

January 2014

## Using Ignatian Pedagogy in a Mediation Course

Jacqueline N. Font-Guzmán

*Associate Professor, The Werner Institute, Creighton University, [jnfont@creighton.edu](mailto:jnfont@creighton.edu)*

Follow this and additional works at: <http://epublications.regis.edu/jhe>

---

### Recommended Citation

Font-Guzmán, Jacqueline N. (2014) "Using Ignatian Pedagogy in a Mediation Course," *Jesuit Higher Education: A Journal*: Vol. 3 : No. 1 , Article 7.

Available at: <http://epublications.regis.edu/jhe/vol3/iss1/7>

This Praxis is brought to you for free and open access by ePublications at Regis University. It has been accepted for inclusion in Jesuit Higher Education: A Journal by an authorized administrator of ePublications at Regis University. For more information, please contact [epublications@regis.edu](mailto:epublications@regis.edu).

## Using Ignatian Pedagogy in a Mediation Course

Jacqueline N. Font-Guzmán  
Associate Professor, The Werner Institute  
Creighton University  
([jnfont@creighton.edu](mailto:jnfont@creighton.edu))

### Abstract

In this article, I describe how I designed a mediation course applying the Ignatian Pedagogical Paradigm (IPP). I share examples of some of the assignments and activities as well as narratives of students evidencing how by combining the five tenets of IPP—context, experience, reflection, action, and evaluation—students achieve professional, spiritual, and personal growth.

### Introduction

Like all Jesuit universities, Creighton University prides itself in integrating the Jesuit values of educating competent, conscientious, and compassionate men and women. One of the many ways of accomplishing this goal is by integrating the Ignatian Pedagogical Paradigm (IPP) into the curriculum. The five tenets of IPP are context, experience, reflection, action, and evaluation. The IPP is grounded in the Spiritual Exercises of St. Ignatius of Loyola and it calls for an infusion of approaches that facilitate the integration of Jesuit values ‘within existing *curricula*.’<sup>1</sup> In 2013, The Werner Institute at Creighton University went through a major curriculum revision that included a better integration of Ignatian values in all of its courses.

The Werner Institute teaches individuals how to engage conflict and resolve disputes effectively, efficiently, and humanely. This mission is consistent with the Jesuit Catholic tradition of social justice, responsible leadership, and professional distinction. The Werner Institute offers an interdisciplinary Master’s of Science in Negotiation and Dispute Resolution (MSNDR). The curriculum consists of graduate and law school courses. One of the courses in the curriculum is the Mediation Process course. In this article, I share how I integrated IPP in the Mediation Process course and my attempts to measure students’ learning outcomes regarding course content and Ignatian values.

I begin by providing a brief overview of the course, the learning objectives, and some basic demographics of the students enrolled in the Mediation Process class to be used as a case study in this article. I then discuss the IPP and how I integrated it into the course. I also discuss how Ignatian values were assessed by sharing narratives that students submitted as class assignments, pre- and post-test results, and assessment of role-plays. The Institutional Review Board of Creighton University approved the study shared in this article (IRB # 13-16813).

### Mediation: What is the Course About?

Mediation has many definitions depending on the model being followed. The mediation course that I teach is grounded in the interest-based model. Within this framework, mediation is “defined as the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in a dispute.”<sup>2</sup> The Mediation Process course is a three-credit hour law course required for all students obtaining the MSNDR and an elective course for students pursuing a *juris doctor* degree. Additionally, since the course is cross-listed as an elective in other graduate programs at Creighton University—such as the Doctorate in Nursing Program—the students enrolled in the course come from an array of disciplines and professions. The course is graded on a scale of satisfactory/unsatisfactory.

The Mediation Process course provides the student with the opportunity to explore and apply the theory and practice of mediation. The course is designed to be a collaborative learning experience in a face-to-face class with one online discussion forum on Ignatian values. The course includes the discussion of several mediation models, their underlying theoretical premises, principles and skills, as well as current research involving mediation to provide the student with different approaches to mediation. The course also includes a mandatory basic mediation workshop that is embedded in the class and scheduled over a one or two weekend period. The workshop focuses on the interest-based mediation process and the role of the mediator. This workshop is co-facilitated with a colleague—Mary Lee Brock—who, in addition to being faculty at The Werner Institute, is an experienced mediator. The workshop is recognized by the Office of Dispute Resolution of the Nebraska State Supreme Court as satisfying the statutory training requirement of the Nebraska Basic Mediation Training as per the Nebraska Dispute Resolution Act.<sup>3</sup> The course objectives and learning outcomes for the Mediation Process course—as in the syllabus—state that by the end of the course students will be able to:

- apply mediation theory to practice by mediating role-play situations and using appropriate skills (e.g., active listening, reframing, agenda setting, option generation), methods, and approaches
- define different mediation models and their underlying theoretical premises
- discover the transformative aspects of mediation, such as the role of apology and trust in mediation
- practice self-reflection and discernment by critically questioning how to apply mediation skills and how they impact the parties
- appraise cultural diversity issues during the mediation process
- employ skills to assist parties to engage in creative problem solving and improve their reflective listening skills
- apply problem-solving skills to address social justice issues by articulating what constitutes issues of fairness and prejudice through mediating role-play situations and case study analyses

There were eighteen students enrolled in the mediation course that I have chosen as a case study for this article. Of the eighteen students, nine were law students, five were MSNDR students, and four were joint law-MSNDR degree students. There were ten female and eight male students.

