Chapter 1: Introduction to Mediation

Test Bank

# Multiple Choice

1. Victim–Offender mediation is designed to \_\_\_\_\_\_.

A. punish and humble offenders

B. bring closure to victims of crime and hold offenders accountable for their actions

C. provide a chance for victims of crime to have a voice in court

D. guarantee restitution for victims

Ans: B

2. Two students take their roommate dispute to their town’s community mediation program. They are most likely to experience which type of mediation?

A. restorative justice

B. peer-based school mediation

C. interest-based resolution

D. negotiated rule-making

Ans: C

3. When government officials involve stakeholders in the creation and enforcement of rules, this process is called \_\_\_\_\_\_.

A. adjudication

B. peer-based mediation

C. negotiated rule-making

D. arbitration

Ans: C

4. What is REDRESS?

A. a technique mediators use to decrease defensiveness

B. a U.S. Postal Service mediation program

C. a technique unique in retributive justice

D. a school-based peer mediation program

Ans: B

5. Georgio wants to dispute his cable charges and discovers he has to talk to a dispute resolution specialist in another state who will decide his case with no chance to appeal. Georgio is experiencing \_\_\_\_\_\_.

A. REDRESS

B. nonbinding arbitration

C. binding arbitration

D. forced binding arbitration

Ans: D

6. Which system has the clearest and most formal procedures on how to conduct a conflict?

A. power

B. rights

C. aggression

D. interests

Ans: B

7. \_\_\_\_\_\_ is the ability to influence another person or situation.

A. Determination

B. Retribution

C. Power

D. Assertion

Ans: C

8. Consequences to the use of power to resolve disputes include \_\_\_\_\_\_.

A. better relationships

B. more communication

C. a lessening of the effectiveness of rules

D. a lessening of trust

Ans: D

9. Which statement is an illustration of Galtung’s concept of negative peace?

A. a court-mandated “no contact order” awarded to a woman against her ex-husband

B. a boss makes all decisions about employee’s holiday schedules with consideration of employees’ seniority

C. a person taking her neighbor to court

D. a person purposefully focusing on the interests of the other party

Ans: A

10. Money is which type of interest?

A. functional

B. procedural

C. substantive

D. psychological

Ans: C

11. Which approach to power best relates to English law?

A. an interest-based approach

B. a power-based approach

C. a rights-based approach

D. a functional-based approach

Ans: C

12. Also referred to as adjudication, which process involves resolving disputes through the formal court or justice system?

A. litigation

B. arbitration

C. med-arb

D. mediation

Ans: A

13. The locus of control for decision-making in mediation is found \_\_\_\_\_\_.

A. with the mediator

B. with the parties

C. with the mediator and the parties

D. with the process

Ans: B

14. Informal peacemaking and mediation are characterized on the continuum as having \_\_\_\_\_\_ personal control by disputants, whereas arbitration and litigation have \_\_\_\_\_\_ personal control by the disputants.

A. low; low

B. low; high

C. high; high

D. high; low

Ans: D

# True/False

1. Mediation is a process where a neutral third party advises and recommends solutions to meet disputants’ needs.

Ans: F

2. Mediation and ADR refer to exactly the same process.

Ans: F

3. Mediation often is better equipped to explore the relational and emotional issues of a dispute than would be found in a formal court proceeding.

Ans: T

4. Mediation skills are transferable to everyday life and are characteristic of effective leaders.

Ans: T

5. A rights approach to resolving conflict is considered the most fair and equitable approach.

Ans: F

6. Using power to resolve conflicts is never appropriate.

Ans: F

7. Many states required parties to mediate certain disputes before bringing their case to a judge, but coming to agreement is voluntary.

Ans: T

8. Victim–Offender mediation reduces recidivism in juveniles involved in crimes.

Ans: T

9. Peer mediation in elementary schools, while valuable for developing conflict management skills, has shown little to no effect on decreasing bullying behaviors.

Ans: F

10. Reliance on the power approach to conflict resolution leads to resentment.

Ans: T

11. The power approach to conflict resolution is always inappropriate in a civilized society.

Ans: F

12. Mediation may be inappropriate for some type of disputes, particularly those requiring public hearing.

Ans: T

13. The interest-based perspective to resolving disputes is the best.

Ans: F

14. An interest-based mediation process can unlock positions and make more creative thinking possible.

Ans: T

15. Procedural interests can include the process, structure, rules, and means by which parties communicate with each other.

Ans: T

16. Nonbinding arbitration is where parties decide in advance to use the ruling of the arbitrator as a suggestion rather than be bound by the decision.

Ans: T

17. A court appointed mediator does not have to be a person whom both parties agree is appropriate for the mediator role.

Ans: F

18. Neutrality is the same as impartiality.

Ans: F

19. Mediation typically is less expensive and more time-consuming than the traditional legal system.

Ans: F

20. Each culture brings its own assumptions to mediation, including whether or not a mediator should be completely neutral.

Ans: T

# Essay

1. Identify the three perspectives of resolving conflicts and state an example when each would be appropriate.

Ans: Power, rights, interests; examples will vary.

2. List two characteristics of a conflict ripe for organizational conflict management.

Ans: Bullying, economic challenges, and changing demographics.

3. Differentiate between arbitration, mediation, and litigation.

Ans: Arbiters makes decisions for the parties after investigating, mediators facilitate the parties own decision, and litigation has a judge deciding after hearing the arguments from attorneys (usually).

4. Define impartial and neutral as they relate to mediation activities.

Ans: Impartial in favoring no specific outcome; neutral in not favoring either party.

5. Three approaches to conflict--power, rights, and interests--are discussed in Chapter 1. Give a benefit and a disadvantage for each approach.

Ans. Varies from the Power, Rights, and Interests section

6. Briefly explain how the locus of control of mediation is different from the locus of control in litigation.

Ans: In mediation, the parties have control of the outcome; in litigation, a judge has control of the outcome.

7. How does the locus of control affect the satisfaction level of the disputants?

Ans: Varies. Generally, the least satisfaction is from losers in litigation or the power approach and the most from disputants to settle in mediation.

8. How might the ultimate goal of mediation with a conciliatory approach differ from the goal during mediation with a problem-solving approach?

Ans: Varies. Generally, conciliatory mediators may be more interested in relationships and communication improvement while problem-solving mediators may be more focused on helping the parties solve their problem.

9. Kritek argues, “the resolution of human conflict is a moral enterprise that is the responsibility of every human.” How does mediation achieve this end?

Ans: Varies

10. Choose a conflict topic (e.g., a car accident) and demonstrate when resolving it would be most appropriately facilitated by each of the following approaches:

Mediation

Litigation

Ans: Varies