UNIT 8

BUSINESS

MEDIATION

Unit Description

Content: This course is designed to familiarize the student with concepts in conflict management.

Skills: Inference
- Collecting information to make inferences
- Inferring a speaker’s intentions
- Identifying and using similes and metaphors

Unit Requirements

  “Turning Positions into Interest-Based Statements” (from Mediation Theory and Practice, S. McCorkle & M.J. Reece, Pearson Allyn & Bacon)
- Lecture: “Mediation Techniques”
- Integrated Speaking Task: Mediating (role-playing) a conflict between two disputants (parties)
- Assignments: www.MyAcademicConnectionsLab.com
Contents

1 PREVIEW
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   Previewing the Academic Skills Focus

2 BUILDING ACADEMIC READING SKILLS
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3 BUILDING ACADEMIC LISTENING SKILLS
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4 BUILDING ACADEMIC SPEAKING SKILLS
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   Focused Speaking
   Integrated Speaking Task

GRAMMAR CHART: Using as . . . as and like to Create Similes

UNIT 8 ANSWER KEY
1 PREVIEW

Go to www.MyAcademicConnectionsLab.com for Vocabulary Check.

A specialist in mediation works to bring people who disagree together to find solutions. A mediator does not advocate a position or try to persuade parties to take specific action. The mediator typically works to identify the issues at the core of a dispute and uses specific techniques to try to help the parties create a solution. The profession is really in its early stages, and there is little professional framework for mediators in many places in the United States. Almost anyone can become a mediator, but many states offer special licenses and usually require some training for licensure. In this unit, students will examine:

- some common approaches to mediation
- some principles of mediation theory and practice

Activating Background Knowledge

Before students read and study about mediation, you may want to spend some time exploring their familiarity with the concept and if it is common in their home countries.

- In their home countries, apart from the judicial system, what mechanisms are there for resolving conflicts between disputing parties?
- Have students work in pairs or small groups to come up with a definition for mediation. Then discuss the definitions as a class. If students have no idea what the word means, have them look at the photos on the opening page of the unit. What do they think is happening in each photo? What role does each person have?

Previewing the Academic Content, page 162

Before students read the introductory paragraph, point out that they may encounter unknown vocabulary. Encourage them to use context to guess at meaning, but tell them not to be too concerned about unknown words. Exercise 1 will help them understand important words in the paragraph.

Examine the Key Words on page 163. This vocabulary will be helpful for comprehension of the short text on page 163 and useful for the Integrated Speaking Task.
Summary of the Text

“A Definition of Conflict,” by C. Goodwin and D.B. Griffith, page 163

1. Conflict is competition between two or more people whose interests are incompatible and who are dependent on each other.

2. When parties in a conflict are interdependent, each party has needs that only the other party can meet. Example: An employee has needs that can be satisfied only by his or her boss. A boss needs the employee to do specific work. When their needs are not met, conflict arises. If there is no mutual need, there is no conflict. When an employee finds a different job that meets her needs, or an employer finds someone else to do the work, the interdependence is over.

3. Incompatible interests occur when the parties’ needs, values, or goals do not match. If one or both people think their interests are incompatible, a conflict occurs. There is nothing to fight about if their interests are compatible.

4. Competition happens when one or more parties think their needs are threatened and there is no way to meet the need. If they can’t see an immediate solution, they think that one party will win and the other will lose. Competition occurs when each party tries to be the winner before the other. They cannot imagine that there is a solution in which each of them can win.

5. Conflict often depends on perception. People often believe that their interests are incompatible when in reality they are not, and this can lead to conflict. With the correct approach, people might find a common solution that shows them their interests are not really incompatible.

Go to www.MyAcademicConnectionsLab.com for Key Words and Key Words: Practice.

Go to www.MyAcademicConnectionsLab.com for Comprehension.

Previewing the Academic Skills Focus, page 164

Highlight the purpose of this section, stated on the left. This unit focuses on strategies for:

- collecting information to make inferences
- making inferences about a speaker’s intention
- identifying and using similes and metaphors

Review the academic skills focus: Inference.
Go over the information in the skills section on page 164. Point out that making inferences involves using what you know to make an intelligent guess. It is a skill that will be valuable anywhere, particularly in new or unfamiliar situations. The term *making an inference* is also commonly known as *reading between the lines*.

Go to www.MyAcademicConnectionsLab.com for Discussion Board.

### 2 BUILDING ACADEMIC READING SKILLS

Go to www.MyAcademicConnectionsLab.com for Vocabulary Check.