My goal in the process of redesigning this course was to effectively incorporate the IPP in the course and assess students' learning of course objectives and Ignatian values. The Mediation Process course serves as a suitable case study to apply the IPP because many of the mediation paradigms—"a basic set of beliefs that guides action"—are consistent with Ignatian values.<sup>4</sup> The goal of mediation is to empower disputants to resolve their conflicts while encouraging them to be sensitive to each other's needs, exercise self-determination, and when possible, reach an agreement that fits their particular conflict. In this course, students learn through role-plays and reflective activities how to serve the disputants in a conflict by guiding them through their discernment process, caring for the whole person, and facilitating self-reflection. As it will become evident in this article, mediation becomes a conduit to operationalize the IPP.

As noted, the IPP model includes five tenets: context, experience, reflection, action, and evaluation. What follows is a discussion of each of the aforementioned tenets and how they were incorporated into the Mediation Process course. Although the discussion is presented in a linear fashion, these principles are woven throughout the course in a non-linear way. For example, information regarding the context is obtained—in part—through reflection.

### **Context of Learning**

Learning, like most things in life, does not take place in a vacuum. The IPP recognizes that students bring into the classroom their past experiences, strengths, weaknesses, socio-economic backgrounds, and political and cultural context.<sup>5</sup> As teachers, we have a responsibility to understand our students' context and how it impacts their learning.<sup>6</sup> As previously mentioned, the students enrolled in the Mediation Process course come with diverse experiences, educational

backgrounds, and from different departments or schools from within Creighton University. In order to adapt the course material in ways that play to students' strengths, it is important to personally know them and their context. When you have students in a classroom who belong to different disciplines (e.g., Law, Nursing, and Conflict Studies), this can be a challenging endeavor.

In order to acquaint myself with the students and 'meet them where they are at,' I have developed a self-assessment inventory that all students must submit three days before the starting date of the Mediation Process class. The self-assessment inventory poses the following five questions:

1. What do you see as the three major factors inhibiting your mastery of effective mediation skills and conflict engagement?
2. What past experiences have impacted your present attitudes and capacities for mediating?
3. What three things do you want to achieve in enhancing your mediation and conflict engagement competencies when mediating?
4. How do you know when you have effectively mastered a skill?
5. What information did you draw upon to decide to take this course?

I grade this assignment before the first face-to-face meeting with students, and I create a qualitative analysis of all the answers by identifying the top five most common answers. I then use the program Wordle™ to input the top five answers from questions one through three, in order to generate word clouds in which the words that are repeated more frequently appear larger in the text. I place the visual word clouds in a PowerPoint slideshow and discuss them in class (see appendixes A, B, and C). Among the questions we address in class are the following: How can we best provide mutual support to achieve our common goals—their goals as students and mine as teacher? How can we set ourselves up for success? How can we build on the strengths we all bring to the classroom? What course topics do we want to emphasize throughout the course? This discussion and activity allows me to know the students better as well as the students to know each other better, and furthers the journey to the formation of a learning community and achieving group wisdom.

Focusing on the top five challenges, experiences, and goals does not mean that as a teacher I ignore the other issues raised in the self-assessment inventory. The top five items in each category are used as a guide to know what will be the areas of emphasis throughout the course and the 'must have' discussions. However, I strive to address all of the issues raised by students in their self-assessment inventory.

An important part of setting the context of learning is establishing clear expectations for students. Although this is a face-to-face course, I use Creighton University's learning management system—BlueLine—for submission of assignments, uploading reading materials, and one online discussion forum. Additionally, each week—prior to our class meeting—I post in BlueLine an overview for each session, the learning objectives for each session, and discussion questions on the topics that are important to the understanding of the mediation process and are relevant to the week's readings. These questions and learning objectives drive the class discussion and students are expected to read them before they come to class.

Another way in which the context of learning is addressed in this class is through a combination of reflective essays and short class presentations. An example of this is the photo/essay assignment. In this assignment students are requested to upload to BlueLine a photograph that they feel represents their orientation and values as a mediator. The photo may be one they took or one downloaded from the Internet. Students must write a reflective statement on why they feel the photograph is an accurate representation of their orientation and values, and how their orientation will influence their perceived role in the mediation process. During the next class meeting following this assignment, I show each photo in class by projecting it on a screen, and students share why the photograph that they chose represents their orientation and values as a mediator in a presentation that is not to exceed five minutes.

### **Experience**

In the IPP, experience is used "to describe any activity in which in addition to a cognitive grasp of the matter being considered, some sensation of an

affective nature is registered by the student.<sup>77</sup> In this course, experience is incorporated through role-plays, case studies, group discussions, and guest speakers. Mediation is a skill-based course and my two main roles as a teacher are to facilitate class discussions and provide feedback in role-plays and class activities. This course is designed to be a collaborative learning experience in which students learn from each other and build upon each other's strengths. Experiential activities are at the core of this course. As John Dewey argues, "What avail is it to win prescribed amounts of information about [a given academic subject]... if in the process the individual...loses his appreciation of things worthwhile, of the values to which these things are relative; if he loses desire to apply what he has learned and, above all, loses the ability to extract meaning from his future experiences as they occur?"<sup>78</sup> By participating in experiential activities and reflecting upon them, students are able to apply their learned skills to see, and feel theory in action.

