GOALS FOR TODAY

• PARTICIPANT AND MEDIATOR ROLES. We'll cover roles and responsibilities of each party.
• HIGH LEVEL PROCESS OVERVIEW. We will talk about the goals of each step of mediation.
• OUTCOMES. We will talk about desired outcomes and what difficult cases can look like.
• USING THE SKILLSET. We'll wrap up with how to use mediation techniques in everyday situations.
WHAT WOULD YOU DO?

YOU'RE INVITED TO MEDIATION :)
• Preliminary Arrangements
• Introductory Statements
• Initial Statements from Participants
• Two-way Exchange
• Issues and Problems Clarification
• Generating Options
• Memorandum of Understanding
• Closure and Standards for Moving Forward
PARTICIPANT ROLE

Respectful
Allows others’ thoughts and feelings to be heard
Willing to resolve the issues identified
Patient
Honest

• Agree to participate in the process, honestly share, and thoughtfully work to understand the other perspective
• Work the process no matter how uncomfortable
• Be active issue identifiers and solution generators
• Embrace the solutions and agreements they’ve worked hard (and long) for
MEDIATOR ROLE

- Ask questions that provoke honesty and openness
- Encourage participants to own their thoughts, feelings, needs, and reservations
- Facilitate an environment of respect and order
- Maintain control of the process
- Judge the progress and project success of the process continually

Impartial
Manages the process
Challenges participants to own thoughts and feelings
Patient
Assertive
Neutral verbal and non-verbal communication
**Pre-Session**

**Preliminary Arrangements**
- Brief parties and confirm their willingness to participate
- Let them know what to expect (time, process, etc.)
- Ask what has been going on overall and what they hope to achieve
  - (Determine the order participants will speak)
  - (Note power imbalances)
- Ask them if they have any questions

**Opening of Session**

**Introductory Statements**
- Recap nature of the process, go over time constraints
- Your role and theirs, ground rules
- Desired outcome
**PROCESS**

Preliminary arrangements
Introductory statements
Initial statements from participants
Two-way exchange
Issues and problems clarification
Generating options
Memorandum of understanding
Closure and standards for moving forward

---

**Initial Statements from Participants**

- Encourage participants to speak from their own experience
  - "I" statements, refrain from accusation, directing conversation to you the mediator
- Uninterrupted opportunities to explain narratives, thoughts feelings
- Mediator thoughtfully restates the narrative as closely as possible after each party speaks
- Participants take notes

**Two-way Exchange**

- Their chance to respond to the other participant (notes)
- Ask questions to clarify thoughts and feelings
  - (clarify needs and things that are preventing needs from being met)
Notes

Initial Statements:

Two-Way Exchange:

Issues and Problems Clarification:
PROCESS

Preliminary arrangements
Introductory statements
Initial statements from participants
Two-way exchange
Issues and problems clarification
Generating options
Memorandum of understanding
Closure and standards for moving forward

Issues and Problems Clarification
- You ask questions to make sure the root of the issue is being communicated
- Identify common ground (capitalize on this)
  - Remind participants of the ground rules
- Generate a list of the issues they identify
- Permission to progress

Generating Options
- Facilitate but you don't generate
- Fairness is key here
- Remind them to generation options first
- Evaluate, summarize, restate the issues and their solutions, move on once all agree
**PROCESS**

- Preliminary arrangements
- Introductory statements
- Initial statements from participants
- Two-way exchange
- Issues and problems clarification
- Generating options
- Memorandum of understanding
- Closure and standards for moving forward

**Memorandum of Understanding**

- Write out the solutions in their words; only what agree upon is written
- Read aloud and signed for by all parties and mediator

**Closure and Standards for Moving Forward**

- Agree to communicate these issues are resolved
- What happens when things come up again
- Will we all check back in to review or edit the MOU?
  - All get a copy
  - All information written down is taken up by the mediator to maintain confidentiality
Memorandum of Understanding

Date

[signature 1] __________________________ Date: __________________________
Printed Name:

[signature 2] __________________________ Date: __________________________
Printed Name:

[signature 3] __________________________ Date: __________________________
Printed Name:

Mediator: Delia Peterson
PROCESS QUESTIONS?

ASK AWAY
OUTCOMES

Mediation is useful for willing parties
But it is not for every situation/participant

- **Successful mediation**
  - Participants are at ease, in agreement, tension breaks, and a productive MOU is generated

- **Unsuccessful mediation**
  - Participant(s) are unwilling to be honest, open, and forthcoming with their thoughts, feelings, and needs, or unwilling to work towards solutions
  - Participants continually infringed on the ground rules, are unruly, violent, or uncontrollably aggressive
SKILLSET

Maintaining impartiality
Controlling a volatile environment
Active listening
Thoughtful note taking
Clear summarization of expressions
Managing competing perspectives

• Maintaining impartiality
  • Protecting and managing the process, not taking sides

• Controlling a volatile environment
  • Professional composure, exercising judgement, redirecting conversations when needed

• Actively listening
  • Building rapport, active listening, "listening to" statements, and "listening for" needs

• Thoughtfully taking notes and summarizing expressions
  • Restating and summarizing without "putting words in their mouths," accepting when you've failed at this

• Ability to manage competing perspectives
  • Identifying power imbalances while remaining fair, affording both parties the same experience despite behavior
IN SUMMARY

**PARTICIPANT AND MEDIATOR ROLES** weave to move the process forward.

**MEDIATION PROCESS** is intricate yet effective when managed.

**OUTCOMES** look different depending on the nature of the process and the participants’ willingness to work towards solutions.

**THE MEDIATION SKILLSET** can be used in mundane situations and honed gradually through practice.
ANY OTHER QUESTIONS?

ASK AWAY
(LAST CHANCE! GO AHEAD!)
THANK YOU!

DEJA PETERSON, HUMAN RESOURCES (EX. 1027)
PETERSONDA1@SFASU.EDU