Highlight the purpose of this section, stated on the left. Tell students that in this section, they will learn collocations that are useful for speaking or writing about mediation. They will also practice forming generalizations and making inferences.

**Before You Read, page 165**

Point out that although these collocations can be specific to the content in this unit, they can also be used more generally in other content areas.

**Global Reading, page 167**

Students read a text about mediation and answer questions about important ideas in the text. They also apply what they learned in the text to comments made by people involved in conflicts.

Examine the Key Words on page 168. This vocabulary will be useful for comprehension of the text.

After students have answered the questions in the Exercise, pages 167–168, you may want to discuss their answers as a class to ensure that they completely understand the content of the text.
Summary of the Reading


How can disputants find a way to see that their interests might not be incompatible? How can they find common ground? The answer is communication.

A. Needs underlying conflict
   1. At the base of any conflict are the real needs that each person has. The disputants often are not effectively communicating shared interests.
   2. Example: A couple about to divorce has fears, hurts, and needs that are unfulfilled. If each can understand the other’s perspective, their concerns may vanish.
   3. Example: A manager who might need to discipline an employee would do well to first talk about what motivates the employee’s negative behavior. Perhaps he or she has personal problems or is upset about changes in the workplace. The right questions and a sympathetic answer could save the relationship and might be the initial step in helping the employee become productive again.

B. Positional approach to addressing conflict
   1. Disputants see the conflict as a battle of wills. They come to a discussion with firm ideas of what they want and maintain their positions. They are unable to consider any of each other’s underlying concerns or needs, so they can’t imagine a common solution. They fail to see what could be accomplished if they work together.
   2. Example: An employee who wants a specific salary increase is in conflict with a manager who will not pay more than a specific amount. If the amounts don’t match, they each assume a position and hold it.

C. Disadvantage of positional approach
   1. This approach is traditional and generally accepted, and it’s not necessarily incorrect.
   2. However, it’s likely to succeed only between people who have a superficial relationship because disputants manipulate each other. With people who really matter—a spouse or coworker—positive results are not likely.
   3. Example: A customer who wants a good buy on a car and the salesperson who wants to get the most money for it might successfully use the positional approach.
D. Interest-based approach to addressing conflict

1. Disputants consider underlying needs, concerns, goals, and values. A mediator works to preserve and even improve the relationship between the disputants.

2. Resolution of the conflict meets the disputants’ sincere interests, resolves conflict of interests in a fair way, and considers the interests of other parties affected by the resolution.

3. The interest-based approach is more efficient than the positional approach because manipulation, time, and costs are eliminated.

E. Argument for an interest-based approach

1. Because we value relationships, the long- and short-term impacts of an agreement must be considered. Agreements that serve short-term selfish interests but produce unwanted long-term effects are not useful.

2. Example: If the car salesman creates a poor relationship with the customer, is it worth manipulating the customer to get the best price? A clever salesman values long-term relationships and the opportunity to sell a customer many cars in a lifetime, not only one.

3. Thus, even if the positional approach seems logical, there is often incentive for the bargainer to use the interest-based approach.

Go to www.MyAcademicConnectionsLab.com for Key Words and Key Words: Practice.

Go to www.MyAcademicConnectionsLab.com for Reading Activities 1–4.

Focused Reading, page 170

Students read the text again, along with several briefer texts, and practice making inferences.

Review the academic skills focus: Collecting Information to Make Inferences.

After you have examined the skills section, emphasize that inferences are based on available information—they are not just random guesses.

As they read the directions for Exercise 2, page 170, students may be confused by the terms making inferences, drawing conclusions, and making generalizations. While making inferences and drawing conclusions are synonymous, making generalizations is one type of inference or conclusion. A generalization is a broad statement about a group of people or things and often includes terms, such as always and never.
Go to www.MyAcademicConnectionsLab.com for Reading Activity 5.

Go to www.MyAcademicConnectionsLab.com for Checkpoint 1.

3 BUILDING ACADEMIC LISTENING SKILLS

Go to www.MyAcademicConnectionsLab.com for Vocabulary Check.

Highlight the purpose of this section, stated on the left. Tell students that in this section, they will continue to practice making inferences based on what they hear.

Before You Listen, page 172

The Key Word here will probably be familiar to students since it was used in the text, but you may want to model pronunciation.

Go to www.MyAcademicConnectionsLab.com for Key Words and Key Words: Practice.

Global Listening, page 172

Students listen to a lecture about mediation techniques and identify the techniques they learned about.

