedback. The CDP-I is particularly helpful for those for whom conflict can be particularly challenging. In addition to feedback on 15 scales, the CDP have a unique "hot buttons" section, which identifies the emotional triggers that negatively impact relationships.

1.1.6   Module teaching and learning (including formative assessment) strategy

This module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. Formative assessment is provided though tutorial-style discussions, group work and exercises which focus on specific scenarios and problem-based scenarios. These require learners to analyse case studies and apply the mediation process to practical disputes or issues. The module is supplemented by structured web-based resources and reading materials. Self- and peer-assessment is used as key formative tools. Learners have an opportunity to observe role plays and to offer peer feedback.

The teaching and learning strategies have been chosen for their ability to instil high levels of learner engagement and development. Each teaching session has a highly participative and practical element, fostered by encouragement of class interaction and interspersed with chances for learners to practice skills learned. The conflict materials provided require the sharing of experiences in group discussion.

Pre-readings are forwarded to all learners prior to commencement of the module. These readings equip learners with the basic outline of the module, including answering relevant self-evaluation questionnaires, thereby saving time whereby the tutor is available for more valuable analysis.

Structured web-based resources are provided for learners to enable them to interact with the tutor and each other in the online learning environment, reducing the isolation any learner may feel during the period between the in-person days of the module and the other modules on the programme.

Independent learning for Module 1 is 110 hours in total which comprises research, assignment drafting and reflective journal writing, an indicative breakdown of learner hours being 40% of time dedicated to research, 30% of time dedicated to assignment drafting and 30% of time dedicated to reflective journal writing.

1.1.7 E-learning
Moodle, the College VLE, is used to disseminate notes, advice, and online resources to support the learners. The learners are also given access to Lynda.com as a resource for reference.

1.1.8 Module physical resource requirements
The module requires the use of a suitably equipped classroom that can accommodate flexible participative engagement. Learners require online access to Moodle the College VLE, and can avail of various open labs on campus and in the library.

The College's physical and online library provides dedicated access to extensive online legal research tools (JustisOne, Westlaw, Hein Online).

1.1.9 Reading lists and other information resources
Madigan, J., Appropriate Dispute Resolution (ADR) in Ireland: A Handbook for Family Lawyers and Their Clients, Jordan Publishing (2012)

O'Sullivan, G., The Mediator's Toolkit: Formulating and Asking Questions for Successful Outcomes, New Society Publishers (2018)

Beer, J., Packard, C., Elwood Gates, E., Stief, E., The Mediator's Handbook: Revised and Expanded, 4th edition, New Society Publishers (2012)

Fisher, R., Ury, W. & Patton, B. Getting to Yes: Negotiating Agreements without Giving In. Boston: Houghton Mifflin Company (2011)

McRedmond, P., Mediation Law, Bloomsbury Professional (2018)

1.2 Module summative assessment strategy

The module is assessed in two parts;

Part 1: This involves a 2,000 to 2,200-word essay assignment which focuses on the curriculum areas that require examination in order to achieve knowledge- and competence-based learning outcomes. The assessment presents an appropriate way to measure the level of learning achieved. Applying theories of conflict to a problem-based scenario is an ideal method of assessing the conflict aspect of the module, while composing an initial letter and opening statement to parties will enable learners to demonstrate their understanding of the basics of initial contact with clients together with the fundamentals of mediation.

Part 2: This involves a reflective professional development mediation Reflective Journal. This 700-word Reflective Journal requires learners to reflect on their learning throughout the module, as well as on their practical training and assessments. On completion of all three modules' related Reflective Journals, the combined programme related Reflective Journal constitutes an in-depth self-reflective, structured work, that can be used as a tool in future study and practice/employment.

No.	Description	MIMLOs	Weighting
1	Assignment	(i) to (vi)	80%
2	Reflective Journal (CA)	(i) to (vi)	20%

1.2.1 Assessment materials

Assessments for the module are included on Moodle and in your folder.