

**Basic
Mediation Training
TRAINERS' MANUAL**

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PREFACE

Many people have contributed to the creation of this Manual. Carol Orme-Johnson is the Director and Mark Cason-Snow the Assistant Director of Mediation@MIT, the peer mediation program at Massachusetts Institute of Technology (MIT). Together they have taught the Basic Training in Mediation and numerous shorter classes in conflict resolution for seven years. Other major contributors to this work include Laura McDonald, co-founder with Orme-Johnson of Mediation@MIT, Mary Rowe, an expert in negotiation theory and Ombudsman at MIT for over twenty years, and Toni Robinson, Ombudsman at MIT (and mediator with the US Postal Service and consultant with ADR Options Consulting) and author of most of the section on multicultural issues. Barbara Fienman provided editorial assistance. Numerous others have contributed ideas, criticisms, feedback, and help.

This Manual is designed to be used with a Handbook for the participants and a video, "The Bench by the Wall". On request Mediation@MIT will sell one copy of the Handbook, and license to make up to 24 copies. The video is available for purchase from Mediation@MIT. For more information contact mediation@mit.edu. We also recommend that all participants read *Getting Past No*, by Ury, and we discuss it in class.

Note that the numbers in the left column of the Manual represent the number of minutes allotted for that section of the class, totaling 180 minutes per class.

INTRODUCTION

This Manual is intended to serve as a guide for the trainer(s) leading a Basic Training in Mediation for participants with no prior mediation experience. It reflects the style of mediation and the style of teaching we use at the Massachusetts Institute of Technology (MIT). This version contains the changes and improvements we have made in training over 250 faculty, staff, graduate students and undergraduates over the years.

The mediation model we use in the peer mediation program and teach in the training utilizes two co-mediators and is somewhere between problem-solving and transformative in its approach. Mediation is totally voluntary and confidential. No one “sends” participants to mediation and no one enforces the agreement. The parties must choose mediation, or it will not happen, and chose to abide by their agreement (if one is reached). Mediators maintain complete confidentiality and parties are asked at the outset not to reveal anything said there. There is no official record of the agreement or indeed of the mediation. We teach a formal mediation process with co-mediators and then offer participants opportunities to practice using these skills in informal settings as well.

The teaching style is highly experiential. The best way to learn to mediate is by doing it. Accordingly, participants spend approximately half of their time in role plays, and lectures are mixed with exercises. Feedback from participants has reinforced the value of the role plays.

Three themes recur throughout the lectures and role plays: party control, self awareness, and diversity. It has been our experience that most participants are not familiar with a dispute resolution process in which the parties themselves decide what issues to address and what the outcome will be. They must be taught to resist their impulse to fix or tell the parties how to fix their problems. We emphasize that a good mediator must be aware of, and therefore able to prevent interference from, his/her own approach to conflict, own sensitive issues, and own assumptions about others. Mediators' and parties' assumptions based on gender, race, religion or ethnic background and ignorance of others beliefs are particularly likely to impede the open communication so crucial to mediation. We teach a western style of mediation based on the belief that the way to resolve a dispute is to talk candidly about it.

The training comprises eleven sessions, nine lasting three hours and two lasting four hours for a total of thirty-five hours. At MIT it is not offered for credit but is compressed into two weeks during our Independent Activities Period between

semesters. Two trainers attend every class and divide the teaching load. We also have guest lecturers teach the diversity and negotiation theory classes, and mediators we have trained help as role play coaches.

The five formal and four informal mediation role plays allow opportunities for all participants to mediate two or three times and observe the process (as neither mediator nor party) once, as long as the groups do not exceed five people each. The quality of the role play experience will be significantly affected by the ability of the coach assigned to each group to identify and explain both mistakes and achievements. Limiting the class size to between twenty and twenty-five participants has the benefits of keeping down the number of coaches needed and allowing for the group to bond, which can be a very valuable experience.

Because this training was created for a college setting, the subjects of the examples used in class and of the role plays are primarily drawn from campus life. The skills and insights acquired are, of course, equally valuable in non-academic settings. In fact, in every class at least one person reports that the training has fundamentally changed his/her life.

I hope you will enjoy leading mediation training as much as I do.

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APPENDIX OF HANDOUTS

Active Listening Self Assessment	Informal Role Play Assignment
Guidelines for Parties	Certificate
Guidelines for Coaches	Final Evaluation
Mediator Assessment Form	
Role Play Assignment Sheets	
The Flow of a Mediation	
Standard Introduction	
Personal Approach to Conflict	
Tactics When Stuck Exercise	
Mid-Training Evaluation	
Transformative v. Problem Solv'g	

SEE PART TWO FOR ROLE PLAY SCENARIOS

Demonstration: Lisa & Henry

Formal:

#1 Delta Delta & The Sisters

#2 Lee & Ricky

#3 Sherron & Taiwo

#4 Annie & Janet

#5 Carl & Louis

Informal:

