

## Basic Conflict Resolution—Spring 2013

PSY4377.001

Callier Center CR 1.212, Tuesdays 4 PM - 6:45PM

### Instructor Contact Information

John Q. Stilwell, J.D., Ph.D.,

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**Prerequisites:** None

### Course Description:

This course provides an overview of most methods of **alternative dispute resolution** through the study of case materials and participation in a group mock mediation project which will account for most of the final evaluation.

**Lecture Content:** The Instructor will provide by lecture and example most of the historical, theoretical and experiential material for student consumption.

**Group Work:** The group work will teach theory and skills *primarily* of mediation, one of the many methods that will be examined as means of peaceful conflict resolution.

**Reading Assignments:** All Students will have reading assignments to be responsible for in connection with class discussions and case studies on conflict resolution from the community level to global confrontations.

**Additional Information:** The dynamics of mediation in its various forms, and the analysis of roles played by parties, their advisors and neutrals, will be the subject of about two-thirds of the classes, with the balance devoted to studies of strategies adopted by groups competing for limited resources, demands of those seeking vindication and redemption of rights believed to be denied by government or other authorities, regional and global conflicts including armed hostilities.

### Student Learning Objectives and Requirements:

*(Additional requirements for Graduate Students are denoted by an "a" following the paragraph section number.*

After completing the course, students should be able to:

- 1.1 At the end of the Course, students will have greater insight into the sources of human conflict in all "communities of life" beginning with the "community of self" and extending outward to world-wide conflicts (including, but not limited to, armed hostilities). Role play in an ongoing dramatized mediation will enable those desiring it to be qualified under Texas rules for the requisite basic 40-hour training as mediator in court annexed civil actions.
- 2.1 A primary Goal of the course is to understand the range of conflict resolution techniques and facilities available to disputants and professionals in dispute resolution: Mediation, voluntary and judicially annexed; bench trials, jury trials, military tribunals, internationally constituted tribunals, neighborhood convocations and arbitration, either by a sole arbitrator or a panel of arbitrators independently selected or chosen by the parties to the dispute or a combination thereof.
- 3.1 To augment understanding of the foregoing, students will participate in various roles of those participating in disputes and their resolution and satisfy Texas requirements for Mediator training.

### Required Textbook and Materials:

Jacqueline M. Nolan-Haley, *Alternative Dispute Resolution*, (West Publishing 3rd, ed.);

Christopher W. Moore, *The Mediation Process* (San Francisco, Jossey-Bass, a Wiley Imprint, 3<sup>rd</sup> Ed., 2003);

Fisher, Ury and Patton, *Getting to Yes: Negotiating Agreement Without Giving Up* (Harvard Negotiating Project, Penguin Press, 1988)

Roger Fisher and Scott Brown, *Getting Together: Building Relationships as We Negotiate* (Penguin Books, 1988, 1989)

### **Exams and Assignments:**

**Attendance:** Attendance is mandatory for certification purposes with one absence for any reason permitted without penalty. Attendance records will be kept and at the time final grades are assigned, your record of attendance will be reviewed for compliance with the requisite number of hours and for excess absences. **Up to fifteen points of your final grade may be deducted for absences in excess of the one permitted, at the rate of 1 point per absence.**

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### **PSY4377:**

**Exams:** A midterm and final examination will be required.

**Assignments:** Readings, role play performance and submission of self-evaluation (for each mediator role play) and evaluation of others' role play, on forms prepared by Instructor. All handouts and role play cases will be posted on Instructor's web site as well as sent to students by email.

**Papers:** Students may elect a not more than 15 page term research paper in lieu of final examination, on a topic submitted in outline form and approved in advance by Instructor; two other 5 page papers may be required.

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### **Methods of Evaluation:**

Grading is based on a set of *a priori* criteria shown in the table below. Grades will be based on the total number of points across the course, with attendance taken into consideration.

Course Points:		Allocation of 55 Classwork Points:*	
Midterm work	20%	Role Play – Mediator	20
Final work	25%	Role Play – Parties	6
Classwork	55%	Role Play – Self-assessment	4
		Role Play – Peer assessments	10
		Attendance, discussant	15**

\*Points on written assessments will be distributed over the principal categories more or less evenly, with discretion of the instructor. Points will be averaged from student submissions. Instructor's assessments will be assessed against the averages from peers of those being assessed for any major discrepancies or regressions from the mean. Evaluations will be detailed documents used in the course which will be handed out for familiarization at the beginning of the course and will be distributed at each class when mock mediation is conducted. While these are forms, students are required to provide thoughtful responses and not simply check boxes. Even though students may not plan to be mediators, enthusiastic and realistic role play is important to successfully completing the classwork. Evaluations will be discussed generally in class, but will not be returned to students as a rule.