I also gently nudge students out of their comfort zone because I believe that in this zone of uncertainty significant learning takes place. Hise and Massey sustain—and I agree—that placing students in unfamiliar and uncertain settings that challenge their belief structure is an appropriate way for students to learn in manners that engage their hearts and minds.<sup>9</sup> Many of the role-plays and cases that students discuss in class take them to a place in which Ignatian values—such as advocating for the poor and marginalized populations—are potentially in tension with mediation principles such as remaining unbiased, and not advocating for a party.

One of the many experiential activities that students participate in during this course—that creates tension between Ignatian values and the mediator's role—is the Church Meals Case Study.<sup>10</sup> This case study is based on a real life controversy between a church—located in an upscale Phoenix, Arizona neighborhood—and residents of the neighborhood over the church's program to feed the homeless on the premises outside the church. The dispute ends up in federal court because representatives of the neighborhood argue that the homeless present a security hazard for them, and the church representatives argue that they have a right to practice their mission of

feeding the hungry and less privileged members of society. The students are shown a video in which the parties involved shared their views and are also provided with a news press release that summarizes the conflict.<sup>11</sup> Students are then divided into four groups of five to six students, and each group addresses a different question pertaining to the planning stage of the mediation process.

In their group discussions, some of the questions that students have to address as they pertain to Ignatian values are as follows: Assume that you need to decide if you take this case on as a group, how do you know as a group that you have made the right decision? Given the nature of this case, do you experience any tension between the role of the mediator and the Ignatian value of *magis* (i.e., the spirit of giving more and providing service to others in need; How to choose the option that has the widest impact)?<sup>12</sup> What are some thoughts as to how you may facilitate this mediation process while adhering to the tradition of *cura personalis* (i.e., individualized attention to the needs of the other and distinct respect for the unique circumstances and concerns of all the parties and appreciation of the gifts that they bring to the table)?, and Do you see any tension between your role as a mediator and the Ignatian value of social justice (i.e., supporting those most in need and taking action towards changing policies and practices that cause and perpetuate inequality, prejudice, and exclusion)?<sup>13</sup>

After students discuss these questions within their groups, I facilitate a class group discussion. Some of the issues raised by students that could potentially place the mediator in an uncomfortable position regarding Ignatian values are structural violence and the role of the law in both marginalizing and empowering those less privileged.<sup>14</sup> This activity is done on the second day of class while students are still learning the basics of mediation. However, as a group they begin to identify some possible strategies to address this tension. Some of the suggestions raised by students are to design a mediation process in which everyone has a voice and acknowledge everyone's interests.

At this stage in the class, I encourage students to start reflecting as to how mediation can be a tool

for problem solving and for advancing social justice, *magis*, and *cura personalis*. Each class is different, and in this class, most students empathized with the homeless who are the obvious underprivileged group. This case study and the class dynamics presents a sound opportunity to discuss how *magis* does not mean exclusively attending the underprivileged and ignoring those in positions of privilege, since those who are influential in society are in a position to impact others.<sup>15</sup>

Furthermore—in a classroom where over half of the enrollment constitutes law students whose socialization into the legal profession has taught them to focus on individual rights— *magis* is a useful reminder that every decision we make—even private ones—need to be mindful of the common good.<sup>16</sup> As Geger sustains, “in a U.S. culture where talk of “rights” is everywhere, but talk of “duties” is not, the *magis* can be powerfully counter-cultural.”<sup>17</sup> Consistent with the mediator’s role, the goal is to structure a process that satisfies the interests of all the parties involved and facilitates a decision-making process that addresses the more universal good. It also allows students to understand the importance of using wisely and fairly the power that a mediator holds over the parties by being in control of the process.

By class seven, students have an online discussion forum in which they are once again given different case scenarios that—on the surface—present a challenge to Ignatian values. Students are asked to identify what is the challenge that the case study presents (e.g., ethical, communication, power imbalance, or any other challenge), what their goal is in this situation, how they would intervene (specific action,) and to discuss how their plan of action is consistent with Jesuit values. Students are also assigned reading the ethical codes for mediators and an article on Jesuit higher education.<sup>18</sup> As the following responses given by students show, by class seven most students can articulate with more precision their plan of action following Ignatian values and how the occasional tension between the role of a mediator and Ignatian values is not an either/or choice.

My goal at the beginning of this mediation would be to make sure the tenant was on fair ground with the

landlord. This is in line with Jesuit Values because the tenant does not have the resources that the landlord does, and I want to make sure those that are disadvantaged are given a voice (Student narrative 1).

The principal Jesuit motto is the service of faith through the promotion of justice. Although the mediator is not serving justice through the justice system, he or she is attempting to help each party feel like justice has been served by allowing them to be heard. Part of this core value includes empowering others, and work for a society in which these power imbalances are not used to adversely and unjustly affect others. I think there could be a struggle in the mediator’s role of staying neutral, when Jesuit values tell us that we need to be an advocate for the weak, but I don’t really think that is the case. Although the mediator must be neutral, we also have the job of making sure that both parties have an equal opportunity to be heard, which in a sense helps level their playing field. However, even if one party here seems to be weaker than the other, we must not forget that even the more powerful party may be struggling with issues that could be helped and brought out in mediation (Student narrative 2).

