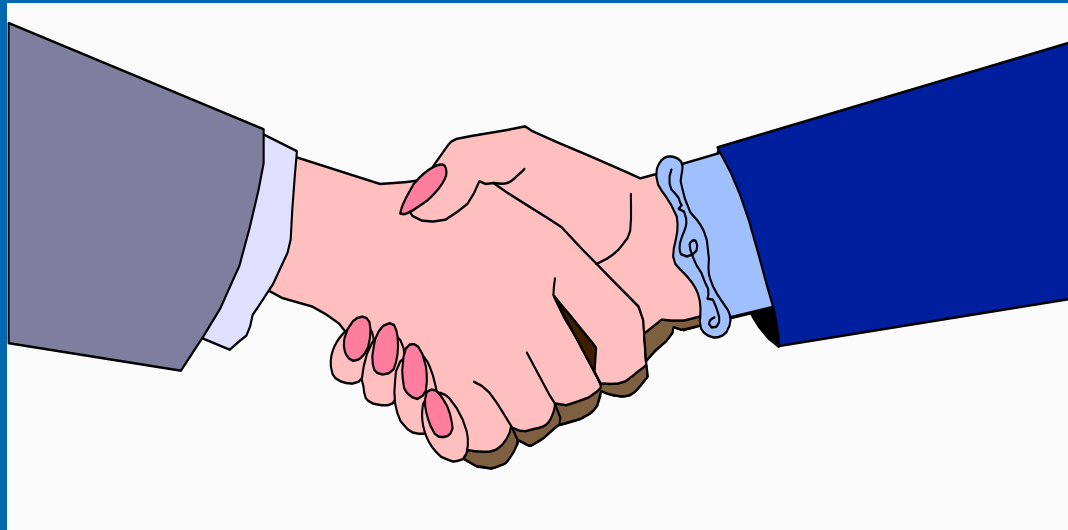


MEDIATION TRAINING



20 Hour General
Certification Training



Joan Packer

Conflict Resolution Specialist, SSAW Office,
Fairfax County Public Schools
Virginia Certified Mediator

Swaim Pessaud

Office of Partnerships
Fairfax County Government
Virginia Certified Mentor Mediator

Kristen John

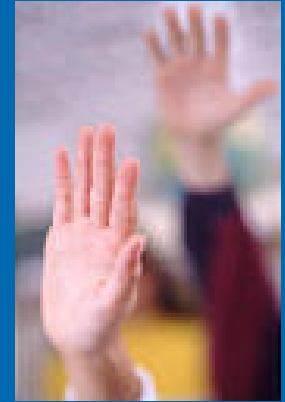
MS, Institute for Conflict Analysis and Resolution
SSAW Office
Virginia Certified Mediator

Let's Get Acquainted*

- Name
- Where do you work?
- Conflict Resolution/Mediation Experience
- Expectations for this training
- Adjective that begins with the letter of your first name



Objectives



- To provide an overview of communication, conflict resolution and mediation skills.
- To provide a safe and fun environment to practice mediation skills.
- To learn about school mediation programs and develop mediation skills to train students in conflict resolution and mediation

Mediation Training Agenda

Day One

- Introductions
- Objectives and Expectations
- Ground Rules
- The Nature of Conflict and Conflict Styles
- Overview of the Mediation Process
- Mediation Demonstration
- Lunch
- Stage I: Introduction
 - Review and Practice in dyads
- Stage II: Storytelling
 - Review
 - Communication skills used in storytelling
 - Active Listening Practice
- Role Play I: Practice Introduction and Storytelling
- Break
- Conflict Analysis
- Stage III: Issues and Needs

Summary of the Day

Training Guidelines

- One person speaks at a time.
- Maintain a respectful and safe learning environment.
- Confidentiality
- Talk from personal experience (try not to generalize)
- Try to keep an open mind.
- Be on time.



WHAT IS CONFLICT?



- Conflict occurs when two or more parties (people, groups, etc.) perceive that they have mutually incompatible goals.
- They want different outcomes.
- There are many different types of conflict.
- Conflicts vary in intensity and duration.
- Intensity affects the way we intervene.

CONFLICT OUTCOMES



WIN

LOSE



LOSE

WIN/LOSE

LOSE/LOSE

Lose

WIN


WIN/WIN

LOSE/WIN

Win



LEVELS OF CONFLICT

- Intrapersonal (within the individual)
 - Interpersonal (between individuals)
 - Intragroup (within a group)
 - Intergroup (between groups)
- 

