

Phases of Mediation

- Phase 1 Introductions:**
Explain ground rules and procedures
- Phase 2 Telling the Story:**
Parties tell what happened
- Phase 3 Understanding the Problem:**
Parties talk to each other
- Phase 4 Alternative Search:**
Everyone thinks of possible solutions
- Phase 5 Resolution:**
Agreement is written
- Phase 6 Departure:**
Parties go home

Ground Rules

1. Respect each other
2. Do not interrupt each other
3. Remain seated

It is important that you get parties to agree to all of the Ground Rules.

Do's and Don'ts of Mediation

Do listen carefully
Do be fair
Do ask how each feels
Do let each one state what happened
Do treat each person with respect
Do maintain confidentiality
Do mediate in private

Don't take sides
Don't tell them what to do
Don't ask who started it
Don't try to blame someone
Don't ask, "Why did you do it?"
Don't give advice
Don't look for witnesses

Phase 1: Introduction

1. Welcome everyone
2. Introduce all of the people present
 - a. Introduce yourself
 - b. Ask each person to introduce him or herself.
 - c. If there is anyone present who is not expected, make sure to classify his or her role in the mediation (observer, participant). If he or she is an observer, seat him or her away from the mediating parties.
3. Explain the purpose of the mediation
 - a. To give the parties a chance to listen and talk to one another
 - b. To come to an agreement that is acceptable to all parties.
4. Explain that mediation is not a court. Mediators are not judge to determine guilt or innocence. Mediators are present to listen and help parties reach an agreement.
5. Explain the phases of mediation
 - a. Draw the process on a sheet of paper and point to each phase as you explain its purpose.
 - b. Ask if there are any questions.
6. State the ground rules
 - a. Write down each ground rule if needed.
 - b. Have each party agree to each ground rule.
 - c. Explain the use of a “time-out”; if anyone needs to get up from the mediation (because of anger, frustration, need to use the bathroom, etc.) he or she should tell the mediator, who will ask for a break.
7. Ask if there any questions about what has been explained so far. If there are no questions, or when the questions are answered moved on to Phase2: Telling the Story.

Phase 2: Telling the Story

1. Explain the procedure for this phase
2. Review the ground rules, emphasizing no interruptions
3. One party begins to tell his or her story
4. Use active listening skills (verbal and non-verbal) to encourage the party to explain the entire story
5. Ask open ended questions to encourage the party to provide more information to clarify his or her story
6. Use feeling words to help each party verbalize or clarify feelings that have already been stated (verbally or non-verbally) by the party
7. Ask the party if he or she is finished
8. Summarize what the party has stated and the stated feelings
9. Ask the party if the summary is complete and accurate
 - a. If not, ask the party to make additions or corrections to the summary
 - b. The summarize the amended story
10. Thank the second party for waiting
11. Repeat steps 2-9 for the second, and any additional, party

Notes:

- Allow silence
- If there are 2 mediators it is important to work as a team during this phase
- Take notes to help yourself
 1. Identify issues of each party
 2. Identify feelings
 3. Note any areas that parties have in common
- No lectures or advice
- No probing into reasons behind behaviors
- No asking questions that cause parties to make judgments about their own behavior

Phase 3: Understanding the Problem

1. Explain the procedures for this phase
 - a. The purpose is to make sure that each party understands what was said by the other party
 - b. This does not mean that parties have to agree what was said
2. Review ground rules
 - a. Interrupting is less important during this phase
 - b. Respect and staying seated need to be followed
3. Help the parties begin talking to each other (see below)
4. If parties continue talking to the mediator, remind them of the purpose of this phase
5. Continue to use active listening skills
6. LET THE CONVERSATION FLOW
 - a. Remain silent if parties are able to talk with each other
 - b. Allow time for parties to collect thoughts and gather courage
7. Allow parties to express their feelings (anger, frustrations, etc.)
8. If necessary take a break to allow parties time to regain self control
9. Make sure one party does not control the conversation or overpower the other party
10. Look over the notes that you have made to ensure each issue raised is noted so it can be covered in the next phase
11. Write down any solutions suggested by either party

Helping Tools

- Ask one person to say back what they heard the other person say. They should say it to the person, not the mediator.
- Ask one person to tell the other what was true or not true about the story he or she told.
- Ask one person to tell the other how they think he or she feels.
- Ask one person to tell the other what they think they have in common
- Ask each person to tell the other the one thing that they want the other side to hear.