Review the academic skills focus: Inferring a Speaker’s Intentions, page 173.
Summary of the Lecture

“Mediation Techniques,” page 172 (For the complete audioscript, see Academic Connections 3, pages 188–189.)

A mediation session typically starts with a broad discussion of the competing issues. Then the mediator facilitates a more specific discussion, in order to foster cooperation and shared values. Some specific techniques are fractionation, framing, reframing, highlighting common ground, and brainstorming.

1. Fractionation
   a. This requires taking complex issues and breaking them down into smaller issues that are more manageable.
   b. Disputants then address each issue individually.
   c. Resolving smaller conflicts creates a feeling of success and confidence in the process by the time they address the bigger conflicts.
   d. Example: Two roommates who are not getting along might begin to realize that they have some specific differences. The mediator begins with the issues that are easier to resolve.

2. Framing
   a. The mediator asks neutral nonjudgmental questions that don’t assign blame. These questions help open discussion or summarize the conflicts.
   b. Example: The mediator tells the roommates that they clearly have some problems, but that trying to resolve them is moving in the right direction.

3. Reframing
   a. The mediator restates negative, biased, or insulting comments made by one of the disputants. The mediator uses neutral vocabulary or restates comments in a manner that allows disputants to see things differently.
   b. Example: If one roommate says, He always comes in late and makes noise just when I need to study, the mediator might say, Getting good grades is important and you need time to study, right?

4. Highlighting common ground
   a. The mediator explores shared attitudes, values, behaviors, expectations, and goals in order to help establish a possible resolution.
   b. Example: The mediator might say, You’re both similar in that you need quiet time to study and want to get good grades.

5. Brainstorming possible solutions
   a. The mediator explores possible solutions that meet both parties’ needs.
   b. The mediator does not limit or criticize the ideas, but simply lists them as they occur. Even a silly suggestion might inspire something better.
6. Summary
   a. During discussions, mediators use all of the above techniques.
   b. They encourage positive comments and respond verbally and nonverbally to both parties to demonstrate that they are paying attention. Positive feedback helps to continue the mediation and reach a solution.
   c. The speaker encourages students to practice these techniques, which work well for mediators.

Summary of the Excerpts (used in Exercise 3, pages 173–174)

(For the complete audioscript, see Academic Connections 3, page 189.)

• Excerpt One: I want to talk about what a mediator actually does.
• Excerpt Two: For example, two roommates might think they’re not getting along, but by moving the discussion from general to specific, the mediator can identify specific differences.
• Excerpt Three: Your challenge is to practice some of these techniques.


Focused Listening, page 174

Students listen to a description of an argument between neighbors and apply some of the techniques they learned in the lecture to resolve the conflict.

Summary of the Neighbors’ Argument (used in Exercise 1, page 174)

(For the complete audioscript, see Academic Connections 3, page 189.)

Two of your neighbors have asked you to mediate a conflict between them. One neighbor wants the other to stop playing basketball in the morning and not move her garbage cans away from the road on collection days. The complaining neighbor needs to sleep in the morning, and if the garbage can isn’t next to the road, the garbage won’t be collected and her garbage will accumulate. The second neighbor claims he has to practice basketball daily. On the days garbage is collected, the complaining neighbor’s garbage can is in the way so he moves it before he plays basketball.

Go to www.MyAcademicConnectionsLab.com for Listening Activity 5.

Go to www.MyAcademicConnectionsLab.com for Checkpoint 2.
4 BUILDING ACADEMIC SPEAKING SKILLS

Make sure that students are familiar with the grammar point covered in MyAcademicConnectionsLab for this unit (using as . . . as and like to create similes) before they begin this section. Go to page 13 in these Teacher's Notes for the grammar chart.

Go to www.MyAcademicConnectionsLab.com for Grammar Check.

Highlight the purpose of this section, stated on the left. In this section, students will participate in a role play to practice mediation techniques and learn how to identify and use rhetorical devices in speaking.

Before You Speak, page 175

Summary of the Text

“Turning Positions into Interest-Based Statements,” by S. McCorkle & M.J. Reece, pages 175–176

1. Positions. Arguing parties come to mediation stuck in their positions. Some examples: refusal to sign a contract without dental and vision plans; refusal to take less than the assessed damage to a carpet; permitting a father to see his kids only at specified times; demand that a wrecked car be moved

2. Positional statements vs. interests. Every positional statement has a hidden interest; interests are what fuel positions. They are the needs that are the basis of demands. A skilled mediator will listen for positional statements so that the underlying interests can be explored. A mediator should reframe positions rather than restating them.