LEVELS OF CONFLICT

- Organizational
 - Societal
 - National
 - International
 - Global
- 

Framework for Conflict Resolution

➤ EDUCATION

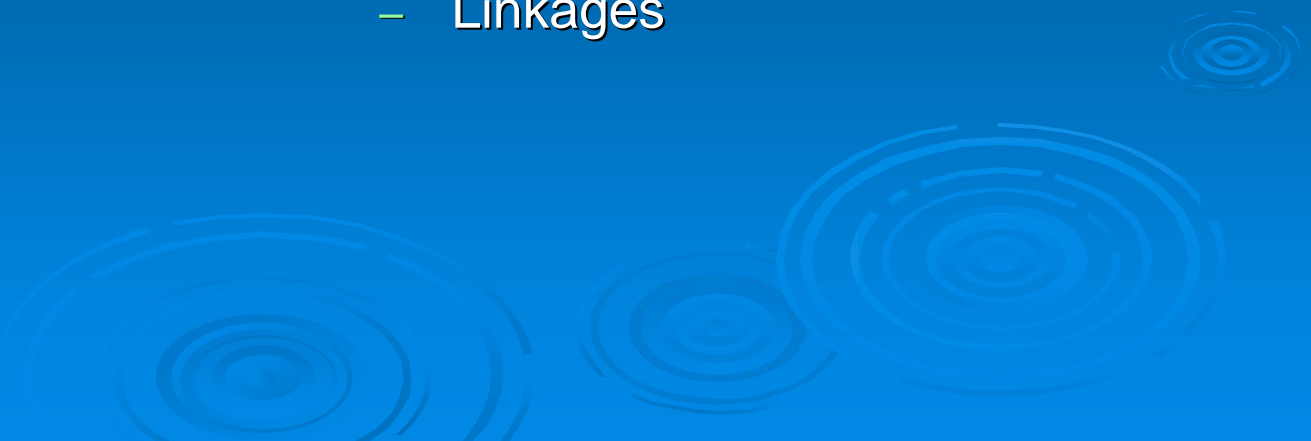
- To understand and respect differences.
- Communication Skills
- Trust Building Skills
- Modeling

➤ INTERVENTION

- To reach a positive outcome.
- Analysis
- Negotiation, mediation training
- Formal and Informal application

Framework for Conflict Resolution (continued)

➤ Environment

- To create a respectful and safe environment for all.
 - Shared Vision
 - Modeling
 - Education
 - Linkages
- 

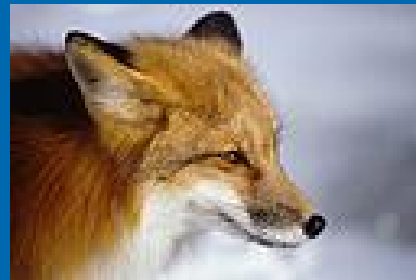
CONFLICT STYLES



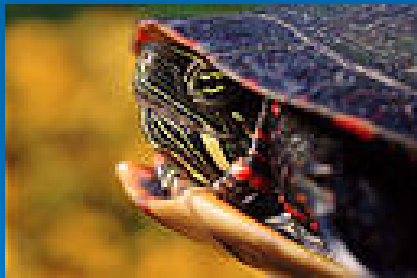
COMPETING



COLLABORATING



COMPROMISING



AVOIDING



ACCOMODATING

Conflict Escalator

Behavior that makes the conflict worse will take it another step up the escalator.

No one gets on the escalator empty handed. They always bring baggage to the conflict.



Past relationship with the other person.

Current feelings about the person.

Feelings about self.

Mood that day.

Diversity Issues

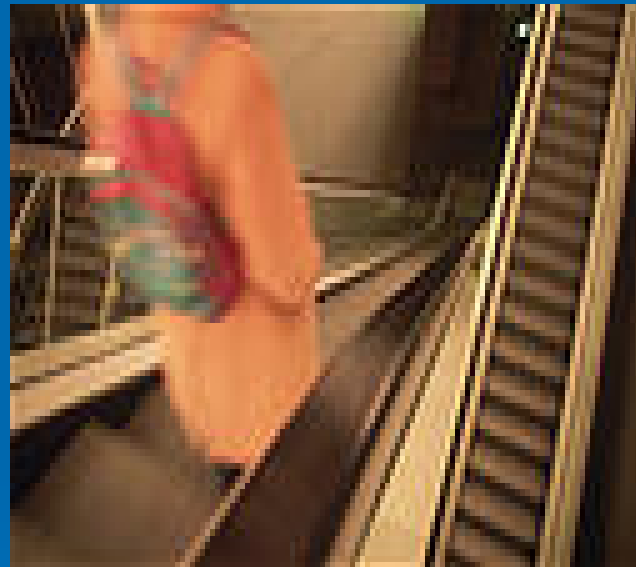
GOING DOWN THE CONFLICT ESCALATOR

C = Cool Off

A = Agree to Work it Out

P = P.O.V. on the Problem

S = Solve the Problem

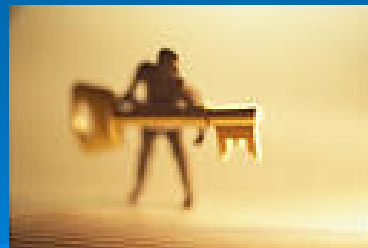


CAUSES OF CONFLICT

- **Positions:** What the party wants to happen.
- **Interests :** Underlying reasons for positions.
- **Issues:** The broader meaning of the conflict.
- **Needs:** The specific meaning underlying the issues.
- **Values:** Culture or belief that underlie positions and interests.

INTERESTS = ISSUES + NEEDS

The key in conflict resolution is to get beyond positions to the underlying issues and needs. It is very difficult to reach a solution if parties are arguing from their positions. However, if the parties examine each other's interests, there is a much better chance for reaching a solution and finding “common ground”



ONE BIG HAPPY RICK DETORIE

100



Vocabulary

Mediation refers to a ***third-party*** conflict resolution process whereby people trained in mediation skills work with parties in conflict. The mediator's objective is to ***assist the parties*** in resolving the conflict, but the ***primary responsibility*** remains with the parties themselves. The mediator ***helps facilitate*** communications between the parties. The mediator may suggest solutions, but no solution shall be imposed on a party; ***the parties must agree*** before any compromise or solution shall take effect.

WHAT IS MEDIATION?