Phase 4: Alternatives Search

1. Explain the procedures for this phase
 - a. Parties will now think of ways to end the conflict
 - b. This phase has three parts
 1. Brainstorming
 2. Evaluation and clarification
 3. Negotiation
 - c. Tell the parties to begin thinking of ideas for resolving the conflict
 - d. These ideas should include things they would be willing to do and things they want from the other party
 - e. Give parties a short break (2 or 3 minutes) to collect their thoughts and think of ideas.
2. Begin the brainstorming session
 - a. Each party is to give their ideas
 - b. Parties are talking to the mediator
 - c. The mediator should list each idea on a board or paper
 - d. Parties are not allowed to discuss ideas at this point
 - e. Alternate between each party
 - f. Remind parties of each issue discussed in the previous phase
 - g. Ask if they want to make suggestions for each issue
 - h. Remind them of suggestions for solutions made in the previous phase
3. Evaluate and clarify each idea
 - a. Similar ideas should be grouped together
 - b. Ask each party to say what would be positive and what would be negative if the suggestion were agreed to
 - c. Ask the party who made the suggestion for clarity
4. Negotiate
 - a. After an idea is discussed it may be apparent that the parties will or will not agree
 - b. The mediator may ask about agreement prior to moving to the next issue
 - c. Star ideas that parties can agree to, cross out ideas parties cannot agree to
 - d. Questions such as “Is this something you can agree to? And “Can you live with this”
 - e. This phase is complete when each alternative listed has been discussed

Summary

- Explain the brainstorming process
- Remind the parties of any solutions already mentioned in the first three phases
- Help the parties clarify their thoughts
- Encourage parties to think of the meaning, consequences and effects of possible solutions
- Try to have all parties equally represented
- Give parties enough time to discuss, revise and discard ideas
- Read each idea aloud
- Cross out ideas that have been rejected and write new ones or revise old ones
- As ideas are accepted, ask if everyone agrees to it

Phase 5: Resolution

1. Take your time because this phase requires attention to detail
2. Record on statement at a time and check the details for specifics (time, date, etc.)
3. Parties should tell the mediator what to write and it should be in the parties' language and style
4. Discourage agreements that have "if and when" statements
5. Print the agreement so it will be easy to read
6. Read the agreement aloud so if any corrections are needed they can be made
7. Make sure the parties, the mediators and all others involved sign the agreement
8. Give a copy of the agreement to each of the parties and keep a copy on file

Phase 6: Departure

1. Formally end the mediation
2. Congratulate the parties
3. Remind them of the follow-up steps

Implications of Conflict

Conflict is destructive when it:

- Takes attention away from other important activities
- Undermines morale or self-concept
- Polarizes people and groups, reducing cooperation
- Increases or sharpens difference
- Leads to irresponsible and harmful behavior, such as fighting and name calling

Conflict is constructive when it:

- Results in clarification of important problems and issues
- Results in solutions to problems
- Involves people in resolving issues important to them
- Causes authentic communication
- Helps release emotion, anxiety and stress
- Builds cooperation among people through learning more about each other; conflict resolution
- Helps individuals develop understanding and skills

ANIMAL INSTINCTS IN CONFLICT

Picture yourself in a situation where your wishes differ from another person's. For each of the following, choose the statement (A or B) that best describes how you would respond. Sometimes neither statement will be very typical or accurate for you, but try to choose the one that seems more accurate of the two. Circle your response.

There are no right or wrong answers. Score the exercise when you have finished.

1. A There are times when I let others take responsibility for solving the problem.
B Rather than negotiate the issue on which we disagree, I try to stress those things upon which we both agree.
2. A I try to find a compromise solution.
B I attempt to deal with all of his/her and my concerns.
3. A I am usually firm in pursuing my goals.
B I try to soothe the other's feelings and preserve our relationship.
4. A I try to find a compromise solution.
B I sometimes sacrifice my own wishes for the wishes of the other person.
5. A I consistently seek the other's help in working out a solution.
B I try to do what is necessary to avoid useless tension.
6. A I try to avoid creating unpleasantness for myself.
B I try to win my position.
7. A I try to postpone the issue until I have had some time to think it over.
B I give up some points in exchange for others.
8. A I am usually firm in pursuing my goals.
B I attempt to get all concerns and issues immediately out in the open.
9. A I feel that differences are not always worth worrying about.
B I make some sort of effort to get my way.
10. A I am firm in pursuing my goals.
B I try to find a compromise solution.
11. A I attempt to get all concerns and issues immediately out in the open.
B I might try to soothe the other's feelings and preserve our relationship.
12. A I sometimes avoid taking positions which would create controversy.
B I will let the other person have some of his/her position if he/she lets me have some of mine.
13. A I propose a middle ground.
B I press to get my points made.
14. A I tell the other person my ideas and ask for his/hers.
B I try to show the other person the logic and benefits of my position.
15. A I might try to soothe the other's feelings.
B I try to do what is necessary to avoid tensions.