#6A Terry & Yuen

#6B Walker & Quick

#7A Linda & Bob

#7B Claudia & Sunil

SEE PART TWO FOR SLIDES

	SUBJECT	CONTENT
1.	Conflict Resolution Styles	List of 5 principal styles
2.	Active Listening	Listening Skills
3.	Active Listening #1	Listening is Important and Powerful
4.	Active Listening #2	What's "Active" About It?
5.	Active Listening #3	3 Ways of Looking at AL
6.	Active Listening #4	Active Listening Skills
7.	Active Listening #5	Get the Story
8.	Active Listening #7	Probe / Clarify Meanings
9.	Active Listening #8	Listen for (and Respond to) Emotions
10.	Active Listening #9	Summarize
11.	Active Listening #10	Value Silence
12.	Uses of Active Listening	Goals & Challenges in Mediation
13.	Active Listening Exercise #1	Scenario 1
14.	Active Listening Exercise #2	Scenario 2
15.	Reframing in Mediation	Goals of reframing
16.	Reframing Strategies #1	De-escalating and calming
17.	Reframing Strategies #2	Moving from positions to interests
18.	Reframing Strategies #3	Turning concerns into solvable problems
19.	Reframing Strategies #4	Developing shared goals or trade-offs
20.	Reframing Batting Practice	Exercise for group practice
21.	The Flow of a Mediation	Description of early stages in the process
22.	The Flow of a Mediation	Description of later stages in the process
23.	Pronouns	Use of language in mediation
24.	Negotiation Styles	Graphic representation of distributive conflict resolution styles
25.	Negotiation Styles	Graphic representation of distributive conflict resolution styles, plus collaboration
26.	Preparing for Negotiation	List of tasks for Distributive Negotiation
27.	Preparing for Negotiation	List of tasks for Integrative Negotiation
28.	Preparing for Negotiation	List of tasks for Mediation
29.	Sources of Power	Perceived power in a negotiation
30.	Groundrules	Avoiding Pitfalls and Handling Options
31.	Types of Agreement	Narrowing the focus from general to specific
32.	Mediator's Role: Overview	Structuring the process
33.	Mediator's Role #2	Channeling communication
34.	Mediator's Role #3	Reality check
35.	Mediator's Role #4	Brainstorming & generating options
36.	Mediator's Role #5	Creating opportunities for understanding
37.	Mediator's Role #6	Noticing the signposts
38.	Style as Strategy	Turning a style into a strategy, w/ examples
39.	Transformative v. Problem-Solving Mediation	Summary of characteristics of each approach

CLASS OUTLINE OVERVIEW

MEDIATION TRAINING SCHEDULE

CLAS S	TITLE	TOPICS COVERED
1	Introduction	Introductions, demo, dynamics of conflict
2	Communication Skills: Active Listening & the Language of Diplomacy	Active listening, exercises, basic reframing
3	Mediation Basics & Role Play 1: figuring out the facts & building rapport	The flow of a mediation, review communication skills, pronouns, role play mechanics & debriefing at the end
4	Negotiation Theory, the Introduction & Role Play 2: dealing with emotions	Negotiation diagrams, sources of power, elements of the standard introduction
5	Mediation Process: stages, advanced reframing, agreement, video demo	Mechanics of opening & closing each session, bldg to agreement, the mediator's role, VIDEO
6	Keeping Mediator's Own Issues Out & Role Play 3: identifying issues & shared/common interests	Personal approach to conflict
7	Tactics When Stuck & Role Play 4: generating options, moving from position to interests	Options to consider when at an impasse & brainstorming
8	Multicultural Issues	Identity groups, circle, scenarios
9	Mediation types & Role Play 5: eliciting recognition	Transformative v. problem-solving mediation
10	<i>Getting Past No</i> discussion & Role Play 6 A&B (informal): different perspectives	Question time
11	Role Play 7 A&B (informal): writing the agreement, Ethics & Graduation	Confidentiality & other ethical issues, affirmation, congratulations, certificates,

Session 1

INTRODUCTION

Learning Goals: (1) Participants should begin getting to know each other and the trainers, laying an important foundation for later occasions for sharing personal information and mutual encouragement. (2) Participants should learn the three elements of the mediation style taught here -- voluntariness, confidentiality, and party control -- and begin exploring those concepts. (3) They begin to learn the steps in the formal mediation process by witnessing the demonstration.

Teaching Method: In the introduction phase the trainer should draw out class members and create a safe space for sharing. The major didactic element is the demonstration role play. *Rehearse it to make sure it will provide examples of good technique.* The people portraying mediators should be experienced mediators; those portraying parties need not be mediators but must understand from the rehearsals what is to be taught. Allow 15 minutes for q&a after it.

45 Introductions

- Trainers introduce selves
- give short definition of mediation: a process for dispute resolution in which an impartial person intervenes and facilitates the discussion between the parties and the outcome is based on the consensus of the parties
- distinguish arbitration and negotiation
- elements of model taught here = voluntary, confidential, co-mediators (other models may be mentioned)
- Go around circle: name (and catchy phrase to remember) and major/job
- Confidentiality and safe space
- Go around circle: why are you here?

- Why we offer training -- to train mediators for peer mediation program and to spread peace-making / listening skills, which are valuable in many arenas

15 Overview of Course

3 Themes:

- Process controlled by and centered on parties
- Self reflection / analysis
- Multicultural / diversity issues

Course schedule -- point out how each section relates to themes
Informal vs. formal mediation / solo vs. co-mediation

10 Conflict Resolution Styles [SLIDE #1]

Formal Terminology for Styles:

Avoid -- refuse to engage

Compete -- try to win

Compromise -- I get a little, and you get a little

Accommodate -- engage but then give in

Collaborate -- look for win-win solution

15 Dynamics of Conflict

Goal: understand what state parties enter mediation in

Escalating Behaviors (*face to face, or not*)

- raising voices
- stopping listening
- focus on blaming/shaming instead of resolving
- threatening
- asserting power
- defensiveness
- not taking responsibility
- cutting someone off
- not dealing with the issue
- sarcasm
- contempt

- insults
- ignoring, dismissing

Outcomes of Escalation

- people stop talking, disengage
- conflict widens, others get involved
- violence
- legal battles
- unilateral action
- sabotage
- people give up
- people get stressed
- people become irrational / make bad decisions
- conflict reaches point of no return

What conclusions would you draw from this list about your initial tasks as a mediator?