➤ FORMAL ARRANGEMENT



➤ FACILITATES TALKING

- UNDERSTANDING
- BRAINSTORMING

➤ WIN/WIN AGREEMENT



Mediation Principles

- Voluntary Participation in Good Faith
 - Confidentiality
 - Safe Environment
 - Self Determination
 - Mediator Impartiality
 - Cultural Appropriateness
 - Do No Harm
- 

Mediation Continuums

- Informal-----Formal
- Relationship-focused-----Solution/Agreement
focused
- On-going Relationship-----No On-going
Relationship
- Facilitative-----Evaluative
- Facilitative-----Directive

THE MEDIATION PROCESS

INTRODUCTION

STORYTELLING

ISSUES and NEEDS

PROBLEM-SOLVING

AGREEMENT



INTRODUCTIONS

- INTRODUCE EVERYONE
- EXPLAIN YOUR ROLE
- EXPLAIN THE PROCESS
- RULES
- CONFIDENTIALITY



STORYTELLING

- EACH PERSON HAS A CHANCE TO TELL THEIR SIDE OF THE STORY
- LISTEN WITHOUT INTERRUPTING
- USE ACTIVE LISTENING TO PROVIDE FEEDBACK TO THE SPEAKER

PARAPHRASE

SUMMARIZE

IDENTIFY FEELINGS

ASK QUESTIONS TO CLARIFY



Communication Skills

Active Listening:

- Attentive listening without interrupting.
- Attention focused on the speaker.
- Maintain eye contact, nod, encouraging comments
- Convey empathy
- Paraphrasing reflects both facts and feelings in your own words



Communication Skills

“I” Messages:

Encourage disputants to speak from their own personal viewpoint.

I feel _____
when _____
because _____
I want _____



Conflict Analysis Questions

- What is the conflict? (What is it all about?)
- Who are the (primary, secondary) parties involved?,
- What are the (underlying) issues involved in the conflict?
- How complex is the conflict? Is there one focal point or are there many levels? How long has it been going on?
- What is causing or has caused the conflict to occur?
- What do the parties want? How do they see it being resolved?

ISSUES AND NEEDS

- DEFINE THE PROBLEM
- FIND OUT WHAT EACH PARTY NEEDS TO HAVE HAPPEN
- ASK PROBING QUESTIONS TO CLARIFY
- SUMMARIZE AND RESTATE

HOMework

- Read the "History of Mediation" (pp.37-39).
- Read the "Methods of Dispute Resolution" (pp. 32-33).
- Be prepared to discuss this tomorrow.



FAMILY OF ORIGIN



In your group:

- Share information about your family of origin.
- Growing up in this family, what messages did you get about conflict?
- How did people in your family handle



...?
...?

Mediation Training Agenda Day 2

- Welcome & Warm-up
- Stage IV and Stage V:
Problem Solving and Agreement Writing
- First Role Play
 - Issues and Needs
 - Problem Solving
 - Agreement Writing
 - Practice
- Communication Skills #2
- Break
- Role Play #2
- Lunch
- Role Play #3
- History of
Mediation and
Types of ADR



PROBLEM SOLVING

- BRAINSTORM SOLUTIONS
 - LOOK AT ISSUES AND NEEDS
- CHECK FOR AGREEMENT
- ASK WHAT EACH PARTY WOULD BE WILLING TO DO
- CLARIFY AND RESTATE



AGREEMENT



- REVIEW BRAINSTORMED SOLUTIONS AND CHECK FOR AGREEMENT FROM BOTH SIDES ON ALL POINTS.
- NAIL DOWN THE SOLUTIONS.
- ASK QUESTIONS:
 - WHO? WHAT? WHEN? WHERE? HOW?
 - WHAT IF?

SPECIFY EXACTLY WHAT EACH PERSON WILL DO.



WRITING THE AGREEMENT

- State the problem.
- Write down what each person will do. BE CONCRETE
- Have the disputants sign the agreement.
- Remind the disputants that this is a contract.

Communication Skills II

Neutralizing or Laundering Language

Reframing - restating the parties thoughts and feelings another way.

Eliminating inflammatory statements.

Reflecting underlying meaning.



Effective Questioning



Use Open Ended Questions

Make sure questions don't sound like accusations

Probe for additional information by reflecting what the parties have said and then asking:

*Can you tell me more about that?
How? When? Where? What else?*

Clarify by asking questions to find out more about what they have said.

*How did you feel about that?
What was the problem?*

History of Mediation



Tradition of dispute resolution
in almost all cultures of the
world.



History of Mediation

In the United States

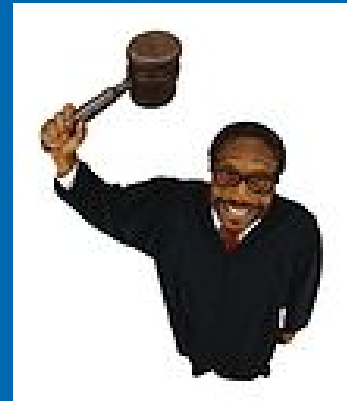
- Labor/Management Relations
- Civil Rights Act of 1964 led to creation of Community Relations Service which fostered growth of Community Mediation Centers
- Courts begin to use mediation for some civil cases

History of Mediation (Continued)

- Growth of mediation and arbitration in organizations, especially in corporate and commercial areas since the mid-80's.
- Peer Mediation programs in schools.
- Use of mediation in public policy areas, especially environmental disputes
- EEOC disputes (Equal Employment)
 - Disabilities Act
 - IDEA

Methods of Dispute Resolution

- Adjudication
- Arbitration
- Negotiation
- Conciliation
- Mediation
- Restorative Practices
- Dialogue
- Facilitated Meetings





HOMework

Read the "Standards of Ethics and Professional Responsibility for Certified Mediators" (pp. 121-128).