3. Rephrasing vs. reframing a position. A mediator shouldn’t simply rephrase a position because that gives the position statement power. It also makes considering other options more difficult. The mediator should reframe the statement as an interest and try to get more of the story. A successful reframing might go like this:
   
   Disputant: I won’t pay her a dime for those calls. They’re not all mine.
   
   Mediator: You want to be treated fairly and are concerned about the payment request. When did you first hear about the phone bill?

4. Successful reframing. Fair treatment is one interest a mediator can pursue that could lead to a solution.

Go to www.MyAcademicConnectionsLab.com for Comprehension.
Focused Speaking, page 176

Students learn to identify similes and metaphors and practice creating them.

Review the academic skills focus: Identifying and Using Similes and Metaphors.

- After you have examined the skills section, emphasize that using rhetorical devices is a good way to increase the effectiveness of a message. A good writer or speaker is proficient at using them.
- You might want to note that simile and metaphor are just two common rhetorical devices. Students will learn about others in Academic Connections 4, Unit 8.


Integrated Speaking Task, page 177

The Integrated Speaking Task requires students to apply the knowledge they have acquired in this unit in order to role play the resolution of a dispute.

- Go over the Integrated Speaking Task assignment on page 177.
- Go over the descriptions of the disputes on page 178. Each student group should choose one of the situations.
- If a group wishes to create its own scenario, point out that it should be as explicit and detailed as the ones provided. Alternatively, you might want to have each group write a scenario and give it to a different group to use for the role play.
- Go over Steps 1–7 on pages 178–179.
- At Step 6, you may want each group to practice the role play and get feedback about it twice.
- As each group performs for the class, have each member of the audience complete the checklist on page 179 for group members. Then have them compare their practice checklists with the final one. In what areas did they improve? How did they accomplish the improvements?

Go to www.MyAcademicConnectionsLab.com for Internet Activity and Academic Words Puzzle.
**GRAMMAR CHART: Using as . . . as and like to Create Similes**

<table>
<thead>
<tr>
<th>Using as . . . as and like to Create Similes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Use (not) as + adjective + as to compare people, places, or things.</td>
</tr>
<tr>
<td>• Use as + adjective + as to show how they are the same or equal. Use just to make the comparison stronger.</td>
</tr>
<tr>
<td>• Use not as + adjective + as to show how they are not the same or equal.</td>
</tr>
<tr>
<td>Josie is as noisy as her roommate.</td>
</tr>
<tr>
<td>Josie is just as noisy as her roommate.</td>
</tr>
<tr>
<td>Octavio is not as noisy as his roommate.</td>
</tr>
<tr>
<td>2. Use (not) as + adverb + as to compare actions.</td>
</tr>
<tr>
<td>• Use as + adverb + as to show how actions are the same or equal. Use just to make the comparison stronger.</td>
</tr>
<tr>
<td>• Use not as + adverb + as to show how the actions are not the same or equal.</td>
</tr>
<tr>
<td>Octavio can mediate disputes as well as his coworkers.</td>
</tr>
<tr>
<td>Octavio can mediate disputes just as well as his coworkers.</td>
</tr>
<tr>
<td>This dispute wasn’t mediated as well as we thought.</td>
</tr>
<tr>
<td>3. Use like to compare people, places, or things.</td>
</tr>
<tr>
<td>• Use like + noun to show how they are the same. Use just to make the comparison stronger.</td>
</tr>
<tr>
<td>Octavio is noisy like his roommate.</td>
</tr>
<tr>
<td>Octavio is noisy, just like his roommate.</td>
</tr>
<tr>
<td>4. Use as . . . as and like to create similes by comparing one thing to something completely different, creating an image in the listener’s mind.</td>
</tr>
<tr>
<td>My neighbor’s voice is as annoying as fingernails on a chalkboard.</td>
</tr>
<tr>
<td>Stop acting like a queen and expecting everyone to do what you say.</td>
</tr>
</tbody>
</table>
UNIT 8 ANSWER KEY

1 PREVIEW

Previewing the Academic Content

Exercise 1, page 162
1. arguing; having
2. conflict; dispute; difference
3. resolve their differences
4. disputants; parties
5. caught in the middle
6a. to take the side of
6b. to remain impartial

Exercise 5, page 164
1. Because they live together, they must find a solution. None of them can walk away.
2. One friend likes to cook but doesn’t clean. The other friend likes the kitchen to be clean.
3. Both parties feel that they have insufficient time.
4. Answers will vary. Possible answer: One friend can cook while the other cleans up.