There certainly is tension between Ignatian values and the circumstances in this scenario. However, I believe that mediation is a tool that can help perpetuate strong morals and a sense of social justice. By assisting the parties through a communication process that encourages joint problem solving and open dialogue, the mediator has an opportunity to equalize power imbalances and promote understanding. This is one reason that the teaching and practice of mediation is, in my opinion, such a

natural fit for Creighton University  
(Student narrative 3).

In addition to case studies and group activities, students participate in a mandatory workshop that includes fourteen hours of role-plays. In these role-plays, students are able to participate as parties in a dispute and also as mediators while being coached by mediators from the community.<sup>19</sup> Participating in these role-plays and reflecting upon them allows students to practice the skills they have been learning in class—e.g., active listening, reframing, and asking questions—and connecting theory to practice. It is also an opportunity for students to start building their network with conflict practitioners in the area, reflecting upon what they may want to do differently in order to be men and women for and with others, discerning, collaborating with their peers and teacher, and experiencing awareness.

Furthermore, the experiential activities and class discussions also expose students to the importance of discernment. In Ignatian terms, discernment means a decision-making process that guides one when having to choose “between several possible courses of actions all of which are potentially good.”<sup>20</sup> This is of particular importance in the context of mediation because they not only have to be discerning throughout the process of facilitating mediation, but also support parties in conflict through their discernment. For example, it is not uncommon in a mediation addressing child custody issues for a parent to need to choose between advancing his/her own professional career to provide for his/her child and spending more quality time with the child. In this example, a mediator following Ignatian principles may move the party towards action by asking the parent the following questions: Which of the choices may have the widest impact on the well-being of the child? How can the best interest of the child be advanced while nurturing the child-parent relationship that you desire?

Another example is how—through experiential activities such as the mediation role-plays—students start reflecting upon their actions, the kind of mediators they want to be, and how the skills learned in this class serve as a conduit to *cura personalis*. The narratives below illustrate these

types of reflections. These narratives are excerpts of a final reflection essay that students need to submit after having participated in the Mediation Workshop.

Kolvenbach’s “Themes of Higher Education” discusses the promotion of justice by recognizing the values of human dignity. The essay discusses these ideals in the context of the Jesuit mission of education; however, I think these ideals are also applicable in the context of mediation. In this exercise, I tried not to let my assumptions affect the way I handled the mediation. In doing that, I realized most of the assumptions I made initially turned out to be wrong (Student narrative 20).

I admit that I wasn’t as aware of my own bias that conflict is negative (something I think others at the table shared). Brigg says: “When disputants continue to fight or be emotional without demonstrating some shift, mediators tend to respond in two broad ways. Sometimes they bring more pressure to bear for disputants to accept responsibility for the dispute and be an active agent in resolving it. At other times, they may close down the process, speculating that the disputants are beyond help or simply noting that mediation cannot work in all cases.”\* When we reached a crossroad with the attorneys battling things out, I wanted to take a caucus and shut the process down, but [my co-mediator] suggested we let it play out. I was skeptical, but escalating the conflict was actually productive and allowed the parties to vent some frustrations (Student narrative 21).<sup>21</sup>

I also learned that it is important to step back and just listen once the parties start a conversation between the two of them and start to discuss solutions. It can be so tempting to jump in and also share your ideas, but it is important to keep in mind that is not the reason that you are in the

session. Knowing when to stay quiet is an acquired skill but can be the best possible thing to do if you see that the parties really don't need a third party to interject (Student narrative 22).

I want to remind myself to be more empathetic, to allow for silence for the parties to speak, to remember that mediation should not feel like litigation, and to ask better, more open-ended questions. I have a lot to work on in these areas. I want to remember to slow down when I speak as well (Student narrative 23).

### Reflection

The IPP defines the term reflection as “a thoughtful reconsideration of some subject matter, experience, idea, purpose or spontaneous reaction in order to grasp its significance more fully. [...It...] is the process by which meaning surfaces in human experience.”<sup>22</sup> On the first day of class, and throughout the course, we spend a significant amount of time discussing the concept of reflective practice and what that means in the context of this class. In the context of the Mediation Process class, “reflection is the process by which professionals think about the experiences, events, and situations of practice and then attempt to make sense of them in light of the professionals’ understanding of relevant theory.”<sup>23</sup> Reflection occurs both during and after the mediation process.<sup>24</sup>

As part of setting the context and engaging in self-reflection, students are given a list of fifteen life-values that they need to rank from one to fifteen, with one being the highest and fifteen the lowest.<sup>25</sup> They individually rank the life-values that are most important to them in their work setting and in their personal life. They also need to write a story of who they are in three sentences or less. After they complete both of these assignments individually, they gather into groups of five to six students, and those who wish to share their life-value rankings and stories discuss them within their groups. Afterwards, the class regroups as a whole, and those who wish to share their rankings and short stories may do so. We reflect on the differences in ranking between the work setting

and personal life, what it means to have different rankings, what it means for those who have the same ranking for both categories, and how do these values influence our choices as mediators. As part of this dialogue, I share my life-value rankings and my rationale for choosing them.