Culture Activity

Get a partner you have not worked with yet and share your experiences with culture throughout your life?

Be willing to share highlights with the larger group!

Mediation Training Agenda Day 3

- Welcome
- Culture and Conflict
- Peer Mediation Programs
 - Demonstration by Longfellow MS
- Managing the Mediation Process
- Lunch
- Ethics
- Role-play # 4
- Group Debrief
- Summary of the Training
 - Mediator Certification
 - Upcoming Trainings
 - Evaluations & Certificates

What is culture?

- Culture is how we understand our world, and how we think and feel about it.
- Culture appears in many ways.
- We all belong to many cultures.



Characteristics of Culture

- Shared Understanding
- Transmissible
- Dynamic
- Selective
- Mediates Communication
- Provides a sense of Identity and Belonging
- Inculcates Values
- Conditions Behavior



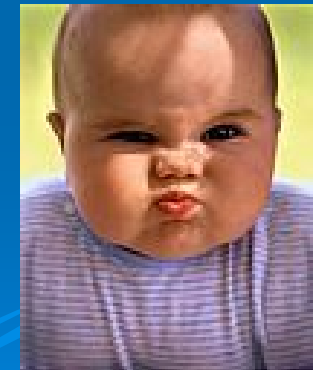
Culture Affects Views of:

- Time and Space
- Relationships
- Cooperation and Competition
- Communication
- Disclosure
- Conflict
- Mediation/Mediators
- Negotiation



Causes of Conflict

- Mistakes in speaking, listening and understanding.
- People value different things.
- Ignorance plays a role in initiating and maintaining a conflict.
- Different world views.
- High context vs. low context



Strategies

- Respect in all situations is important.
- Recognize lack of understanding and take steps to learn more.
- Clarify what is being said and done. Check for meaning.
- Be sensitive to signs of offense taken and acknowledge and apologize.
- Modify the process, if necessary, so that it is culturally appropriate.



Benefits of Conflict Resolution and Peer Mediation

- Teach Life Skills in problem-solving, decision making and communication.
- Empower students.
- Teach skills useful in careers. Open career paths.
- Encourage personal responsibility.
- Improved school climate.



ORGANIZING A MEDIATION PROGRAM

- Selecting and Training Mediators
 - Selection
 - Representative of student body
 - Leadership
 - Training
 - Conflict, Conflict Styles and Escalation
 - Negotiation
 - Anger Management
 - Communication Skills
 - Bias Awareness
 - Mediation Process



Program Development

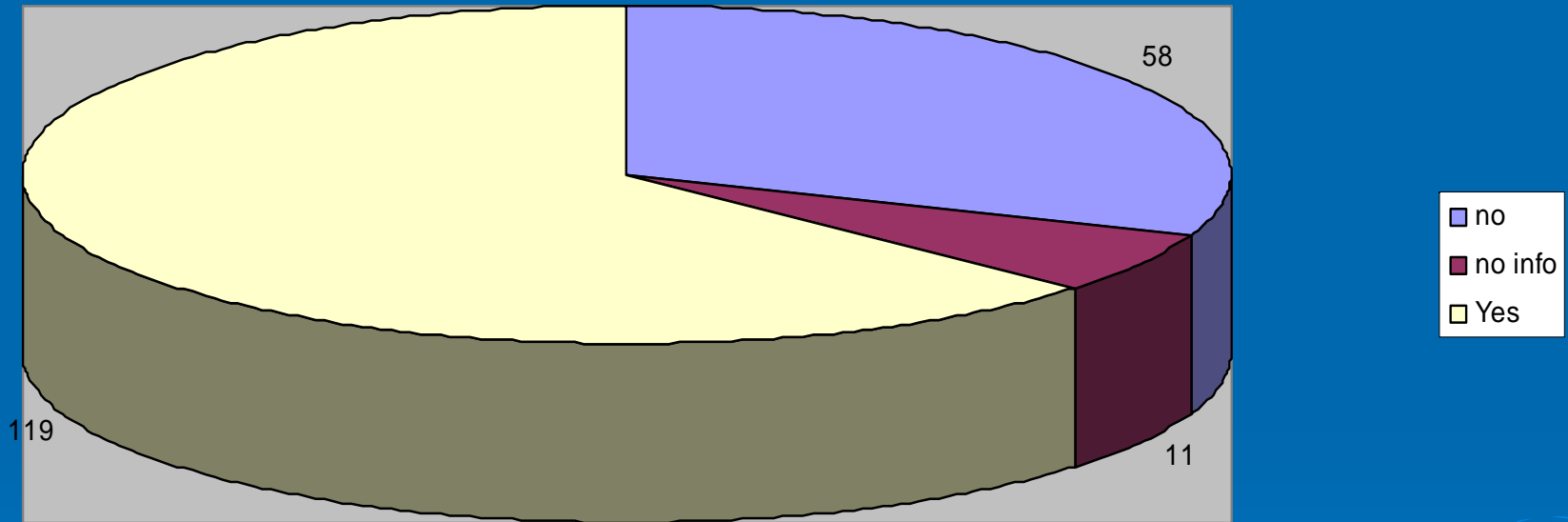
- Scheduling, Referrals, Intake and Coordination
 - Scheduling Models
 - Referrals
 - Intake and Case Scheduling
 - Follow-up

