

# MEDIATION “FISHBOWL”

## CONTACT

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## KEYWORDS

Mediation; Negotiation; Power; Reflexive practice

## ABSTRACT

Participants adopt roles as disputants and mediator in an online mediation about a domestic building dispute. The role play scenario requires an engagement with mediator power and reflexive practice. It is conducted as a “fishbowl”, that is, role players take turns in the three main roles and students comment upon choice of interventions.

## DESCRIPTION

The role play adopts Laurillard’s “Conversation Framework” (2002) in its organisation. This framework requires discursive, adaptive, interactive and reflective elements. The role play activities are preceded by a discussion between students and teacher regarding specified articles on mediation theory carried out via the university discussion board.

The discussion board is followed by the teacher adapting a role play scenario to meet the needs of the particular group. Particular issues, such as the nature of power concerns in mediation, are highlighted in the scenario to meet the needs of students.

Students interact in the mediation role play, negotiating in relation to the conflict around an allegedly faulty building of a family home. This design asks students to act as mediator (third party facilitator of dialogue) for parties to the dispute via a fishbowl arrangement. This approach means that students can jump in and out of roles, that is, students can elect to be the mediator or a party with the teacher acting as moderator to stagger roles. Students gain intrinsic feedback regarding mediator interventions. Students can consult relevant theory, discussed previously online, prior to acting out interventions in the role play. This approach allows for the consultation of theory and reflection upon theory prior to action. This opportunity is generally not available in face to face role plays. These interventions and responses are discussed and debated by the other students on the discussion board. Roles include:

- Mediator
- Builder
- Owner

Students are engaged actively in role for short periods, but are constantly reflecting and debating about mediation practice and choices of the mediator on the discussion board. They can experience different perspectives by changing roles. The final stage of the design asks students to reflect upon the role play in a journal.

## AUDIENCE/GROUP SIZE

The group size for the fish bowl can be large, around 30, or small, around 10 in each group.

## RESOURCES

- Laurillard’s Conversational Framework
- Role play scenario
- Online discussion group facilities.

## TIME AND SETTING

The role play activity can be conducted over 2-4 weeks. The Fishbowl approach has been used in the teaching of mediation, but can be used in other courses. It is asynchronous and thus allows students to access and contribute at any time.



## LEARNING OPPORTUNITIES

The learning design aims to:

- Engage participants in theory and reflection
- Apply this theory to the active learning opportunity of the role play in fishbowl form
- Engage in debate and discussion in regards to choices made in the role play and gain intrinsic feedback from the playing out of the role play
- Encourage reflection upon theory and practice.

Feedback from participants has valued the reflection upon theory and practice; the collaborative nature of the fishbowl; and the speed in which the scenario is played out.

## PROCESS

The role play is conducted through the university Blackboard system. The discussion board allows for identified postings.

Common information is provided on the Blackboard system. The role play information provides background regarding the mediation and opening statements from the owner and builder. Students are then invited to make contributions by stepping into role. The teacher moderates the three roles. Students must email the teacher prior to jumping into role. The teacher can take on the role of mediator to model best practice. The teacher can take on the role of one of the parties to introduce new information into the role play.

Discussion amongst other students occurs during the role play, debating the choices of the role of mediator. The mediator role can also say why they chose a particular intervention and join into the discussion. The teacher contributes to the discussion where necessary to model best practice. These contributions by the teacher are kept to a minimum. Individual students can be "coached" by the teacher via email. Students' reactions to mediator interventions provide intrinsic feedback for the group to comment upon.

*I agree with XX here and believe that name calling needs to be addressed as soon as it occurs. I can see where YY is coming from, in that the mediator wants to be seen as impartial rather than being seen to be taking sides or dictating the mediation. But if the mediation is to be successful then such implications need to be addressed. If the mediator waits to address these types of misbehaviours, the parties may not take it as seriously as if they were addressed immediately.*

*If ZZ did not address this immediately I believe that AA would have lost respect for the mediation process from the beginning and may not be able to continue participation confidently - which is also related to power imbalances.*

*As we have also discussed in class, people attending mediation want to see the mediator as having some type of authority. Therefore it is not necessarily a bad thing that the mediator shows that they are there to dictate the boundaries and lead the mediation process.*

## ASSESSMENT

Assessment of the participants' contribution to the discussion board dealing with the theory is graded out of 15%. Posting minimums are set, but students are told that it is the quality rather than the quantity of postings that are assessed. The journal, reflecting upon the online mediation fishbowl, is graded out of 15%. This learning task is worth 30% of the overall assessment.

## FACILITATOR ISSUES

One of the benefits of this approach is the modelling of practice that the teacher can give by playing the role of mediator for brief periods. The teacher is engaged in the discussion board and seeks to contribute to but not dominant debate.

The facilitator does read all postings in the discussion about theory and will regularly post to engage in dialogue as recommended by Laurillard (2002). In the role play itself the teacher will read the posts but need not necessarily comment.

## REUSABILITY

The role play is adaptable for use where some form of negotiation is required. The role play in this form was first used in 2002. In previous versions of this role play (1997-98 and 2000) a fish bowl was not utilised and students played out the scenario in groups of three and did not jump in and out of roles. All other aspects of the design were largely the same in that Laurillard's Conversational Framework was used.

## References and Links

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