

“Mediation Processes & Techniques”
Master’s Level Course - Asynchronous Online
(Fall 2026)

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Rutgers University, Labor Studies & Employment Relations Dept., SMLR

Course #38:578:569:90 (3 Credits)

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Virtual Office Hours: By appointment

Canvas Site:

Please see the Canvas course site for a more detailed version of the Syllabus.

Course Description:

Overview and comparison of alternative dispute resolution (“ADR”) methods, with a focus on mediation. The course will present both a theoretical and practical approach to mediation. Topics will include mediator qualifications, ethics, mediator misconduct, labor and employment mediation, and confidentiality. Students will observe and critique mediation scenarios and participate in a simulated mediation session.

Course Delivery Format:

This course runs from **September 1 through December 10, 2026**. It is delivered entirely online through the Learning Management System, Canvas. There are no in-person classroom sessions. The course is delivered in **asynchronous mode**, meaning that the learning activities and communication takes place outside of real-time. You do not have to log in at any specific time; you may do so at your convenience. Even though you do not need to log in at any specific time, **you still are required to adhere to all course work due dates.**

Important Note:

There will be a simulated mediation session that will require you to meet remotely (or in-person, if you prefer) with a small group of fellow students at a mutually convenient time between November 23-December 6, 2026.

Use of “AI” Strictly Prohibited:

The use of generative artificial intelligence (“AI”) such as ChatGPT, Grammarly, etc. is not permitted on any quiz or assignment in this course and is a violation of the Rutgers University Academic Integrity Policy. All student work submitted will be screened for the unauthorized use of AI. When AI use is detected, I will share the findings with the student to ensure full transparency and to allow the student to be heard. *Any assignment flagged for AI use will receive a “0” score.*

“No AI” Disclosure (by Professor):

I did not use AI in the creation of the course syllabus, Canvas site, or for any quiz or assignment. I also do not use AI for grading or in my communications with students.

Course Materials:

- **Required textbook:** Kimberlee K. Kovach, *Mediation in a Nutshell*, West Academic Publishing, Third Edition.
- All other course readings, lecture videos, multimedia, and supplemental material will be posted on the Canvas course website

Weekly Overview Videos:

At the start of each week, I will post a short (3-5 minute) video providing an overview of the weekly topics, learning materials, assignments, grading updates, and related items.

Schedule:

Each week of the course begins on Monday and ends on Sunday evening at 11:59 PM (aside from Week 1, which begins on Tuesday, and Week 15, which ends on Thursday). You often will have assignments due by Wednesday and/or Saturday evening. The schedule and assignments are subject to change, upon prior notice.

Grading Components & Weight:

1. Personal Introduction (5%)
2. Academic Integrity/Syllabus Quiz (5%)
3. 4 Quizzes at 10% each (40%)
 - Quiz 1: Week 3
 - Quiz 2: Week 6
 - Quiz 3: Week 9
 - Quiz 4: Week 12
4. 6 Discussion Forums at 5% each (30%)
 - Forum 1 – Week 4: Mediation Process
 - Forum 2 – Week 5: Mediator Neutrality
 - Forum 3 – Week 7: Mediator Misconduct
 - Forum 4 – Week 8: Confidentiality

- Forum 5 – Week 10: Mediation Scenarios
Forum 6 – Week 11: Employment Cases
5. Simulated Mediation Exercise & Paper (20%): Weeks 13-14

Grading Scale:

90-100 = A
86-89 = B+
80-85 = B
70-79 = C+
60-69 = C
50-59 = D
0-49 = F

Academic Integrity:

The Rutgers University Academic Integrity Policy governs the conduct of all students. See Canvas course website for more details. Students will take a quiz to test their knowledge of the Policy.

No Individual “Extra Credit”:

I do **not** offer extra credit to individual students upon their request, since this is unfair to other students who do not receive the same opportunity. However, I sometimes will offer an extra credit opportunity to the class as a whole, since that is fair to all students.

Students With Disabilities:

Rutgers University welcomes students with disabilities into all of the University’s educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation. **See the Canvas course website for more details and for other policies.**

Course Topics & Schedule:

Week 1 (Sept. 1-6) – Course Overview; Academic Integrity

Readings/Media:

- Course syllabus and Canvas site
- *Rutgers University Academic Integrity Policy*

Assignments:

- Post personal introduction
- Academic Integrity & Syllabus Quiz

Week 2 (Sept. 7-13) - Alternative Dispute Resolution

Readings/Media:

- *Nutshell, Chapter 1, pp. 1-19*
- “Dispute Resolution Overview” (American Bar Association)
- “Types of ADR Techniques” (Equal Employment Opportunity Commission)
- “Introduction to Alternative Dispute Resolution” (LawShelf YouTube video)
- “Comparing Alternative Dispute Resolution Processes” (Lecture Video)

Assignment:

- None

Week 3 (Sept. 14-20) – Mediation History

Readings/Media:

- *Nutshell, Chapter 2, pp. 21-47*
- “The Legal and Cultural Roots of Mediation in the U.S.” (Saul)
- “Windows on Diversity: Lawyers, Culture, and Mediation Practice” (LeBaron & Zumeta)

Assignment:

- Quiz #1

Week 4 (Sept. 21-27) – The Mediation Process

Readings/Media:

- *Nutshell, Chapter 2, pp. 47-76, and Chapter 3, pp. 77-98*
- “Mediation Process” (Air Force Negotiation & Dispute Resolution Program – YouTube video)
- “Mediation Process Basics” (Lecture Video)

Assignment:

- Discussion Forum #1

Week 5 (Sept. 28-Oct. 4) – Mediator Qualifications and Neutrality

Readings/Media:

- *Nutshell, Chapter 6, pp. 173-195*
- “How to Become a Mediator” (N.J. Assoc. of Prof. Mediators)
- “Guidelines for Mediation” (U.S. District Court for District of New Jersey)
- “Civil Mediation Program Resource Materials” (N.J. Judiciary)
- “Mediator Qualifications & Neutrality” (Lecture video)

Assignment:

- Discussion Forum #2

Week 6 (Oct. 5-11) – Ethics; Standards of Conduct

Readings/Media:

- *Nutshell, Chapter 9, pp. 255-283*

- “*Mediators Ethics Guidelines*” (JAMS)
- “*Model Standards of Conduct for Mediators*” (AAA & ABA)
- “*Standards of Conduct for Mediators In Court-Connected Programs*” (N.J. Judiciary)
- “*Mediator Ethics*” (Lecture video)

Assignment:

- Quiz #2

Week 7 (Oct. 12-18) – Mediator Misconduct

Readings/Media:

- “*The Irony of Mediator as Problem Maker: Mediator Misconduct Setting Aside Mediated Agreements*” (Tetunic)
- “*How to Avoid Common Ethical Mistakes as a Neutral or an Advocate in Mediation*” (AAA)
- “*Mediator Misconduct*” (Lecture video)

Assignment:

- Discussion Forum #3

Week 8 (Oct. 19-25) – Confidentiality and Privilege

Readings/Media:

- *Nutshell, Chapter 7, pages 199-230*
- *NJ Rule of Evidence 519: Mediator Privilege*
- *State v. Williams*
- “*Mediation Confidentiality*” (Lecture video)

Assignment:

- Discussion Forum #4

Week 9 (Oct. 26-Nov. 1) – Labor Mediation

Readings/Media:

- “*Mediation*” (N.J. State Board of Mediation)
- *N.J. Admin. Code § 19:12-3.1, et seq., “Mediation” (NJ PERC)*
- “*Mediators at Work*” (Federal Mediation & Conciliation Service)
- *NLRB v. Macaluso, Inc.*
- “*Labor Mediation*” (Lecture video)

Assignment:

- Quiz #3

Week 10 (Nov. 2-8) – Mediation Scenarios

Readings/Media:

- ABA/JAMS Mediation Scenario videos

Assignment:

- Forum Discussion #5

Week 11 (Nov. 9-15) – Mediating Employment Cases

Readings/Media:

- *Nutshell, Chapter 11, pp. 322-324*
- “10 Reasons to Mediate” (EEOC)
- “Resolving Race Discrimination in Employment Disputes through Mediation” (Weatherspoon & Issac)
- “Mediating Employment Cases” (Lecture video)

Assignment:

- Discussion Forum #6

Week 12 (Nov. 16-22) – Arbitration

Readings/Media:

- “The Growing Use of Mandatory Arbitration” (Colvin)
- “Surviving Your First Labor Arbitration” (Harris & Roose)
- “Forced Arbitration: What You Need to Know” (Center for American Progress video)
- “Arbitration Basics” (Lecture video)

Assignment:

- Quiz #4

Week 13 (Nov. 23-25) &

Week 14 (Nov. 30-Dec. 6) - Simulated Mediation Exercise

Readings/Media:

- Mediation Scenario Fact Pattern & Instructions

Assignment:

- Conduct Simulated Mediation
- Draft Paper

Week 15 (December 7-10) - Course Wrap Up

Readings/Media:

- None

Assignments:

- Submit Paper (Due: December 10, 2026 at 11:59 PM)
- Course Evaluation

(Dated: 08/05/2026)