De-escalating Behaviors (*mediator can guide, model and encourage these*)

- focusing on problem & solution, not person
- listening
- acknowledging responsibility
- acknowledging strengths of other
- taking a break
- seeking alternate solutions
- acknowledging pain/stress
- apologizing

15 BREAK

75 Demonstration Role play

Lisa & Henry

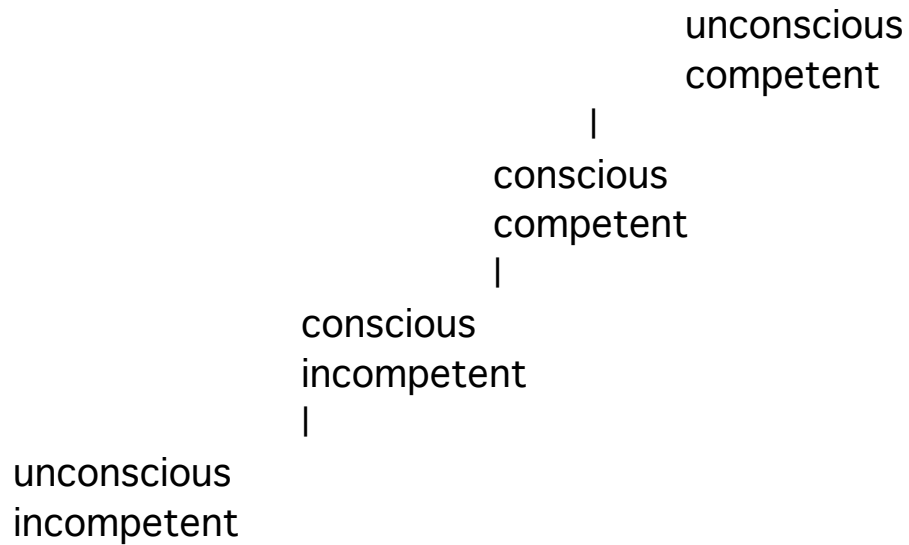
Parties try to reach written agreement

Mediators try to give examples of

Re-framing,
Listening for emotions,
Summarizing,
Open ended questions
Moving from positions to interests,
What-ifs
Also demonstrate how to debrief after role play

Questions (put unanswered questions in bin)

5 Stages of Competence -



Remind about homework (especially Listening Self-Assessment)

Session 2

COMMUNICATION SKILLS

Learning Goals: Participants are exposed to listening as a skill that can be learned and improved. Active listening, listening like a mediator, launches the self analysis theme as it stresses conscious attention to one's listening, the first step in improving skill. The section on reframing begins instruction on how to talk like a mediator.

15 **Ice-breaker: Non-verbal introductions**

Purpose: wake people up, illustrate how much can be communicated non-verbally, illustrate importance of acknowledgement and encouragement in listening

- Pair up with someone you don't know (or at least don't know well)
- 2 minutes to tell partner about yourself **without talking**, acting out hobbies, family, etc. (listeners must also **not** speak)
- 2 minutes to debrief – what was communicated?
- Switch and repeat
- Brief discussion of amount of information communicated without words and importance of non-verbal cues

10 **Active Listening - Intro**

Objective: Identify your strengths and areas to improve. Use role plays as your listening laboratory!

Brainstorm: what do good listeners do?

Think of someone you consider an excellent listener. What does that person do? What is the impact of those behaviors?

- Release of tension, feel understood, feel clearer, trust, bring emotions out
- Builds trust and rapport
- Deescalates/calms
- Creates clarity
- Listening is a precursor to problem-solving
- Feels like a “gift”--everyone wants to be heard

How is “Active Listening” different from just “listening”?

- Involves concentration and focus--trying to understand as fully, accurately, and on as many levels as you can.
- It’s two-way: it’s as much about making the person feel heard as about understanding for yourself
- It’s about attitude as well as skills (genuine interest, concern, openness, willingness to withhold judgment)
- It’s a mode that I switch into when there’s tension or conflict, someone’s talking about something important or emotionally charged

30 Defining the Skills of Active Listening
[SLIDES 2-12]

Listening Skills

- Overview & objectives:
 - Good listening in general
 - What we mean by “active listening”
 - Demo and exercises -- clarify some skills
 - Listening Skills Self-Assessment -- work on skills during roleplays
 - Role of listening in mediation

Listening is Important and Powerful

- Good listening is helpful in and of itself--if you do nothing else in mediation...
- Builds trust and rapport
- Deescalates/calms
- Creates clarity
- Listening is a precursor to problem-solving
- Feels like a “gift”--everyone wants to be heard

What’s “Active” About It?

- Requires work and concentration
- Two-way

Active Listening

- Three ways of looking at it:
 - Set of skills (e.g. open-ended questions)
 - Ability to focus/concentrate -- focused on all aspects of speaker’s communication. Not all the time, but when there is emotion or conflict, or it’s just critical to hear. Set aside my
 - Attitudes (ideally):

- I care what this person has to say
- I'm sincerely curious about how this person sees things
- I'm willing to withhold judgment and accept this person's reactions, perceptions, feelings as legitimate.

Active Listening Skills

- Get the Story
- Probe / Clarify Meanings
- Listen for Emotions
- Summarize
- Value Silence

Get the Story

- Encourage the speaker
 - Body language
 - Genuine interest and curiosity
 - Silence
- Ask open-ended questions
 - “Tell us about the situation.”
 - “Can you say more about that?”
 - “What happened next?”
- Draw out background/context
 - “Have you two had any conversations about the situation?”
 - “What was your relationship like before this?”
- Clarify and check understanding
 - “So you called her Tuesday, and heard back from her the next day. Is that right?”

Probe / Clarify Meanings

- Use questions that take the speaker’s understanding a step deeper, or bring out the meaning or significance of the situation for the speaker.

- Examples:
 - “What is your concern about that?”
 - “What were you thinking when that happened?”
 - “What do you mean by ‘disrespect’? What about that felt disrespectful?”
 - “Why do you think she did that?”
 - “How do you think he sees this issue?”
 - Are you more upset about the money, or the sentimental value?

Listen for (and Respond to) Emotions

- Be aware of non-verbal cues
 - Hesitation ,change in tone, body language

Name the emotion, in a way that validates it.