Students are also required to write several reflective essays throughout the course. One of the essays posits the following question: What was the most significant thing that happened to me as a learner in the first weeks of this class? As the few selected excerpts shared below illustrate, students’ reflections on the assigned readings and the activities done in class start moving them towards gaining deeper insights, action, *magis*, and social justice. Students also begin to clarify concepts. For example, student narrative number five expresses that being ‘neutral’ is not synonymous to disengagement.

The most significant thing that happened to me in the first session of this class is that I realized that my priorities and what is important to me are radically different when it comes to my work on one hand and my personal life on the other. Honestly, it makes me wonder if the two should be one and the same, or if it is better that my priorities are different. Should I strive to make humor (work life number 15, personal life number 3) more important in my work life? I am not sure I can answer that, as, especially as a lawyer, the tasks and situations I deal with on a daily basis are of a somewhat serious nature, not to be taken lightly. On the other hand, however, I can see where having a sense of humor in one’s work, and being able to laugh at oneself may help alleviate some of the stress inherent in the profession I am pursuing. Whatever the result, I think I may try to work a little humor into my day, just to see if it improves my mood, my effectiveness, and my stress level in and outside of work (Student narrative 4).

The most significant thing that has happened to me in class so far was learning that complete neutrality is not required for a successful mediation session, or to be a successful mediator. Entering the class, I was under the belief that the best way to handle mediation was to be a disinterested third party—in that way, I would not be tempted to side with one client in the session, and it would hinder the parties coming to a conclusion that satisfied both of them. However, the first class was an enlightening experience in that we were informed that staying neutral is not actually productive in a mediation session. Staying too removed from both parties actually is more alienating and less productive because the parties can feel as if you do not care about the situation. It was a relief to learn that I can get involved with the situation and bring my own experiences and thoughts to the table—I am happy to learn that I do not have to be a robot to have a constructive and valuable session (Student narrative 5).

The whole idea of mediation, the Jesuit values, and the broader purpose of educating others on meaningful dialogue and conflict resolution resonate deeply with me on many levels. I am passionate about this education and training beyond where it will take me career wise. I want to understand this wholly and completely. Getting into the rhythm is essential (Student narrative 6).

Another thing I have learned is the importance of self-evaluation and reflection. We discussed in our first class how it is important to constantly reevaluate yourself as a lawyer. The world and mediation styles are changing, and it is important to recognize that and incorporate those changes into your style. Failing to do that can make you look bad using an outdated style, without making efforts

to change with the times. Lang talked about the importance of being a reflective practitioner. He says that the field of conflict resolution must remain competent. One way to encourage competence is to train mediators to be reflective in their practices and techniques, including when they take on new methods. They should constantly consider questions like, Did that work effectively? or What can I do better next time? This kind of self-assessment will make more competent, effective mediators (Student narrative 7).

The readings have opened my eyes to the process of being a reflective mediator. This is a process that is as much a personal journey involving self-discovery, as a process of developing knowledge and skills: this is intriguing. The idea of fully integrating my role as a mediator into my life is also intriguing. The idea of transitioning “. . . from seeing mediation as work that we do to seeing it as an integral part of our identity” is a process that I believe will shape where I ultimately end up directing my efforts as a mediator (Student narrative 8).

Throughout the course—by reflection and experiential activities—students also deconstruct the underlying theoretical assumptions of different mediation models in order to identify the implications that these assumptions have over their practice as mediators. Students are encouraged to question these assumptions and their validity, fairness, and cultural sensitivity, and adopt a model and style of mediation that fits their values and the situation at hand. My hope is that students do not become constrained by the models. In Schön’s words, “when someone reflects-in-action [. . .] he is not dependent on the categories of established theory and technique, but constructs a new theory of the unique case.”<sup>26</sup> The narrative below—written by a student for one of the assigned reflective essays—illustrates how this reflection begins to take place.

The most significant thing that happened to me as a learner in the first week of this class is that I realized how versatile mediation is. Prior to this class, I assumed that all mediation is the same. Essentially, I thought that all mediations follow the same format and are based on the same theories. However, I was quite intrigued by all of the different ways in which mediation can be approached. I enjoyed our discussion in class about the differences between interest-based mediation, narrative mediation, and transformative mediation. It will be important for me to remember that there is no universal format for mediation and that I will have to choose a model based on each particular situation (Student narrative 14).

By writing reflective essays about their experiences, students are also able to identify their espoused beliefs, their theories of action—tacit patterns of behaviors— and how to close the gap that may exist between the two aforementioned concepts.<sup>27</sup> For example, in this Mediation Process course, it is not rare for students to give a high value to self-determination—their espoused belief—and yet when role-playing many of them want to solve the problem for the parties and give them a solution—theory of action. Becoming aware of this gap, and trying to narrow it, is important because it is a first step towards being a successful reflective practitioner who is contemplative in action.

### **Action**

The IPP defines action as the “internal human growth based upon experience that has been reflected upon as well as its manifestation externally.”<sup>28</sup> Students reflect upon their experiences in the classroom and choose to do something based on the newly acquired knowledge. When and where action takes place is an individual decision that usually happens once the class is completed. For example, some students choose to volunteer as mediators in mediation community centers, while other students return to serve as coaches for this course

months after taking it and after having served as mediators in the community, and still others use the skills learned in their day-to-day lives. Below are a few selected narratives taken from one of the assigned reflective essays in which students share how they plan to use the skills that they learned in this course:

I will be able to use some of the above skills in my personal conflicts by being more aware of the external factors that influence someone’s interests and thereby being able to address their concerns more clearly. All of the skills will be useful in my professional life because they will help me understand what my clients truly hope to accomplish. I will be able to use the skills in a way that allows me to elicit vital information from my clients that they might not have shared on their own (Student narrative 9).