Coordinator's Role

- Screening
- Training
- Scheduling
- Supervising



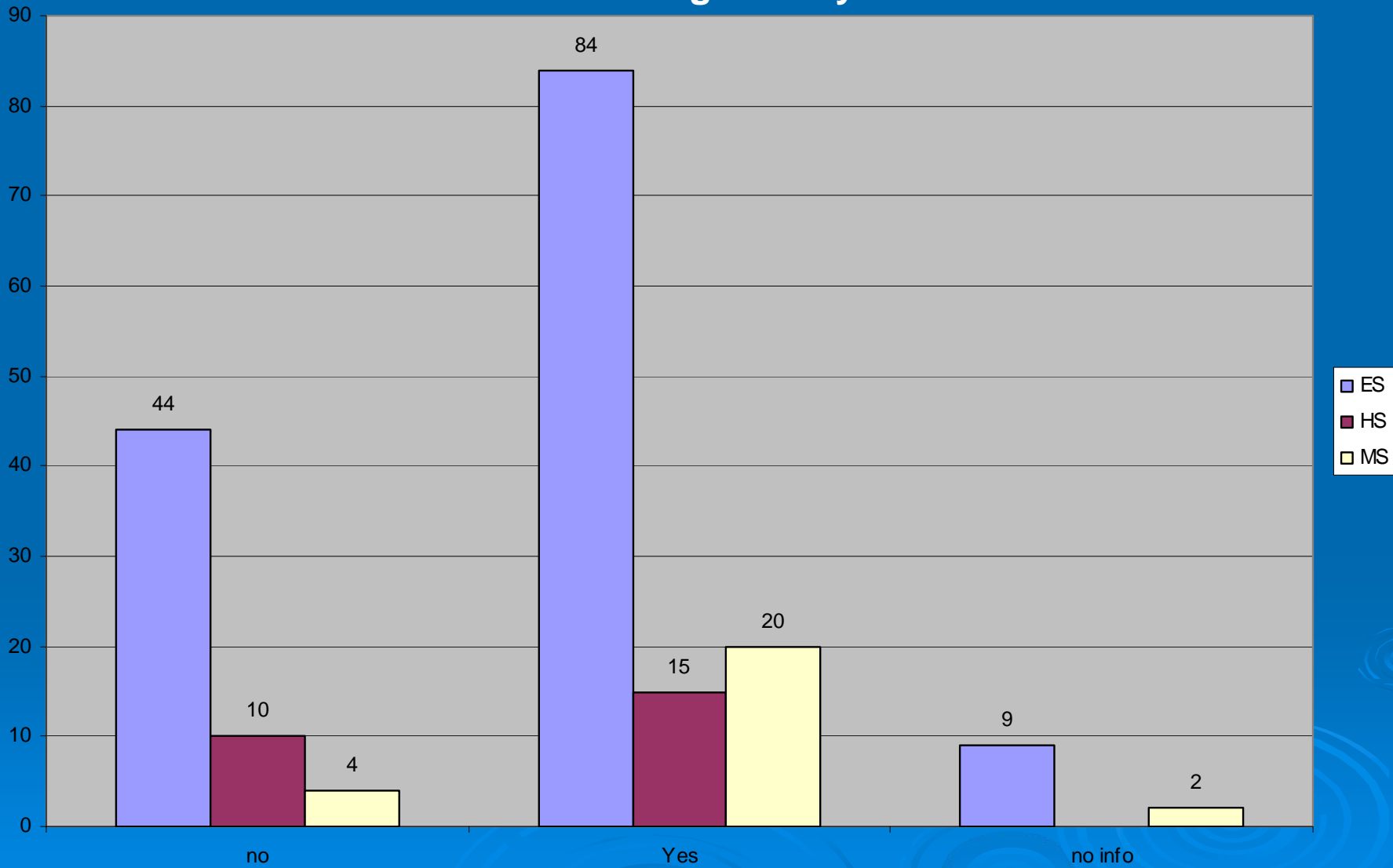
2008-2009 FCPS Report on Peer Mediation Programs*



