MODULE ON ENVIRONMENTAL MEDIATION

NRE-53X        Winter 2008 (March 7-9)

1 credit; **Prerequisite:** NRE 533 or comparable negotiation course

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Mediation Practitioner

Friday 1-5 p.m.; Saturday and Sunday 8 am – 5 pm, 2024 Dana

Increasingly, individuals, organizations and agencies are seeking negotiated solutions to challenging environmental and public disputes. For many of these disputes, a negotiated outcome is more likely when the process of negotiation is well facilitated by a third party mediator. Mediation is simply the process of assisting others to negotiate given the existence of divergent human interests and scientifically-complex problems. In many cases, a neutral third party can help people reach amicable solutions to site-specific or policy-level disputes.

This course is an intensive 20-hour module that develops a student’s skills in mediation as they can be applied to the resolution of environmental and other public disputes. It will help a student to: assess the appropriateness of a mediation strategy; understand the group dynamics and incentives that make mediation challenging; design a negotiation process for multiparty disputes; carry out a mediation strategy both at the negotiating table and between meetings; and deal with difficult mediation challenges that occur in process design and management.

We believe that mediation skills are best developed by a hands-on approach including simulated experiences, debriefing, lectures, case studies and supportive readings. The course employs several gaming simulations that allow students to engage in controlled mediation situations, followed by debriefings that critique strategy and styles.

Since mediation is the process of helping others to negotiate, we assume that students have already had a robust exposure to interest-based negotiation, either by taking NRE-533 or a comparable negotiation course.

Readings


Since the module will occupy all of the student’s time over the weekend, we assume that students will have read the two required texts before the module begins. Both books will be available in the bookstores, and copies will be placed on reserve at the Science Library.
Assignments and Grading

Since the course stresses the development of intuition through experiential learning, we want to encourage you to be as active a participant in the learning process as possible. For that reason, your grade for the course will be based on two elements:

- the quality and level of participation in simulations and module discussions (60% of grade);
- a short written reflection on what you learned in the simulations or comparable situations in which you have participated (40% of grade).

We ask that you write a short paper in the week after the mediation module as a way to collects your thoughts on the lessons you drew from the mediation exercises or speculate on strategies, behaviors, or issues you found of particular interest. These entries are intended to be reflective and useful to you in the future. Entries can be of any of the following type:

1. For any or all of the three mediation simulations, ask yourself:
   a. What did I learn from the role, strategy and/or style of the mediator in the game?
      - What worked? Why?
      - What did not? Why?
      - What do these reflections suggest for my future conduct?
   b. What might I have done differently if I were doing it all over again?

2. You may analyze a situation in which you were involved as a mediator or another person served as a mediator by asking the above questions.

3. Effective mediation involves developing personal skills of a variety of kinds. You can use a few pages of the assignment to think about skills that you possess and how best to employ them in mediation, or to reflect on skills that you want to develop and demonstrate more fully.

4. We may also give you a question or two during the module on which we would like you to reflect.

In general, the written reflection should not be a play-by-play account of what you did in the simulations, but rather of what, upon reflection, you have learned from what you and others did. Nor should it regurgitate the lessons we draw out of the simulations in class. Rather, it should expand on our in-class discussions. We hope that the completed assignment will be of use to you when you prepare to serve as a facilitator or mediator in the future.

This assignment will be due 5 days after the end of the module to encourage you to reflect on your experiences while they are fresh.

Note: Due to the short and intensive nature of the module, attendance at all 20 hours of the workshop is required in order to receive credit.
COURSE OUTLINE

DAY 1

Friday, March 9, 1-5 p.m.

Introduction to the Module and Requirements
Discussion of Mediation and Dispute Resolution Techniques
The Goal of Mediation – understanding, agreement, transformation
Break

The Mediation Process: Model and Overview

**Overnight Homework:** Prepare to mediate/negotiate the *Westville* and *Storyville* cases

DAY 2

Saturday, March 10, 8 am - Noon

Exercise #1: Mediate *Westville* case (2 party plus mediator)
Debriefing and Discussion
Break
Mediator Preparation
  Listening and Interviewing
  Conflict Analysis/Problem Framing

Saturday, March 10, 1-5 pm.

Phase 1: Mediator/Parties Opening Remarks, Objectives, Identify Issues, Agenda, Joint Problem Statement, Issue Exploration
Exercise #2a: Mediate *Storyville* Part #1 (3 party plus mediator)
Break
Phase 2: Issue Exploration, Option Generation, Evaluation and Closure
Exercise #2b: Mediate *Storyville* #2 (3 party plus mediator)
Debriefing and Discussion

**Overnight Homework:** Prepare to mediate/negotiate *Carson Wetlands* case

DAY 3

Sunday, March 11, 8 am - Noon
Review Overnight Thoughts and Questions
Case Study: Process Design Principles
Break
Tools for Decision Making
Group Dynamics

Sunday, March 11, 1-5 pm.
Co-Mediation
Exercise #3-Fishbowl: Mediate *Carson Wetlands* (8 party co-mediation)
Debriefing and Discussion

**Homework:** Write mediation reflections (5 pages maximum), using above questions as guidance. Due: Friday, March 16 by 5 p.m.