16. A I try not to hurt the other's feelings.
B I try to convince the other person of the merits of my position.
17. A I am usually firm in pursuing my goals.
B I try to do what is necessary to avoid useless tensions.
18. A If it makes other people happy, I might let them maintain their views.
B I will let other people have some of their positions if they let me have some of mine.
19. A I attempt to get all concerns and issues immediately out in the open.
B I try to postpone the issues until I have had some time to think it over.
20. A I attempt to immediately work through our differences.
B I try to find a fair combination of gains and losses for both of us.
21. A In approaching negotiations, I try to be considerate of the other person's wishes.
B I always lean toward a direct discussion of the problem.
22. A I try to find a position that is intermediate between his/hers and mine.
B I assert my wishes.
23. A I am very often concerned with satisfying all our wishes.
B There are times when I let others take responsibility for solving problems.
24. A If the other's position seems very important to him/her, I would try to meet his/her wishes.
B I try to get the other person to settle for a compromise.
25. A I try to show the other person the logic and benefits of my position.
B In approaching negotiations, I try to be considerate of the other person's wishes.
26. A I propose middle ground.
B In approaching negotiations, I try to be considerate of the other person's wishes.
27. A I sometimes avoid taking positions that would create controversy.
B If it makes other people happy, I might let them maintain their views.
28. A I am usually firm in pursuing my goals.
B I usually seek the other's help in working out a solution.
29. A I propose a middle ground.
B I feel that differences are not always worth worrying about.
30. A I try not to hurt the other's feelings.
B I always share the problem with the other person so that we can work it out.

ANIMAL INSTINCTS IN CONFLICT - SCORING

Circle the letters below which you circled on each item of the questionnaire.

	A. Competing (forcing)	Collaborating (problem-solving)	Compromising (sharing)	Avoiding (withdrawal)	Accommodating (smoothing)
1				A	B
2		B	A		
3	A				B
4			A		B
5		A		B	
6	B			A	
7			B	A	
8	A	B			
9	B			A	
10	A		B		
11		A			B
12			B	A	
13	B		A		
14	B	A			
15				B	A
16	B				A
17	A			B	
18			B		A
19		A		B	
20		A	B		
21		B			A
22	B		A		
23		A		B	
24			B		A
25	A				B
26		B	A		
27				A	B
28	A	B			
29			A	B	
30		B		A	

TOTAL NUMBER OF ITEMS CIRCLED IN EACH COLUMN:

	B. Competing (forcing)	Collaborating (problem-solving)	Compromising (sharing)	Avoiding (withdrawal)	Accommodating (smoothing)

UNDERSTANDING YOUR STYLE

Insert your score for each style:

CONFLICT STYLES	MY SCORE	RANGES		
Competing		High: 8-12	Middle:4-7	Low: 0-3
Collaborating		High: 9-12	Middle:6-8	Low: 0-5
Compromising		High: 9-12	Middle:6-8	Low: 0-5
Avoiding		High: 8-12	Middle:5-7	Low: 0-4
Accommodating		High: 7-12	Middle:4-6	Low: 0-3

Your profile of scores indicates the repertoire of conflict-handling skills that you *tend* to use in conflict situations. The ranges are based on the distribution results of others who have used the instrument. Keep in mind that these scores are only a snap shot: you had in mind a relationship and a situation when you completed the instrument. Extreme scores, high or low, are neither “good” nor “bad”; a particular situation may require high or low use of a particular conflict handling style.

None of us has one single, rigid style of handling conflict and each of us is capable of using all five-conflict styles. Any given individual may use some styles better than others, however, and may tend to rely upon those personally comfortable styles more heavily than others. All of us can benefit from learning to use all of the conflict handling styles so that we can tailor our practice to the situation.

Characteristics of Conflict Styles

Competing: Shark “Heads I win, tails you lose”

Win-Lose oriented. Power-conscious, assertive, aggressive; takes positions and sticks to them. Willing to use authority, rank, seniority, status to win. Note: Competing can also mean “standing up for your rights” and defending a position you believe in strongly and are unwilling to compromise.

Collaborating: Owl “We’re in the same boat- let’s work on it together.”

Win-Win oriented. Assertive, cooperative, open – likes joint problem exploration and problem-solving. Willing to share both emotions and ideas and work together to create value for optimal satisfaction of all interests. Note: Collaborating builds trust in relationships and can result in less competition.

Compromising: Fox “Let’s make a deal- here’s an offer you can’t refuse.”

Lose-Lose oriented: Each party must give up something. Somewhat cooperative and somewhat assertive – searches for expedient, mutually acceptable solutions that satisfy each party just enough to make continued conflict less attractive. Note: Compromising, or “splitting the difference” gives up more than Competing but less than Accommodating; engages more than Avoiding but less than Collaborating.

Avoiding: Ostrich “It’s not worth my effort- there’s nothing I can do.”

Oriented away from conflict. Unassertive, uncooperative – dislikes reality or threat of discord or discomfort of any kind. Unwilling to engage or to recognize or address problems. Note: Avoiding can also mean sidestepping diplomatically, postponing to a later time, or “picking your fights.”

Accommodating: Lamb “Anything you choose is fine with me.”

Relationship oriented. Unassertive, cooperating, self-sacrificing – dislikes taking positions or expressing personal needs. Willing to agree to maintain relationship. Note: Accommodating can also mean being generous, charitable, or properly obedient to legitimate authority.