\*\* Absences count up to 15% on final grade. Students may not miss more than two classes and still qualify as a Mediator under Texas statutory requirements. Students arriving to class more than 30 minutes late counts as missing ½ of the class. Consistent lateness may disqualify student under Texas requirements for Mediator training. Students departing early from class will be similarly penalized resulting in ½ an absence and/or disqualification as Mediator. **If you believe your schedule or preferences may result in frequent tardiness, early departures or excessive (more than 2) absences, be advised these requirements are strictly enforced. You may still pass the course, but it is unlikely that you would be able to receive a grade of B or better.**

### **UNDERGRADUATE GRADE SCALE**

98 – 100	A+	4.0 (4.33 for LSAC Scale)	77 – 79	C+	2.33
93 – 97	A	4.0	73 – 76	C	2.0
90 – 92	A-	3.67	70 – 72	C-	1.67
87 – 89	B+	3.33	67 – 69	D+	1.33
83 – 86	B	3.0	63 – 66	D	1.0
80 – 82	B-	2.67	60 – 62	D-	0.67
			< 60	F	0

### **Instructor Policies; Class Decorum; Professionalism**

All examinations are "open book" and "take home" meaning you may use your texts, class notes, Instructor Web Site postings and handout materials furnished by instructor. Students are allowed a maximum of 3 hours (equal to one class time plus one 15 minute break) during only one sitting to take and complete the examination. Exam must be taken alone and without any form of consultation with any person. By submitting an examination to the instructor for grading, a student warrants that the examination was taken in accordance with the foregoing instruction. Failure to submit an examination on time, except with a physician documented medical excuse will result in an **F** for the exam. No extensions otherwise will be granted.

Students are expected to arrive on time, clean and neatly dressed, cell phones off or on "vibrate" and may be answered only for emergencies outside the classroom. Laptops may be used for note taking or Instructor directed use during class. Instructor may be addressed as Mr., Doctor or Professor Stilwell. Students will be addressed as Mr. or Ms. [last name].

***These assignments and timelines are subject to change at the discretion of the professor.***

***Students will be notified by email of any changes.***

***M=Moore Text; IWS= Instructor Web Site***

CLASS	CLASS ACTIVITY	ASSIGNMENTS
I	Introductory Lecture	Read all of Getting to Yes IWS Letter from Birmingham Jail
II	Overview of Mediation Process	Read all of Getting Together.
III	Background and origins of Alternative Dispute Resolution	M Ch. 1 & 2
IV	Rhetoric and Justice	See IWS
V	Negotiation Process	
VI	Mediation Process	Read Alternative Dispute Resolution Handbook
VII	Other Types of ADR (Alternative Dispute Resolution) Group 1	M – Ch. 8
	Preparation for Midterm Group 2	M – p. 211-367
VIII	Methodology of Negotiation Group 3	
	Spring Break	
IX	Claims and Counterclaims; Offers and Shuttle Diplomacy Joint Sessions and Caucuses; Methodology of process Group 4	
X	Generating Options and Solutions Group 5	
XI	Formal Types of Dispute Resolution when Mediation Fails Group 6	
XII	Ethics	“Preventing Deadly Conflict, the Final Report of Carnegie Endowment” – IWS
XIII	Mediator Ethics	
XIV	Preparation for Final Exam	

### **Student Conduct & Discipline**

The University of Texas System and The University of Texas at Dallas have rules and regulations for the orderly and efficient conduct of their business. It is the responsibility of each student and each student organization to be knowledgeable about the rules and regulations which govern student conduct and activities. General information on student conduct and discipline is contained in the UTD publication, *A to Z Guide*, which is provided to all registered students each academic year.

The University of Texas at Dallas administers student discipline within the procedures of recognized and established due process. Procedures are defined and described in the *Rules and Regulations, Board of Regents, The University of Texas System, Part 1, Ch. VI, Section 3*, and in Title V, Rules on Student Services and Activities of the university's *Handbook of Operating Procedures*. Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations (SU 1.602, 972/883-6391).

A student at the university neither loses the rights nor escapes the responsibilities of citizenship. He or she is expected to obey federal, state, and local laws as well as the Regents' Rules, university regulations, and administrative rules. Students are subject to discipline for violating the standards of conduct whether such conduct takes place on or off campus, or whether civil or criminal penalties are also imposed for such conduct.

### **Academic Integrity**

The faculty expects from its students a high level of responsibility and academic honesty. Because the value of an academic degree depends upon the absolute integrity of the work done by the student for that degree, it is imperative that a student demonstrate a high standard of individual honor in his or her scholastic work.

Scholastic dishonesty includes, but is not limited to, statements, acts or omissions related to applications for enrollment or the award of a degree, and/or the submission as one's own work or material that is not one's own. As a general rule, scholastic dishonesty involves one of the following acts: cheating, plagiarism, collusion and/or falsifying academic records. Students suspected of academic dishonesty are subject to disciplinary proceedings.