I will certainly be using these new skills in whatever practicum I complete next semester, and if I go back to Colorado after graduation, I know I will be volunteering as a mediator with a teen court there (Student narrative 10).

I often think that attorneys overlook the fact that their clients may have a different set of values in regards to the process, and I must be aware of this and respect it. I also need to be open to my clients’ values, because if I am a reflective practitioner, this could broaden my view of how the conflict can be addressed (Student narrative 11).

I hope to take these skills back into the healthcare profession and work as a healthcare ombudsman/mediator. In this position, I would provide necessary interventions such as meeting facilitation, mediation, and negotiation (Student narrative 12).

I am a law student, and the skills I have learned in the mediation process

will help me to be a better listener, more empathetic, and a more patient prosecutor. These skills will help me understand my own witnesses better, as well as those of the opposition, because in interacting with witnesses, rapport is very important. Mediation skills will also help me negotiate plea agreements and facilitate discussions with my peers (Student narrative 13).

**Evaluation**

Evaluation as defined by the IPP aims to measure students’ growth in academic mastery and in attitudes consistent with “being a person for others.”<sup>29</sup> Evaluation not only measures if students have met the course’s learning outcomes, but also whether they are embracing Ignatian values. Some of the additional questions that teachers should consider may include the following: “Are students more caring? Less biased? More likely to engage in service for others?”<sup>30</sup> How do their actions impact parties in a mediation process? Can they identify social justice issues in a conflictive situation? Can they incorporate reflective practice in their learning? Can they apply techniques to address issues of power imbalance in mediation?

In this course, students are evaluated on their mastery of mediation skills and Ignatian values through role-plays, simulations, online discussion forums, and reflective essays, all of which have detailed rubrics. Additionally, pre- and post-tests are administered before the first face-to-face class meeting and on the last day of class, respectively. The pre- and post-tests have the same fourteen questions and are based on a liker scale where five represents “to a large extent” and one represents “not at all.” As can be seen in Figure 1 and Table 1, students report an increase in academic mastery regarding the mediation skills covered in class. Additionally, to the extent that students report higher average scores in the post-test as compared to the pre-test in questions number 9 (incorporate reflective practice in their learning), number 10 (identify issues of social justice in conflictive situations) and number 14 (apply techniques to address issues of power imbalance in mediation), a reasonable inference may be made that students have increased at some level their knowledge of Ignatian values.

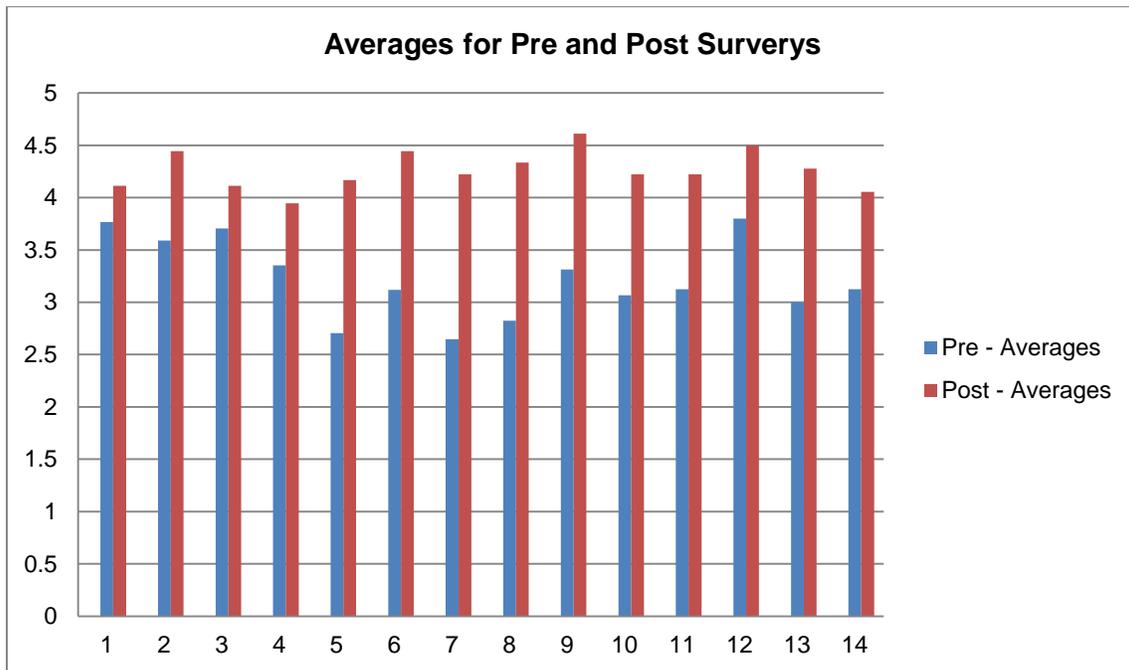


Figure 1. Graph showing pre- and post-scores on the survey.