Previewing the Academic Skills Focus

Exercise 1, pages 164–165
Students should check: 2, 4, 6

Exercise 2, page 165
1. Because they are in love, they are interdependent.
2. Su-Young has a good job and wants to stay in South Korea. Michael wants to go to a new job in Australia.
3. The competition is that they can only be in one location or another, and so it appears that one person will “win” and the other person will “lose.”
4. Answers will vary.
2 BUILDING ACADEMIC READING SKILLS

Before You Read

Exercise 1, pages 165–166

driving this behavior
a contest of wills
the lines are drawn
lock into their positions
underlying needs
haggle with the customer
creates ill will

Exercise 2, pages 166–167

1. haggle with the customer
2. find common ground
3. driving this behavior
4. creates ill will
5. the lines are drawn
6. underlying need
7. lock into their positions
8. a contest of wills

Global Reading, page 167–168

1. Communication
2. The example of the husband and wife about to divorce, and the example of the badly behaved employee who may have trouble at home.
3. Positional and interest-based
4. In the positional approach, the parties lock into their positions. They can only resolve their conflict if one of them decides he has too much to lose and therefore gives up.
5. The interest-based approach. This approach maintains relationships because it considers the underlying needs of the parties.
6. Judgments must preserve or improve the parties’ relationships, meet the parties’ needs, be fair, durable, and take others’ interests into account.
7. b. interest-based
c. positional
d. positional
e. interest-based
f. interest-based
Focused Reading

Exercise 1, page 170
1. c  2. a  3. a, b, c

Exercise 2, pages 170–171
*Answers will vary. Possible answers:*
1. In Conflict 1, the interest-based approach would be best while the positional approach could work in Conflict 2. This is because in Conflict 1, the relationships must continue, in Conflict 2, the relationship between the parties is not important.

<table>
<thead>
<tr>
<th>It Is Best to Use the Positional Approach When . . .</th>
<th>It Is Best to Use the Interest-Based Approach When . . .</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The relationship between the parties is superficial.</td>
<td>• You have a long-term relationship with the parties.</td>
</tr>
<tr>
<td>• You don’t need to maintain a relationship.</td>
<td>• The relationships are important.</td>
</tr>
</tbody>
</table>

3 BUILDING ACADEMIC LISTENING SKILLS

Before You Listen

Exercise 1, page 172

Global Listening

Exercise 1, page 172
2. e;  3. d;  4. a; highlighting common ground  5. c; brainstorming solutions

Exercise 2, page 173
1. reframing;  2. fractionation  3. brainstorming solutions  4. highlighting common ground
Exercise 3, page 173 – 174
1. a  2. b  3. c

Focused Listening

Exercise 1, page 174
Answers will vary. Possible answers:
1. • Age: older than the basketball-playing neighbor
• Employment: she works a nightshift—policewoman, a nurse, a waitress, etc.
• Relationship with the basketball-playing neighbor: not on good terms—they have argued before, finding a mediator to help them resolve their dispute

2. • Age: younger than the complaining neighbor
• Employment: he works during the day and therefore has to practice early in the mornings; or he doesn’t work
• Relationship with the complaining neighbor: not on good terms—they have argued before, finding a mediator to help them resolve their dispute

3. Interest-based mediation would be best because it is important to preserve or improve the neighbors’ relationship.

Exercise 2, pages 174–175
Answers will vary. Possible answers:
1. The early basketball playing and the moving of the garbage cans are separate issues that could be separated and resolved.

2. I can see that you are both upset about this dispute, but I’m glad that you have asked me to mediate your issue. I have confidence that with your good will, you will be able to find a solution.

3. • You find the basketball playing very loud so early in the morning. Are you asking your neighbor to practice at a different time of the day?
• You don’t like the way she talks to you, but you would probably complain too if your sleep was disturbed, right?

4. Common ground might be that neither neighbor likes to have their sleep disturbed, and that no one is happy when garbage piles up.

5. The basketball player could practice at some other time, or he could move the garbage cans back to the correct place after he is done playing.
4 BUILDING ACADEMIC SPEAKING SKILLS

Before You Speak, pages 175–176
1. “You’re looking to be treated fairly . . . ”

Focused Speaking

Exercise 1, page 177
2. simile 3. metaphor 4. metaphor 5. simile 6. metaphor