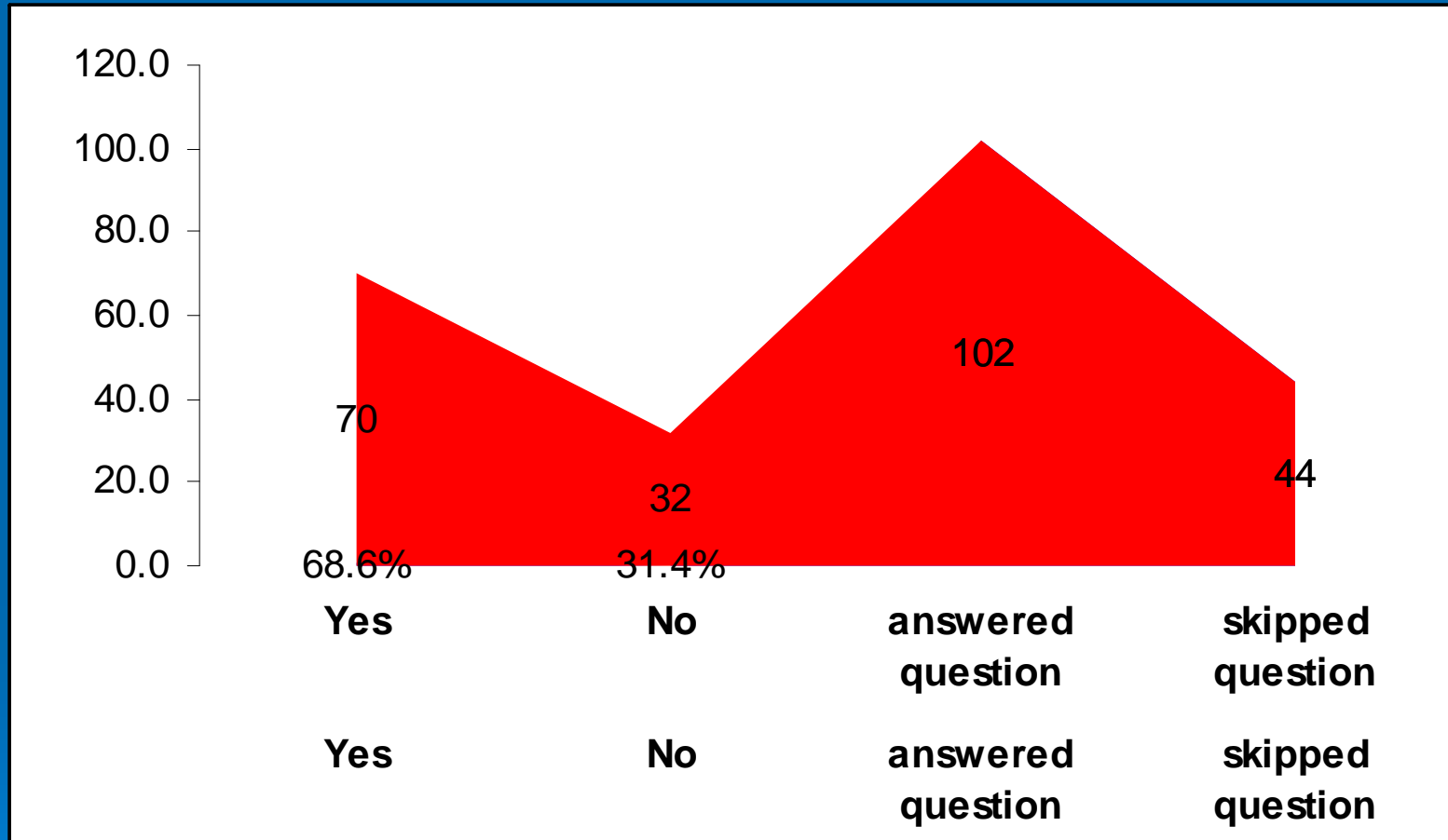
*Numbers are based on schools that responded

2008-2009 FCPS

Peer Mediation Programs by School Level



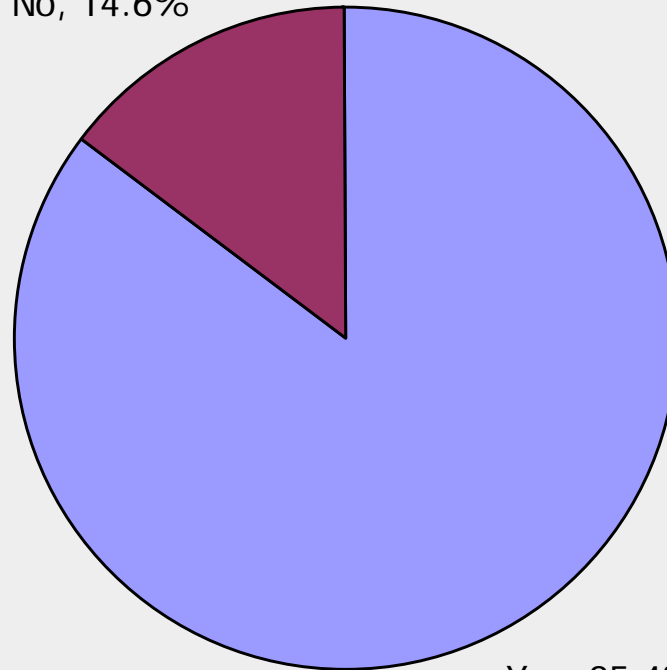
2007-2008 FCPS that teach Conflict Resolution



2008-2009 FCPS Report on Peer Mediation Programs

Are conflict resolution lessons taught in your school?