	Questions	Pre - Averages	Post - Averages
1	To what extent can you identify your conflict style and strategies for adapting your style to a given situation?	3.76	4.11
2	To what extent can you describe the difference between positions and interests?	3.59	4.44
3	To what extent can you apply techniques for building trust as a foundation to successful conflict resolution?	3.71	4.11
4	To what extent can you apply effective strategies for responding to emotional reactions?	3.35	3.94
5	To what extent can you identify strategies for convening a conflict conversation using meditative techniques?	2.71	4.17
6	To what extent can you apply techniques for generating options prior to making agreements?	3.12	4.44
7	To what extent can you distinguish between transformative and interest-based mediation?	2.65	4.22
8	To what extent can you apply reframing techniques in a conflict situation?	2.82	4.33
9	To what extent can you identify the issues needed to be discussed in a mediation context?	3.31	4.61
10	To what extent can you identify social justice issues in a conflictive situation?	3.07	4.22
11	To what extent can you craft a problem solving statement?	3.13	4.22
12	To what extent can you use/apply techniques for active listening?	3.80	4.50
13	To what extent can you incorporate reflective practice in your learning?	3.00	4.28
14	To what extent can you apply techniques to address issues of power imbalance in a mediation?	3.13	4.06

**Table 1.** Table identifying the average scores on pre- and post-survey.

Furthermore, in the post-test students are asked to write three words that best describe their experience in this course. Among the top six words that students wrote were the following: informative, enlightening, growth/expansion,

reflective, insightful, and educational. Figure 2 illustrates a word cloud using Wordle™ that shows all the words listed by students; the words that appear more frequently are larger in the text.



**Figure 2.** Word Cloud using Wordle™ describing experience in the mediation class.

## Conclusion

The experiences that I have shared in this article are not meant to be undisputed proof of students' increased ability to discern, reflect, support the neediest, or live for the service of others. However—if the narratives shared by students are considered evidence of meeting the learning outcomes for this course—it is evident that a seed has been planted and some students have experienced professional, spiritual, and personal growth. Many students wrote in their reflective essays ways in which they plan to use their newly acquired skills in their work setting, with family, and friends to engage in productive conversations that will help them identify peoples' needs, have an open-mind towards others' values, engage in reflective practice, and be more pro-active in addressing power imbalances. In other words, these students experienced growth.

Teaching mediation is a journey that continues. The course is far from perfect, and I continue to search for ways to make the course more engaging and meaningful for students' professional and personal development. Also, I am not claiming that all of the students who take this course experience growth. I respect and recognize that there are students who may not grow as a result of taking this class. As teachers, all we can do is plant a seed and “be respectful of the individual's freedom to reject growth.”<sup>31</sup>

The IPP is straightforward and deceptively simple. Although the framework is clear and provides excellent guidelines to teachers, it is time consuming to implement. Developing the experiential activities, developing and grading several reflective essays throughout the course, crafting questions that broaden students' awareness to those who are in most need without indoctrination, and being constantly present for students can be challenging and daunting at times. However, seeing how some students experience growth and transformation by taking this class is extremely rewarding. Through the integration of context, experience, reflection, action, and evaluation, most students learn the theory and praxis of mediation, critically examine and question their taken-for-granted assumptions, and experience growth. 

## Acknowledgments

I have been teaching the Mediation Process course at Creighton University since fall 2006. Through the years, I have made significant revisions to this course, and I am sure there will be many more. However, the improvements and success of this course are not solely based on my effort; many people have been instrumental in making this course what it is today. I am grateful to Ron Volkmer—Law Professor at Creighton University—who was responsible for developing and teaching the first mediation course at the Law School. Many aspects of the course—such as the grading scale and the mediation workshop—continue to be an integral part of this course. His support and encouragement throughout these years have been invaluable. I am also indebted to Mary Lee Brock—Assistant Professor at The Werner Institute and colleague—for leading and coordinating the mediation workshop and much other assistance that she has provided that are too many to list here. I also appreciate the mediators in the community and the Mediation Concord Center for their willingness to serve as coaches to our students during their role-plays. I am grateful for having participated in the *9th Annual Faculty Seminar on Jesuit Higher Education in the 21st Century* and many assessment workshops offered at Creighton University that have allowed me to integrate the IPP and its assessment in all of my courses. Last but not least, I am also thankful to Ajla Aljic—joint degree student at Creighton University Werner Institute and School of Law,—Claudia W. Brock—student in the Department of Journalism, Media & Computing at Creighton University— and Theresa Thurin, student and colleague at Creighton University Werner Institute for their assistance with editing, citations, and references.

---

## Notes

<sup>1</sup> Jesuit Secondary Education Association (JSEA), *Ignatian Pedagogy: A Practical Approach* (1993), 4. Originally published as a monograph; reprinted as Appendix B in *The Jesuit Ration Studiorum of 1599: 400th Anniversary Perspectives* (New York: Fordham University Press, 2000).

<sup>2</sup> Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflicts* (San Francisco: Jossey-Bass, 2003), 15.

<sup>3</sup> Neb. Rev. Stat. §§ 25-2901 to 25-2920. I am indebted to, Debora Brownyard, J.D.—Director, Dispute Resolution and Special Courts Program, Nebraska Administrative Office of the Courts—for her review and approval of the mediation workshop complying with the statutory training requirement of the Nebraska Basic Mediation Training.