 - When in doubt, stay general (“upset”, “frustrated”)

Allow venting
Use with Probing

Summarize

- Make a “story” out of what you’ve heard

Capture what’s most important to the speaker
- Include main facts, issues, concerns, feelings, perception
- Check accuracy
 - Examples:
 - “You’ve said a lot. Let me see if I understand...”
 - “What I hear you saying is... Is that right?”
 - “So the issues you’re concerned about are X, Y, Z, and it sounds like the biggest one for you is Z. Is that right?”

Value Silence

- Shows concern, empathy, respect
- Allows people to hear themselves, and each other
- Watch non-verbal cues
- Let people answer questions

20 **Small Group Exercise:**

- Form 5 Groups (count off)
- Assign each group one of the key skills
- Give each group markers and flipchart paper.
- Each group answer the following questions (show on overhead):
 - a) Come up with 1-2 challenging real-life situations where this skill was (or would have been) useful (keep confidentiality). How did you/would you apply it?
 - b) What advice or experience do you have about using this skill? (DOs and DON'Ts)
 - c) What's important that's missing from this set of 5 skills?
- Groups work for 10 minutes
Reports/discussion for 10 minutes

15 **BREAK**

10 **Active Listening in Mediation**

Good listening is powerful in and of itself--if you do nothing else in mediation you will have been useful. But it has its particular challenges.

[SLIDE 13]

What are the goals of listening in mediation?

- getting information
- building trust (listening goes along with keeping confidence, being open about process, not surprising people, honoring process & ground rules) *showing willingness to hear about difficult issues*
- defusing emotions, de-escalating
- bringing out underlying interests & concerns (positions → interests)

POSITION: A stance one takes on a particular issue

INTEREST: An underlying concern or need of a person

• Avoid reinforcing positions--frame things in a way that leaves the most options open.

• The more you know about interests, the greater the options for resolution

- translating / building bridges
- increasing clarity about goals, interests, concerns

What are the challenges of listening in mediation?

- Maintaining perception of impartiality, balance
- Parallel processing
- Managing interruptions/ turns
- Managing your reactions
- Co-mediation

25 Listening Practice 2: Conflict scenarios

Pair up. With a partner, decide who will speak first and who will listen first (you will switch off halfway through the exercise). The speaker should choose a topic. It can be a real concern in the speaker's life (something minor to moderately

important—whatever the speaker feels comfortable with), or it can be one of the scenarios described below.

The speaker should speak for 4 minutes. The listener should use active listening skills: get the story, probe, listen for emotions, summarize, value silence.

After the 4 minutes are up, debrief for 2 minutes. The speaker should describe what it was like to be listened to, and indicate what things the listener did effectively.

Switch roles and repeat with second scenario.

[SLIDES # 14 & 15] SCENARIOS FOR THE PRACTICE

5 BREAK

25 Reframing Lecture

[SLIDES 16-20]

Using the Language of Diplomacy

Reframing means choosing your words carefully in order to

- de-escalate hostility and calm emotions
- move from positions to interests
- describe issues as solvable problems
- develop *shared* goals, whenever possible, or trade-offs.

To reframe effectively you must know what direction you want the negotiation to go.

What is each person's motivation / real interest?

How can you tap into that to reach resolution?

Strategies to Achieve Reframing Goals

1. To de-escalate and calm
 - let the speaker feel heard, by reflecting back content and emotions

- use neutral language and "I statements"
- describe the speaker's feelings, not the other person's character

e.g., reframe "She is a slob!" into "It bothers you when you find her papers spread around the office."

2. Move from positions to interests: *Dissect position into the elements that particularly matter by asking*

- Why . . . ? (Be careful that "why" does not seem adversarial)
- Why not . . . ? (Find out what party wants to avoid)
- **Orange Story**
- What would be the best possible outcome here for you? (fantasy outcome – gets more interests on table)
- What if . . . ? (Consider alternatives to stated position)

e.g., discover that what's important about dropping class w/ joint final project = avoid team project failure and no bad grade and ask "What if you could be confident your project will be a success?"

3. Describe issues/concerns as solvable problems by

- changing an attack on a person to a description of a problem or behavior [especially important when delivering unwelcome information, like the other person's complaint]
- changing a list of past wrongs to future goals [an apology for past behavior may be necessary for the person who feels wronged to look to the future]
- fractionate broad demands into components [dealing satisfactorily with the easy parts builds energy for tackling the hard ones, and look for rationale behind conclusions (after "This can't be done," ask, "What is in the way?")]

e.g., after "I just can't work with the people on my team," ask, "What do your team mates do that bothers you?" Later ask, "What if they stopped doing these things? Would you want to stay on the team?"

4. (a) Develop shared goals by pointing out common or joint interests.

Look for positives, what's good about interaction, what relationship was like when it felt good. When overlap, with permission, point that out.

e.g., X and Y, grad students, share an office. X says, "I can't work with Y in our office because her stuff is all over the place. It leaves no room to work." And Y says, "I can't work with X because she is on the phone all the time and talks so loudly that I can't help but hear her -- I'm just across the room -- and I can't concentrate." Reframe as, "It sounds as though you both want to eliminate things that interfere with your work in your shared office. Is that right?"

4. (b) Develop an outcome based on trade-offs, one person giving up something unimportant to him but important to the other, and vice versa. For example, the person who wanted the juice of the orange was happy to give up the peel, and the person who wanted the peel gladly gave up the juice.

Caveat: Be tentative and deliver your reframes in the form of a question, both to make sure you understood correctly and to get the speaker to buy into your wording.