No, 14.6%



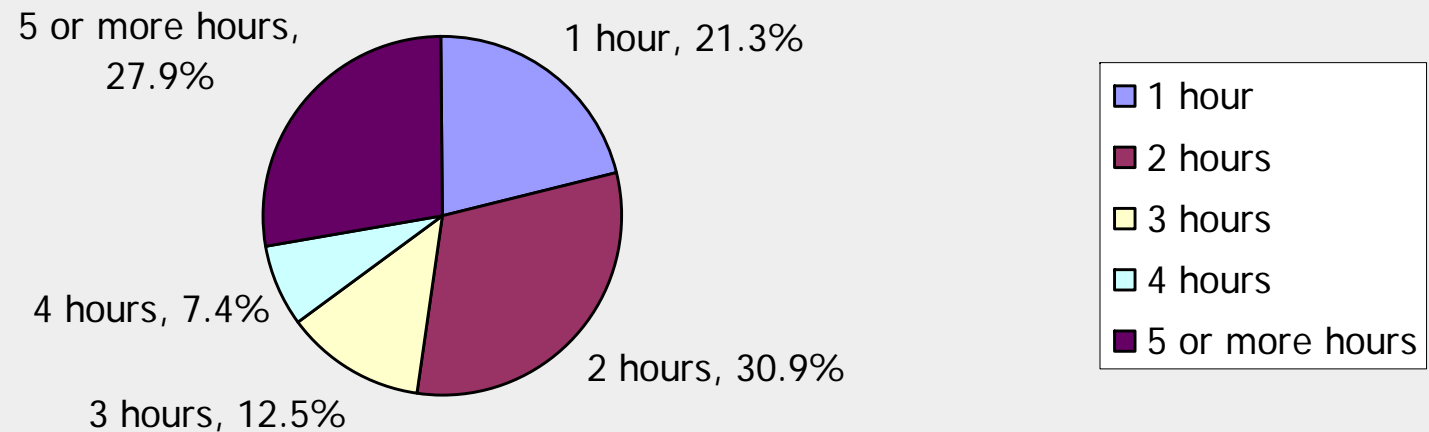
Yes, 85.4%

Yes

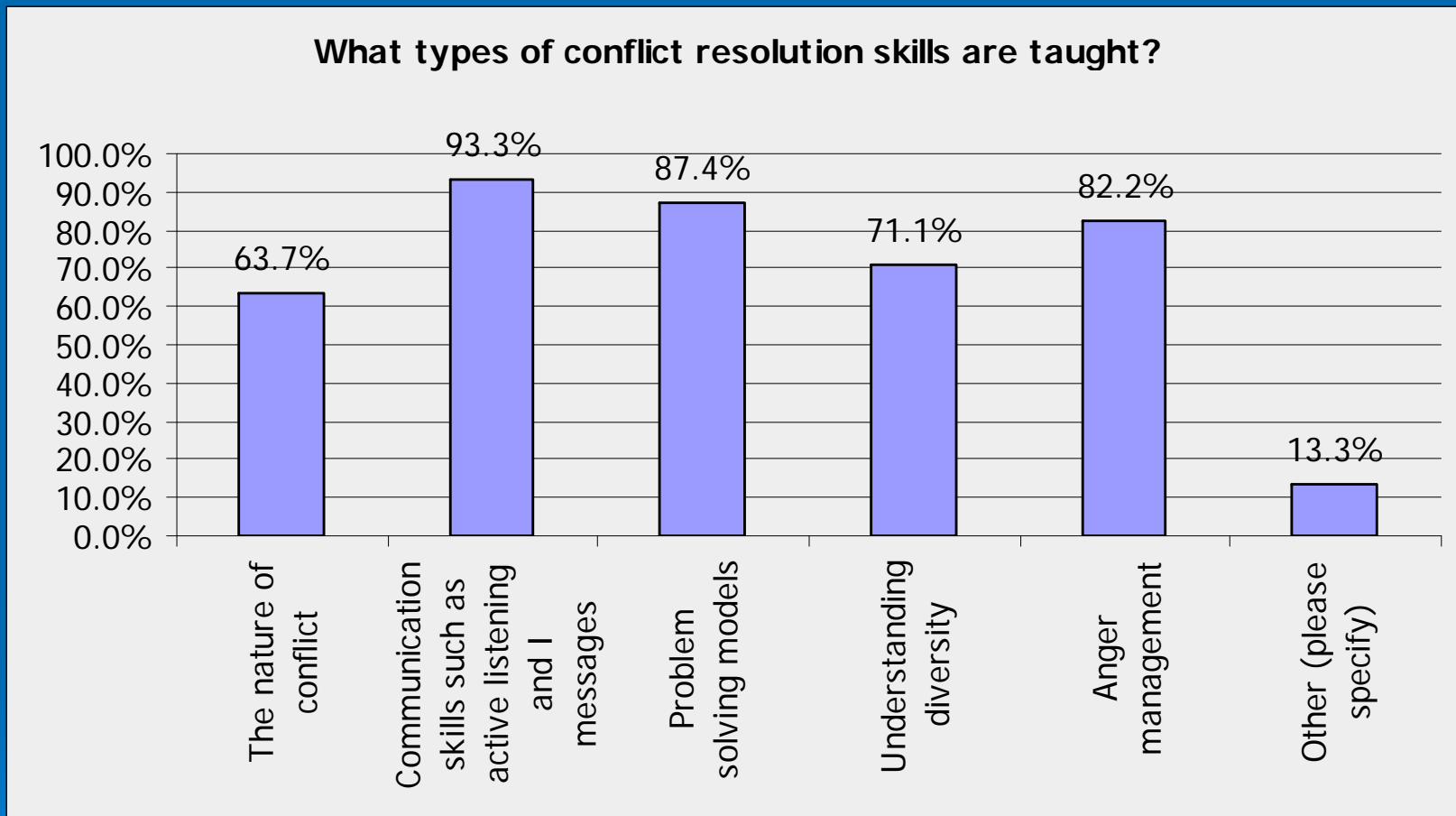
No

2008-2009 FCPS Report on Peer Mediation Programs

How many total hours of conflict resolution instruction do students receive?