<sup>4</sup> Norman K. Denzin and Ivonna S. Lincoln, eds., *The Landscape of Qualitative Research Theories and Issues* (Thousand Oaks, California: Sage Publications Inc., 2003), 186.

<sup>5</sup> JSEA, *Ignatian Pedagogy*, 38-41.

<sup>6</sup> *Ibid.*, 35.

<sup>7</sup> *Ibid.*, 43.

<sup>8</sup> Christopher J. Koliba, “Assessing Reflection Assignments for Public Affairs Courses: Implications for Educating Reflective Practitioners,” *Journal of Public Affairs Education* 10, no. 4 (2004): 297, citing Dewey, John, *Experience and Education* (New York: Collier Books, 1963 (1938)).

<sup>9</sup> Joan Van Hise and Dawn W. Massey, “Transformative Education: Using Ignatian Pedagogy to Teach Business Ethics,” *Journal of Business Ethics* 96, no. 3 (2010): 454-455.

<sup>10</sup> This is a case study that I developed. Occasionally, I change the case used for the exercise. I am indebted to my colleague Mary Lee Brock—Assistant Professor at the The Werner Institute—for bringing to my attention the ‘church meal’ conflict.

<sup>11</sup> Link to the press report of the case may be found at: <http://www.firstamentcenter.org/fight-over-church-meals-for-needy-heads-to-federal-court>.

<sup>12</sup> Barton T. Geger, S.J., “What *Magis* Really Means and Why it Matters,” *Jesuit Higher Education* 1, no. 2. (2012): 18.

<sup>13</sup> This definition of social justice is taken from the Jesuit Social Services web page: <http://www.jss.org.au/about-us/what-we-do>.

<sup>14</sup> Structural violence is a process by which social or institutional structures (e.g., legal, religious, political, economic) perpetuate unequal power distributions that prevent certain groups from fulfilling basic needs such as survival, wellbeing, identity, and freedom (see J. Galtung, “Cultural Violence,” *Journal of Peace Research*, 27 (1990): 293-294, and Jacqueline N. Font-Guzmán, “Moving ‘Beyond Neutrality’ and Cross-cultural Training: Using World Café Dialogue to Address End-of-Life Care Inequalities,” *Peace and Conflict Studies*, 21, no. 1 (2014): 49-68. (Forthcoming Spring 2014).

<sup>15</sup> Geger, “What *Magis* Really Means,” 20.

<sup>16</sup> *Ibid.*, 27.

<sup>17</sup> *Ibid.*, 27.

<sup>18</sup> The article assigned to students is Peter-Hans Kolvenbach, S.J., *Themes of Higher Education*, 1989, <http://academic.regis.edu/ghodnc/Orientation/themes.pdf>.

<sup>19</sup> Students are given the opportunity of being coached by experienced mediators, thanks to the generosity of many community mediators and the mediators from the Concord Center—a mediation center in Omaha, Nebraska—who take time from their busy weekends to be present for our students.

<sup>20</sup> George W. Traub, S.J., “Do You Speak Ignatian? A Glossary of Terms Used in Ignatian and Jesuit Circles,” in *A Jesuit Education Reader*, ed., George W. Traub, S.J. (Chicago: Loyola Press, 2008), 391.

<sup>21</sup> The citation for the article that the student is quoting is Morgan Brigg, “Mediation, Power, and Cultural Difference,” *Conflict Resolution Quarterly* 20, no. 3 (2003).

<sup>22</sup> JSEA, *Ignatian Pedagogy*, 49.

<sup>23</sup> Michael D. Lang & Alison Taylor, *The Making of a Mediator Developing Artistry in Practice* (San Francisco: Jossey-Bass, 2000), 18.

<sup>24</sup> *Ibid.*, 18.

<sup>25</sup> This activity is an adaptation of an exercise in the following book: Rachel Naomi Remen, *My Grandfather’s Blessings: Stories of Strength, Refuge, and Belonging* (New York: The Berkley Publishing Group, 2000), 46. The life-values given to the students are admiration, control, wisdom, competence, love, power, compassion, success, kindness, friendship, integrity, creativity, independence, loyalty, and humor.

<sup>26</sup> Donald A. Schön, *The Reflective Practitioner: How Professionals Think in Action* (New York: Basic Books, Inc., 1983), 68.

<sup>27</sup> Donald A. Schön, *Educating the Reflective Practitioner: Toward a New Design for Teaching and Learning in the Professions* (San Francisco: Jossey-Bass, 1987), 255.

<sup>28</sup> JSEA, *Ignatian Pedagogy*, 62.

<sup>29</sup> *Ibid.*, 64.

<sup>30</sup> Hise and Massey, “Transformative Education,” 455.

<sup>31</sup> JSEA, *Ignatian Pedagogy*, 56

Appendix A

CHALLENGES:

Neutrality/Bias  
Listening Impatience  
Opinionated-Closeness  
Engagement-Skills

Appendix B

EXPERIENCES:

PRIOR/TRAINING

LEGAL SYSTEM

STUDENTS/ROOMMATES

FRIENDS/FAMILY

INTERCULTURAL

Appendix C

GOALS:

Build-Confidence

Patience  
Manage-Emotions  
Career  
Power-Balance/Neutrality