15 Reframing Batting Practice

Toss out statements for class to reframe: [SLIDE # 21]

1. *P & Q work in the same office. Each accuses the other of monopolizing the copier:*

How can I try to resolve this when he refuses to talk about it?!
[acknowledge frustration and state as solvable problem]

2. *Freshman has come to talk to Graduate Resident about her roommate:*

She has to move out! I can't continue to room with her. [move from position to interest]

3. *A & B are working on a joint lab project. A complains to the TA: B is so lazy! I've been asking her to finish this for ages. She says she will but never does.* [turn attack on character to problem with behavior]

4. *A complains often about noise from B's room next door:*

- Whenever I ask him not to do that, he always yells at me and slams the door. [neutral language, eliminate "always"]
5. *X & Y, grad students, share an apartment and a car:*
X says, "She takes the car on Saturday to go hiking, when she knows I have to have it to do the grocery shopping." Y says, "That's ridiculous. I going hiking when my hiking club goes. He can go shopping any time." [joint interest in working out schedule]

- 5 Homework Assignment: Read Sec II, pp 19-end
Assign roles for role play #1 (using Formal Role Play Assignment Sheet, see Attachment)

Session 3

MEDIATION BASICS

Learning Goals: The lecture should give participants enough knowledge about the formal mediation process to be able to try it once. It concentrates on the very practical information needed to take a mediation from beginning to end. The review of the Communication Skills class gives a brief reminder of the skills the mediators should be trying out. In the role play the participants begin to understand what they know and do not know.

Teaching Method: The real learning is in the role play, and the lecture just gives them the nerve to try it. Ideally the number of participants in the class will be divisible by four; so that in role play groups of two parties and two mediators, half the class will mediate in this role play, and half in role play #2. Participants may object that they do not yet know enough to do it, but instructors should encourage them to try it. Jump in!

5 Questions

20 The Flow of a Mediation

Respect as the foundation of the process

Moving from introduction to agreement is not a series of discrete steps, more of a continuous flow, not always forward.

Focus on Process

- Parties worry about content.

- Mediators must provide effective process.

- Formal mediation has a structured process.

[SLIDE #22]

10 Communication Skills Reminder & Pronouns

Review Active Listening:

- Get the story
- Probe / clarify
- Listen for & reflect emotions
- Summarize
- Value silence

Review Reframing Goals:

- de-escalate hostility and calm emotions
- move from positions to interests
- describe issues as solvable problems
- develop *shared* goals, whenever possible, or trade-offs.

Be aware of pronouns: speaker's choice of pronouns provides clues to his/her thinking.

[SLIDE # 24]

The mediator may be able to move a party from one stage to another by asking him/her to *change the pronouns* in his/her story.

E.g., "In an argument, he always refuses to talk about my concerns." Change to, "When we argue, we do not really communicate."

10 Before Role Play

Explain stage setting: break-out rooms & waiting space for parties, watching time, staying in character, breaks, caucusing, *brief* notes

Discuss how to debrief at the end

In Small Groups (about 15 minutes): explain role of observer and coach; mediators' comfort working with each other and areas of concern; parties' reactions "in character", how they felt about process and outcome; observer's neutral comments, include positives

In Large Group (10 minutes): ask mediators to share new insight; ask coaches to comment on one or two things that really worked.

Talk about expectation of first 2 role plays

Learn about mechanics; learn reason for skills; make mistakes!
 Explain coach's role: to point out mistakes and achievements, to suggest alternative and more effective strategies, on rare occasions to suggest steps which will get a stuck mediation moving again. Each coach will complete a written assessment for each mediator's review.

As each role play begins:

Remind mediators to agree on "signals" and divide up introduction.
 Review Guidelines for Coaches and Assessment Form with coaches
 Review role play facts and Guidelines for Parties with parties

10 BREAK

120 Role Play #1 Delta Delta & The Sisters

learning objective: figuring out the facts & building rapport

90 role play

15 small group debrief

15 large group debrief

5 Assign roles for role play #2

Session 4 (4 HOURS)

THEORY AND PRACTICE

Learning Goals: Participants are ready to begin analyzing conflicts, and the theory lecture provides the foundation. Use of graphs and diagrams along with the lecture enables visual and aural learners to absorb the material. The agreement writing lecture refers back to the theme of control by the parties. In role play #2 the participants who played parties in the first role play have the opportunity to try mediating and to begin finding out what they need to learn.

60 Negotiation Theory & Sources of Power

from Mary Rowe, Ombudsperson, MIT, Cambridge, MA

1. distinguish interests, rights, and power

2. definitions

negotiation: any interaction between two or more different points of view

distributive: claiming all the profit or the maximum share for oneself -- winning it all

integrative: creating value (expanding the pie) and finding solutions that best meet the needs of all or most parties, especially over time

3. negotiation styles: [SLIDES # 25 & 26]

- competition - try to gain all there is to gain
- avoidance - try to stay out of negotiation
- accommodation - willing to yield all there is to yield
- compromise - split the difference or find an intermediate point
- collaboration - try to find the maximum possible gain for both parties, by careful exploration of the interests of all, and often by enlarging the pie
- *note* that any resolution in the collaborative (upper right) quadrant produces a total benefit for A & B together greater than any resolution on the compromise line
- *note* that a party motivated by revenge may even be willing to accept self-injury or loss in order to harm the other

4. basic tasks in negotiation [SLIDES # 27 & 28]

Basic Tasks for a Pure Distributive Strategy

1. *Figure out your own interests and reservation point as well as you can. Keep reviewing these points while you negotiate.*
2. *Figure out the interests and reservation point of the Other (the other party or parties). Be alert to new data while you negotiate.*

3. Seek to move the reservation point of the Other to widen the bargaining range especially if there is a negative range. (This process is often begun by “sowing doubt.”) However, if necessary for a settlement that you *must* achieve, move your own reservation point.
4. Seek a settlement as close as possible to the reservation point of the Other so that you win the maximum profit.
5. *Do you what you can to see that both you and the Other come to see this settlement as the best possible one under the circumstances.*

Basic Tasks for an Integrative or Mixed Motive Strategy'

1. *Figure out your own interests and reservation point as well as you can. Keep reviewing these points while you negotiate.*
2. *Figure out the interests and reservation point of the Other. Be alert to new data while you negotiate.*
3. Through judiciously shared information and brainstorming, seek to expand the pie so that each side may get as much as possible of what it would like. Explore moving the reservation points of each side.
4. Decide on fair principles to determine how to divide the pie.
5. *Do you what you can to see that both you and the Other come to see this settlement as the best possible one under the circumstances.*

5. Preparing for Mediation [SLIDE # 29]

6. sources of power in negotiation [SLIDE # 30]

There are many available sources of power in negotiations — though this fact is not necessarily apparent to people who think about the nature of the power that humans use in their interactions with each other. In particular the power of “position” or title or legitimate authority — which many people think of as the only source of power — is not necessarily the strongest or most effective.

