

## **Alternative Dispute Resolution**

ED 644

Arcadia University

Fall, 2006

Kuch 205, Wednesday Evenings 7:10-10:00 p.m.

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### **Syllabus**

#### **Overview**

Conflict is a natural product of the interaction among the various players – students, parents, educators, support staff, administrators and advocates – in our educational system. This course will explore conflict in schools and study the strategic choices available for positively managing conflict. Techniques widely used in schools today, such as arbitration, negotiation and mediation, will be examined. The emphasis of the course will be to underscore the effectiveness and value of non-adversarial forms of conflict resolution in the education setting and beyond. The course will allow each student to explore conflict through the prism of his or her own personal and professional experience.

The course is divided into four general sections:

- 1) Introduction to the field of dispute resolution;
- 2) Negotiation, with an emphasis on “principled negotiation”;
- 3) Mediation, emphasizing peer mediation and special education mediation;  
and
- 4) Designing Dispute Resolution Systems in the academic environment.

#### **Reading**

The primary reading assignments will be taken from the textbook, J. FOLGER, R. STUTMAN and M. POOLE, *WORKING THROUGH CONFLICT: Strategies for Relationships, Groups and Organizations*, 5<sup>th</sup> Edition (2005). Students will also

read R. FISHER, W. URY & B. PATTON, GETTING TO YES, 2<sup>nd</sup> Edition (1991). Other materials, including readings, references and exercises, will be distributed during the course of the semester. In the assignments, "Folger" refers to the textbook and FUP refers to Fisher, supra.

### **Requirements**

1. Do all reading, attend class and participate in class and on-line discussions and exercises. Provide make-up assignments for all missed classes (30% of the grade).
2. Keep a conflict journal during the course of the semester. Students will consider the conflicts in which they participate and will reflect on how they were resolved, for better or for worse, through whatever means was employed. Students are expected to write about their conflicts on at least a weekly basis, taking into consideration and discussing the readings, exercises and video demonstrations shown in class (30% of grade).
3. Class presentation on a professional journal article dealing with conflict and dispute resolution in the schools or beyond (10% of grade).
4. Design a dispute resolution system for your school district (30% of grade).

### **Make-Up Requirements**

There is no required class attendance with a maximum number of allowable missed classes since this is a graduate course for professional educators. However, since 30% of the grade is tied to class participation, missing a class or failing to complete an online discussion assignment will have significant impact. All students who miss classes need to meet with the instructor to review missed work and agree upon a proper make-up assignment. Generally, two additional journal entries will be required for the first missed class. Please inform the instructor as soon as you know a class will be missed so arrangements can be made in a timely fashion.

### **Class Schedule**

**7:10 p.m. – 10:00 p.m.**

**Wednesdays in Room 205 Kuch**

1. **Introduction to the Field of Dispute Resolution**

Wednesday, August 30, 2006

Introduction to the Course/Course Requirements

Conflict Self Survey  
ADR: Concept, Development and Purpose  
Concerns About Using Dispute Resolution Alternatives  
A look at Disputing Procedures  
Negotiation  
Mediation  
Arbitration  
Adjudication  
Hybrid Processes  
Overview of Arcadia Library Resources and MyArcadia.com

Assignment: Get books/review texts/review material handed out in class tonight  
Begin Journals  
Review Online Discussion

***Note: Assignments are generally to be completed on the date listed on the syllabus after tonight. Thus, for the next class meeting on Wednesday, September 6, 2006, students should have started reading FUP, finished reading Folger's Introduction and skimmed his first chapter, looking at his exercises. Some assignments each week will have to be completed before the next class and they will be specially noted. The assignment on the MyArcadia discussion board--see below—is the first such special assignment. This is the first of what should be three assignments on the class discussion board. It builds on what we covered in class tonight. Between the end of class tonight and Saturday midnight, each student will need to post a minimum of 250 words on the discussion board in response to the prompt about conflict. I will respond to each of you before class on the 6<sup>th</sup>. Go to My Arcadia, click on our class and go to the discussion board. You will find this assignment:***

### Definitions of Conflict

Modify

Remove

We will be sharing various definitions of conflict in this forum. Each student in the class will need to provide a definition of conflict that resonates with them and then reflect on a conflict in a professional setting using that definition as a prism through which to analyze the conflict.

***You also need to email the instructor your first journal, as assigned in class, by 5 p.m. on Tuesday, September 5, 2006.***

Wednesday, September 6, 2006

Dispute Resolution Applications  
Keeping control of the process  
Video Presentation

## Dispute System Mission Statement

Assignment: Work on Journals (**first one must be emailed to instructor by 5 p.m. 9/5/06**)

Student Class Presentations Schedule Set/Research Article to Present

Folger, Introduction, Conflict Interaction (read carefully)

Chapter 1, Communication and Conflict (skim through and look at exercises carefully)

FUP, pp. 3-39

Participate in Discussion Board (**must be posted by 9/2/06 midnight**)

Wednesday, September 13, 2006

No Class

Assignment: Work on Journals (2<sup>nd</sup> journal due)

Participate in Second Discussion Board Exercise (check for time deadlines)

Folger, Chapter 2, The Inner Experience of Conflict (skim through and look at exercises carefully)

FUP, pp. 40-55

Wednesday, September 20, 2006

Dispute Resolution Applications

Keeping control of the process

Video Presentation

Review of Conflict Journals

Discussion of Dispute Design Mission Statement

Assignment: Work on Journals (3<sup>rd</sup> Journal Due)

Notify Instructor of Article for Student Presentation

Folger, Chapter 3, Theories of Conflict Resolution

FUP, pp. 56-80

## 2. The Negotiation Process

Wednesday, September 27, 2006

Reviewing the Process

What type of negotiator are you?