2008-2009 FCPS Report on Peer Mediation Programs



Mediation in the Workplace

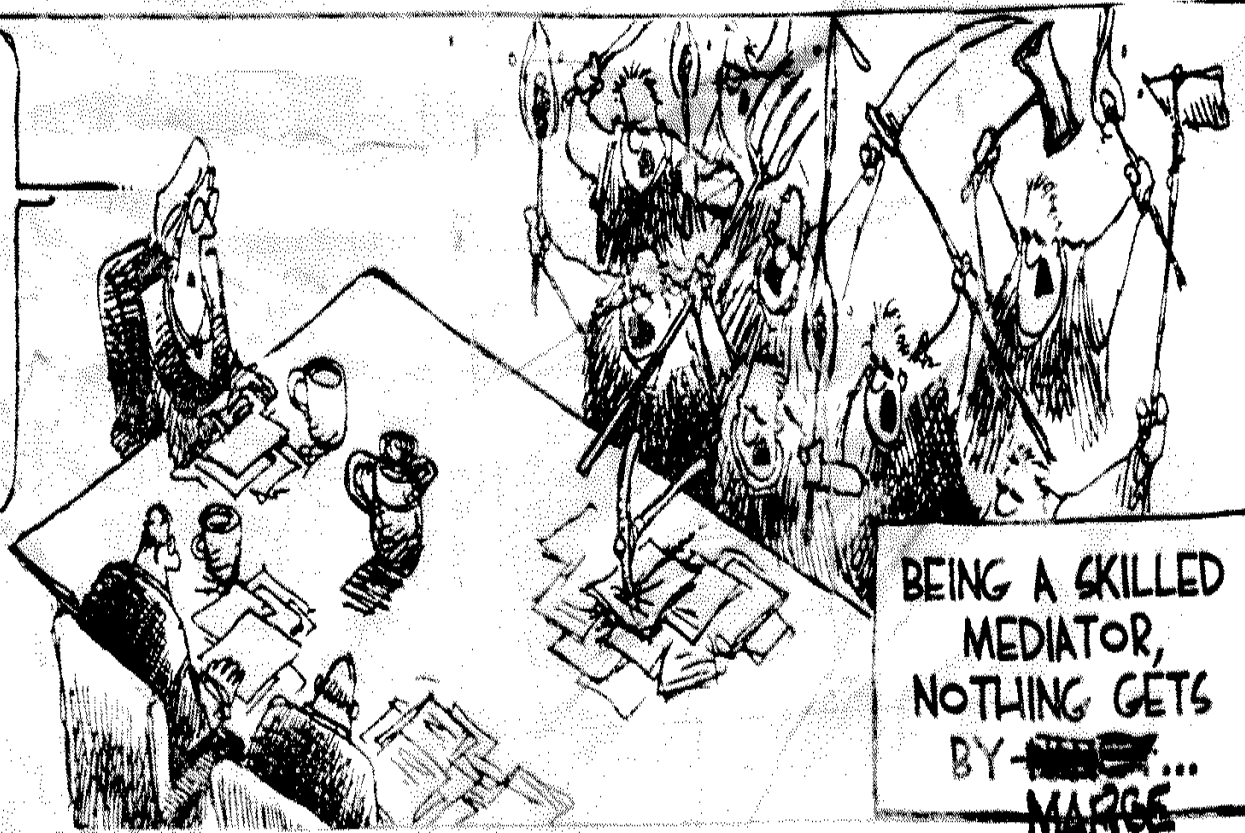
➤ Interventions

- Coaching
- Dialogue
- Facilitated Meetings
- Mediation
 - Employee/Employee
 - Supervisor/Employee
 - Group or Team

NON SEQUITUR WILEY

©1998 Wiley Miller / dist. by The Washington Post Writers Group
E-mail: wiley@wileytoons.com Web Site: www.wileytoons.com

I'M
BEGINNING
TO PICK UP
ON A SENSE
OF HOSTILITY
HERE...

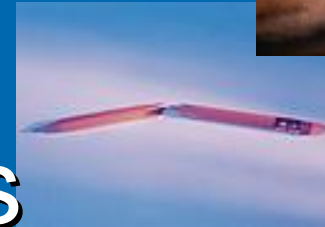


BEING A SKILLED
MEDIATOR,
NOTHING GETS
BY ~~THE~~...
MARGE

Managing Anger in Mediation

➤ Anger Triggers

- External
- Internal



➤ Recognize Anger Signs

- Venting, name calling, eye-rolling
- Silence or very little participation



Techniques



- Acknowledge the anger
- Validate the feelings
- Invite further talk
- Reframe the content
- Direct parties to talk only to the mediator
- Enforce ground rules
- Call time out.
- Use separate sessions.

Caucus

- Mediators confer with each other
- Develop strategies
- Share perceptions
- Analyze



Separate Sessions

- Mediators meet with each party separately
 - Try to equalize time
 - Can be used if one party seems to be uncomfortable, or is emotional
- Helps with impasse
- Parties can also request
- Confidential



Mediation Ethics

- Assessing the Appropriateness of Mediation
- Initiating the Process
- Self-Determination
- Professional Information
- Impartiality



Ethics

- Conflict of Interest
- Agreement
- Level of Skill or Expertise
- Quality of the Process
- Advertising
- Community Service



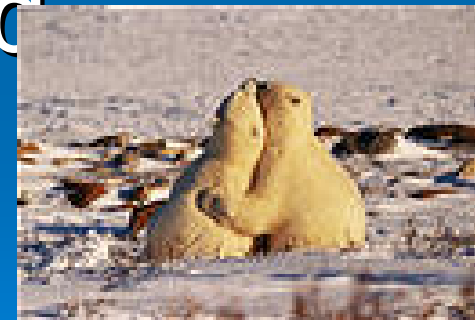
Virginia Court Certification for Mediators

- General District Court
 - 20 hour Basic Training
 - Observations (2 cases or role-play and observation training)
 - 4 hour Judicial Training
 - 3 Co-Mediations with Mentor Mediator

Guidelines – pp. 129-139

NEGOTIATION STRATEGIES

- Begin with the End
- Think Win/Win
- Seek first to understand,
Then to be understood
- Synergize



Thanks and good luck!

Bye*