Positional power or the power of legitimate authority

“You do what I say because I’m the boss — that’s why!”

“Like it or not — that’s the law.” The power of one’s rank or title or recognized position to give orders is perhaps the most widely understood source of power. In a workplace this is the power to take administrative action. Legitimate power in some aspects of a negotiation may derive from a contract or law or rule.

Rewards

“He bought his way in..” The power of major donors and big clients is legendary. The potential power of someone who

can increase your salary is obvious. Reward power may be unethical, as in bribes — or legal — as in bonuses. Reward power may derive from ownership of a valuable resource or access to a well-situated scarce resource. There are also intangible rewards — commendation, contacts, friendly acceptance, a thank you, opportunities, respect, speaking well of someone in public or in a report.

Sanctions

“She said she would just sue me...” The power of sanctions is the reverse of rewards. Sanctions may be legal, as in a legal boycott, or outside the law, as in a prohibited strike. It could also include speaking ill of someone in public, closing off opportunities, opening up someone to an investigation, writing a poor evaluation on an employee survey, organizing someone’s enemies to block that person’s promotion, frowning and scowling, obviously refusing to deal with someone.

Force

“I will get you and your children, if you continue...” Force is usually thought of as violent or illegal behavior or the threat of violence and criminal behavior. But it could also include legal acts of war or having the security force of an employer usher someone forcibly away from a workplace.

Expertise

“She is the most important employee here — she is the only person who really knows how the data system works.” Expertise is a common source of power in the high-tech world. It can be an especially interesting and unusual source of power in a traditional workplace or a developing society because it may become available to people of any age or gender or ethnicity who have special skills that are needed. Thus people of lower caste or have-not groups may be able to develop scarce expertise and increase their negotiating power.

Information

“He was able to get us the information we needed about what our competition is planning for the next year.” Information power — like expertise — can become available to a wide variety of people in a wide variety of positions. Information may be in the form of data — or lie in understanding of how an organization works. It may be acquired and used either legally or illegally. As with some other sources of power this one may not be apparent to a negotiating partner or opponent. In an assessment of the negotiating power of another party it is always useful to assess the information sources that might be available to others.

An Elegant Solution

“We were completely stymied. He walked in here with a magic wand— he fitted together all the pieces of the puzzle and found us a workable answer that helps everyone at least a little and saves face for everyone.” The person who can come up with a solution that fits all the major pieces of a problem —possibly in an economical or otherwise attractive fashion — often develops great power especially when circumstances are difficult. Elegant solutions are built on exceptional knowledge of the interests of each party and are particularly likely to occur when one can “enlarge the pie.

Commitment

“She just never gave up. She camped outside his office night and day until finally he had to listen..” Commitment, especially in its extreme forms like hunger strikes, can be an immensely potent source of power. It is therefore sometimes unthinkingly adopted by people who perceive themselves to “have no power.” It can occur in many different forms, including verbal forms like haranguing and nagging. It has the characteristic that its use often angers the person or people against whom it is used. Use of commitment power may also lock the person who uses it into a situation where backing off seems impossible or causes intolerable loss of face. Therefore dealing with someone using the power of commitment often calls for special techniques to save face.

Charisma — referent authority — moral authority

“People would just stop what they were doing and watch him and listen to him and do their best to support whatever he wanted done.” This is an amorphous group of sources of power that have the characteristic that the power is “given” by others to the person that has it. Sometimes this is a person who is beautiful or personally compelling — or perceived to be so honorable and wise that one must listen — or someone that reminds you of someone you loved or admired or obeyed — or someone who reflects your conscience.

BATNA — the best alternative to a negotiated agreement

“They had lots of other suppliers. We needed them — they did not need us —they set their own price.” One’s BATNA is one’s fallback position. If one has many alternatives, this lends power. If the other person has no alternatives and is dependent on a good outcome in the negotiation with you, the other party then lacks BATNA power. In many situations one’s BATNA is the most important source of power. It is

also a critical element of self-esteem.

Relationship — power gained or power lost

“Friends come and go — enemies accumulate forever.” “ I know her and she is the only person I will deal with on this matter.” Relationship power is possibly the most ubiquitous, least anticipated and least well calibrated by outsiders — and among the most potent of any power in negotiation. Relationship power sometimes resides purely within a family context, is sometimes solely within ethnic affiliations — and is sometimes apparently happenstance, and dependent on idiosyncratic events. The negative power of a bad relationship is among the most damaging in negotiations. In many situations, being seen as flawlessly respectful is a low-cost method of building (relationship) power.

15 Break

15 Standard Introduction & Groundrules

Review introduction handout and encourage questions.

Remember: The goal of the introduction is to explain the process to the parties and start putting them at ease, so that a comfortable, welcoming style is more important than covering a memorized a list of points.