Plagiarism, especially from the web, from portions of papers for other classes, and from any other source is unacceptable and will be dealt with under the university's policy on plagiarism (see general catalog for details). This course will use the resources of turnitin.com, which searches the web for possible plagiarism and is over 90% effective.

### **Email Use**

The University of Texas at Dallas recognizes the value and efficiency of communication between faculty/staff and students through electronic mail. At the same time, email raises some issues concerning security and the identity of each individual in an email exchange. The university encourages all official student email correspondence be sent only to a student's U.T. Dallas email address and that faculty and staff consider email from students official only if it originates from a UTD student account. This allows the university to maintain a high degree of confidence in the identity of all individual corresponding and the security of the transmitted information. UTD furnishes each student with a free email account that is to be used in all communication with university personnel. The Department of Information Resources at U.T. Dallas provides a method for students to have their U.T. Dallas mail forwarded to other accounts.

### **Withdrawal from Class**

The administration of this institution has set deadlines for withdrawal of any college-level courses. These dates and times are published in that semester's course catalog. Administration procedures must be followed. It is the student's responsibility to handle withdrawal requirements from any class. In other words, I cannot drop or withdraw any student. You must do the proper paperwork to ensure that you will not receive a final grade of "F" in a course if you choose not to attend the class once you are enrolled.

### **Student Grievance Procedures**

Procedures for student grievances are found in Title V, Rules on Student Services and Activities, of the university's *Handbook of Operating Procedures*.

In attempting to resolve any student grievance regarding grades, evaluations, or other fulfillments of academic responsibility, it is the obligation of the student first to make a serious effort to resolve the matter with the instructor, supervisor, administrator, or committee with whom the grievance originates (hereafter called "the respondent"). Individual faculty members retain primary responsibility for assigning grades and evaluations. If the matter cannot be resolved at that level, the grievance must be submitted in writing to the respondent with a copy of the respondent's School Dean. If the matter is not resolved by the written response provided by the respondent, the student may submit a written appeal to the School Dean. If the grievance is not resolved by the School Dean's decision, the student may make a written appeal to the Dean of Graduate or Undergraduate Education, and the dean will appoint and convene an Academic Appeals Panel. The

decision of the Academic Appeals Panel is final. The results of the academic appeals process will be distributed to all involved parties.

Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations.

### **Incomplete Grade Policy**

As per university policy, incomplete grades will be granted only for work unavoidably missed at the semester's end and only if 70% of the course work has been completed. An incomplete grade must be resolved within eight (8) weeks from the first day of the subsequent long semester. If the required work to complete the course and to remove the incomplete grade is not submitted by the specified deadline, the incomplete grade is changed automatically to a grade of **F**.

### **Disability Services**

The goal of Disability Services is to provide students with disabilities educational opportunities equal to those of their non-disabled peers. Disability Services is located in room 1.610 in the Student Union. Office hours are Monday and Thursday, 8:30 a.m. to 6:30 p.m.; Tuesday and Wednesday, 8:30 a.m. to 7:30 p.m.; and Friday, 8:30 a.m. to 5:30 p.m.

The contact information for the Office of Disability Services is:

The University of Texas at Dallas, SU 22

PO Box 830688

Richardson, Texas 75083-0688

(972) 883-2098 (voice or TTY)

Essentially, the law requires that colleges and universities make those reasonable adjustments necessary to eliminate discrimination on the basis of disability. For example, it may be necessary to remove classroom prohibitions against tape recorders or animals (in the case of dog guides) for students who are blind. Occasionally an assignment requirement may be substituted (for example, a research paper versus an oral presentation for a student who is hearing impaired). Classes enrolled students with mobility impairments may have to be rescheduled in accessible facilities. The college or university may need to provide special services such as registration, note-taking, or mobility assistance.

It is the student's responsibility to notify his or her professors of the need for such an accommodation. Disability Services provides students with letters to present to faculty members to verify that the student has a disability and needs accommodations. Individuals requiring special accommodation should contact the professor after class or during office hours.

### **Religious Holy Days**

The University of Texas at Dallas will excuse a student from class or other required activities for the travel to and observance of a religious holy day for a religion whose places of worship are exempt from property tax under Section 11.20, Tax Code, Texas Code Annotated.

The student is encouraged to notify the instructor or activity sponsor as soon as possible regarding the absence, preferably in advance of the assignment. The student, so excused, will be allowed to take the exam or complete the assignment within a reasonable time after the absence: a period equal to the length of the absence, up to a maximum of one week. A student who notifies the instructor and completes any missed exam or assignment may not be penalized for the absence. A student who fails to complete the exam or assignment within the prescribed period may receive a failing grade for that exam or assignment.

If a student or an instructor disagrees about the nature of the absence [i.e., for the purpose of observing a religious holy day] or if there is similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution, or his or her designee. The chief executive officer or designee must take into account the legislative intent of TEC 51.911(b), and the student and instructor will abide by the decision of the chief executive officer or designee.

***These descriptions and timelines are subject to change at the discretion of the Professor.***