Win-Win/Win-Lose/Principled Negotiation

Outside Speaker: Leon Stimpson, Divorce and Custody Mediator

Topic: Dispute Resolution in the Real World, Part One

Assignment: Work on Journals/4<sup>th</sup> Journal Due  
Mission Statement for Dispute System Due  
FUP, pp. 81-94

Wednesday, October 4, 2006

Positions vs. Interests  
Reviewing the concept of interests  
Exploring ways to identify and discuss interests during negotiations  
Options  
Inventing possible options for agreement  
Deciding among options for agreement  
Standards/The benefit of independent standards  
How standards help when interests conflict  
Standards and reaching agreement

Assignment: Work on Journals/5<sup>th</sup> Journal Due  
Folger, Chapter 4, Power: The Architecture of Conflict (skim through  
and look at exercises carefully)  
FUP, pp. 95-128  
Revised Mission Statement for Dispute System/Draft Outline for the  
Dispute Resolution Design System Due  
A Second Online Discussion Assignment May Be Made Tonight  
First Student Journal Article Presentation

Wednesday, October 11, 2006

BATNA  
"Best Alternative to a Negotiated Agreement"  
Explore the other side's BATNA  
Improving your BATNA

Making a workable agreement  
Living with the agreement

Outside Speaker: Andrew Goode, Director  
Better Business Bureau of Southeastern Pennsylvania  
Topic: Dispute Resolution in the Real World, Part Two

Assignment: Work on Journals/6<sup>th</sup> Journal Due  
Begin Drafting Design System  
Folger, Chapter 9, Third Party Intervention (read carefully)  
FUP, pp. 129-143

Wednesday, October 18, 2006

Dealing with difficult people  
How to deal with people problems when they arise  
Closure/Putting Principled Negotiation in Practice

Assignment: Work on Journals/7<sup>th</sup> Journal Due  
Folger, Chapter 7, Doing Conflict: Styles, Strategies, and Tactics (skim through and look at exercises carefully)  
FUP, pp. 144-187

### **3. Mediation**

Wednesday, October 25, 2006

Mediation Process  
Mediation and Schools  
From Coconut Chaos to Project PEACE

Assignment: Work on Journals/8<sup>th</sup> Journal Due  
Folger, Chapter 5, Face-Saving (skim through and look at exercises carefully)  
Review Community Board Material (handed out in class tonight)  
First Draft of Dispute Design Due  
A Third Online Discussion Assignment May Be Made Tonight

Wednesday, November 1, 2006

Mediation in the Schools  
Special Concerns  
Mediation vs. Bullying Prevention & Olweus  
Mediation vs. Discipline  
Teen Court

Outside Speaker: Keith Bailey, Supervisor  
EducationWorks  
Topic: Dispute Resolution in the Real World, Part Three (Teen Court)

Assignment: Work on Journals/9<sup>th</sup> Journal Due  
Work on Final Version of Dispute Design  
Folger, Chapter 8, Changing Conflict Dynamics (skim through and look at exercises carefully)

#### **4. Dispute Resolution Systems Design**

Wednesday, November 8, 2006

Systems Design in Schools  
What processes work  
Journals and Dispute Designs discussed

Assignment: Work on Journals/10<sup>th</sup> Journal Due  
Work on Dispute Design  
Folger, Chapter 6, Climate and Conflict Interaction (skim through and look at exercises carefully)

Wednesday, November 15, 2006

Reflections on ADR in School Settings  
What Does the Future Hold for ADR in the Schools?

Assignment: Work on Journals/11<sup>th</sup> Journal Due  
Work on Dispute Design  
Final Night for Student Article Presentations

Wednesday, November 22, 2006

No Class  
Thanksgiving Holiday

Assignment: Work on Journals/12<sup>th</sup> Journal Due  
Work on Dispute Design

Wednesday, November 29, 2006

Tying up Loose Ends

Assignment: Work on Journals/13<sup>th</sup> Journal Due  
Work on Dispute Design  
Review Self-Evaluation

Wednesday, December 6, 2006

Final Class  
Final Review  
Turn in Self-Evaluation  
Evaluations

Assignment: Work on Journals/14<sup>th</sup> Journal Due (Final journals due Sunday, 5 p.m., 12/10/06)

Work on Design System (Final product due Sunday, 12/10/06 at 5 p.m. As noted, this will be submitted to the plagiarism tool on MyArcadia, turnitin.com)