The Introduction

Make it your own – not too formal atmosphere

Keep it brief, appropriate

Keep eye contact, be open to questions

Don't be surprised if people aren't paying attention

GROUND RULES

[SLIDE 31]

Avoiding Pitfalls

Walking the tightrope:

Becoming the “police” - Losing trust and credibility

Avoiding a fall:

- Get parties to “own” the ground rules
- Share responsibility with the parties: “let me know if you feel a rule is being violated”
- Avoid “heavy-handed” responses – intervene in an impartial and constructive way

No applicable ground rule

- Use observation of effects
 - “I noticed that you had a reaction when he said that—can you say more about that?”
 - “Would it be helpful to have a ground rule about that?”
- Acknowledge emotion behind “violation”, express concern

Existing ground rule

- Check violations with the parties—“do you see that as a violation?”
- Revisit buy-in to ground rule
 - “We agreed on not interrupting—are you comfortable sticking with that?”
 - “Our ground rule about interrupting seems to have fallen by the wayside. Is this back-and-forth OK?”

130 Role Play #2: Lee & Ricky

learning objective: deal with emotions blocking rational discussion

90 role play

15 small group debrief

15 large group debrief

10 Generate list of things that were challenging & things people would like to have gone differently

Session 5

THE MEDIATION PROCESS

Learning Goals: The lectures cover advanced skills in controlling the mediation process, to move towards agreement, and in reframing. Participants should be learning to identify good techniques in others even if they are not yet able to put them into practice themselves.

Teaching Methods: Participants should be encouraged to critique the mediators in the video. The video takes 45 minutes. It works well to allow another 45 minutes for discussion, stopping the video 5 times for approximately 5 minutes of discussion at each point, and allowing 20 minutes more at the end.

15 Good habits for opening & closing each session

1. When mediators think first joint session is ending (be prepared to continue if parties have more to say), then
 - summarize what you heard and reframe for each party,
 - list all issues clearly,
 - check with parties whether any issues omitted,
 - explain to parties that often split into private sessions at this point and ask if they want to; if they both want to continue in joint session, continue,
 - occasionally repeat offer of private sessions
2. At the beginning of each private session,
 - remind party that mediators will not share anything said with other party without permission, and
 - ask if the party has anything to say,
 - then start asking questions or sharing information from other party.
3. At the end of each private session,
 - summarize where you are on each issue,
 - clarify what information mediators may and may not share with other party.

Know when to stop each session

20 Building Toward Agreement

Building small agreements [SLIDE # 32]

Open-Narrow-Close

Process/content agreements

Problem Space vs Solution Space

Agreement Writing:

- Begins very early in mediation -- keep notes
- *Their* agreement, parties in control
- Momentum keeps parties working -- emphasize positives & remind them of desire to resolve
- Some enthusiasm necessary on both sides to motivate them to keep it
- Need sufficient clarity to abide by but no more (e.g. quiet = turning stereo down or off?)
- Distinguish between mediator's interference and reality check
- [If your program uses a form for Agreements, introduce and explain it.]
- When writing, as much as possible use joint agreement language (A & B agree to...), but when necessary to state singularly, alternate terms of agreement (1. A agrees to..., 2. B agrees to..., 3. A agrees to..., etc.)
- May include contingency, explaining what will happen if agreement not honored

20 Advanced Reframing: What Is the Mediator's Role?

[SLIDE # 33]

Getting information from parties is not alone enough to generate settlement

What can / should a mediator *do* with the information

If the parties have to work out their own resolution, what is the mediator's role?

The Mediator structures the process to

1. separate out emotions,
2. move from positions to interests,
3. channel communication between the parties,
4. provide reality check,
5. initiate brainstorming & generating options,
6. create opportunities to see the other side,
7. identify signposts of agreement

[SLIDES # 34-38 go into 3-7 in depth]

Example of male and female grad students on same project in Prof. X's lab. She complains he has been sexually harassing in the lab. Jokes about sex, referring to her body, and posting centerfold pictures. He says she wears tight clothes and, so, thought his *compliment* about her figure would be welcome. And she refuses to collaborate with anyone, not a team player. She rejoins that he doesn't do his share, and collaboration with him means doing most of the work.

At first (joined lab at same time 2.5 years ago) they worked well together, complimentary background knowledge and similar working styles [positives], but not working well for either one now, though neither can quit the group [joint interest].

In private, she says his personal remarks made her very uncomfortable and were rude, not respectful. She never told him how she felt. When asked what would make her feel better about working with him, she says that she wants an apology.

In private, he says she doesn't listen to him, doesn't respect him [parallel interests]. Mediator builds trust by acknowledging his feeling and following this issue. When mediator asks how he thinks she feels about his reference to her appearance (neutral reframe), he says that she didn't like it. He didn't know she'd feel that way. Mediator reflects back, "Sounds like you're sorry it turned out this way?" When he agrees [contrition], then mediator asks if

he wants to tell her that. He wants to have positive working relationship [willing to discuss options].

15 Break

90 Video "The Bench by the Wall" and discussion

Suggested Stopping points:

Joint Session

Ali says, "I want his friends to stop taunting me to drink." Bob says, "I want him to stop preaching at me about what the Koran says."

What are the signposts here?

parallel interests

How should the mediator respond?

frame as joint issue: How will you live together in respect of both lifestyles?

Carol: "Well, it sounds like we do have issues to discuss..."
(summarizing issues)

First Caucus

Who would you call in? Why?

How would you begin private session?

Ali's Private Session

Ali says, "We don't do much together any more. We used to. I hardly ever talk to Bob. He only comes back to our room with his loud friends, or just to sleep."

What are the signposts here?

positives

may be desire to maintain/repair relationship
insight into his expectation from relationship
acknowledging regret and uncomfortableness will build trust

How should the mediator respond?

Ali has said in his private session that one element of a resolution should be that Bob and his friends party somewhere else.

How do you, as the mediator, test this option with Bob to see if he would agree?

Ask Bob what alternatives he sees, and if he doesn't suggest this one, use "what if" question in private session: explore desire to repair relationship, expectations from / importance of this friendship

Bob's Private Session

Bob says, "To tell the truth, I guess my friends really did say some of those things." Mediator, "How do you feel about that?" Bob, "Well, of course, I wish it hadn't happened."

What are the signposts here?
contrition

How should the mediator respond?
"Would you like to tell Ali how you feel?"

Ask for questions and discuss points in video participants found interesting / unclear. Criticize mediators in video -- what did they do wrong?

15 Have participants complete mid-course evaluations

5 Assign roles for Role Play #3

SESSION 6

KEEPING MEDIATOR'S OWN ISSUES OUT OF THE WAY

Learning Goals: Participants learn how to identify some of their own assumptions and styles and examine their effect on the mediation process.

20 Personal Approach to Conflict:

Self analysis is critical for a person who would help resolve conflicts.

Exercise: On index card write what kind of animal you are when involved in conflict, and why. E.g., a kitten because engage in vigorous tussle but with no intent to harm. Ask for 3-4 people to share.

How do you view conflict?

- believe it's wrong / bad
- try to win (the some people drive)
- aim for give and take
- give in to avoid trouble
- kind of enjoy (like "I Love Lucy")
- believe people can control / manage

Review Formal Terminology for Styles:

Avoid -- refuse to engage

Compete -- try to win

Compromise -- I get a little, and you get a little

Accommodate -- engage but then give in

Collaborate -- look for win-win solution

No single style always right, depends on circumstances, and you may adopt different styles in different situations.

[SLIDE # 39]

What do you think about expression of conflict? *No right answer.*

- should be expressed early
- telling other person tends to make matters worse
- should be handled in private
- beneficial to all if resolved in public setting
- some people are too passive and need to speak up
- passive people need protection
- sometimes it may be appropriate to defer to another

- it's more important to preserve a relationship than to assert oneself or bring a conflict out in the open

How might your approach affect your mediation experience?

Do questionnaire (handout) for homework or during break

10 BREAK

140 Role Play #3 Sherron and Taiwo

Learning objective: identifying issues and shared / common interests

110 role play

15 small group debrief

15 large group debrief

5 Assign roles for Role Play #4

Session 7

TACTICS WHEN STUCK

Learning Goals: What does a mediator do when the mediation appears to be stuck? The lecture-discussion covers suggested tactics and timing. In the role play, participants should try these tactics.

30 Options to Consider When at an Impasse

from Toni Robinson, Ombudsperson, MIT, Cambridge, MA

OK, you've helped the parties agree upon some ground rules, identify their issues and at least some of their interests, they've vented a little bit or maybe a lot, agreed upon their agenda items, and you're feeling smug because the mediation process seems to be going well. Now its time to move forward toward resolution and all

of a sudden the going gets tough, the parties are stuck in their respective positions.

What are some indications that they are stuck or that the going has gotten tough?

Ask for examples and add, if necessary, e.g.

- Somebody said something that appeared to make the other party angry, frustrated, tearful, unresponsive...
- The atmosphere suddenly becomes hostile.
- A party says something that indicates s/he is suspicious of or mistrusts the other party's motives.
- Communication lines close.
- The original purpose for the negotiation of this agenda item becomes vague/unclear.
- A party introduces new issues that change the original intent of the discussion.
- A party starts focusing on differences instead of similarities.
- The parties become locked in their own positions = increase in competitive, unproductive tactics, e.g., distortions of the truth/amount of power that s/he has and can use against the other party/threats of intensively negative ramifications, lies, coercion...
- If mediating between groups, the demand on one or both sides for groupthink (= conformity) blocks progress.

What are some reasons that settlements stall?

Ask for examples and add if necessary, e.g.,

- Lack of interest in the other side's proposal/offer.
- Delay tactics from one or both sides.
- Unmet interests (e.g., recognition, independence).
- NIH syndrome (not invented here, so "no way").
- Prior record for renegeing on promises.
- Fear of losing face.

So what do you do now? What are some tactics that you can use when the parties are stuck?

Exercise: Come up with some productive statements that a mediator might be able to use to get parties moving forward when the parties are stuck.

Count off 1-18 (repeat number sequence if more than 18 participants). Each person takes one sentence from the list on the Handout and writes down two or more “constructive” statements for moving forward based on the last mediation role play you did. Use the fact situation from the the Sherron and Taiwo scenario.

Allow 5 minutes writing time then discuss in the group.

- **Who had #1? What did you suggest the mediator might say?** E.g., "OK, before we take a closer look at this issue that seems to be causing so much tension, I just to want to make sure that I am on the same page about what the two of you have agreed to up to this point. Is that OK with you, X? Y?"

Does anyone else have another version to offer? What about #2? 3?... How did you word your statement?

Remember that your goal as the mediator is to paraphrase accurately and non-judgmentally what you believe is going on with each side. Ask the parties for feedback as to whether they agree or disagree with your understanding of the incidents or issues that seemed to be the sticking points. Ask them for clarification.

Understanding what’s blocking progress does not mean that you agree with either of the parties. You cannot help parties move toward settlement if you don’t understand what they are stuck on.

10 Brainstorming Review

How to do it

1. throw **all** ideas on table, regardless of feasibility
2. assess each and discard really impossible, keeping all others regardless of desirability
3. rank the possibles according to desirability

4. preferably do it with all parties together

When to do it

1. not too soon -- need rapport with parties
2. problem/issues must be defined
3. use it when stuck
4. maybe more than once

10 Break

130 Role Play #4 Annie & Janet

Learning objective: generating options, moving from positions to interests

100 role play

15 small group debrief

15 large group debrief

Session 8

MULTICULTURAL ISSUES IN MEDIATION

Learning Goals: Participants learn to look for effects of identity groups (race, ethnicity, sex, religion, sexual orientation) on points of view and communication styles and to consider sources of misunderstanding. The learning is put to use in the role play in Session 9. Discuss scenarios when diversity may affect mediator's relationship with parties or reaction to issues or may be an issue between the parties which mediator must help resolve. Talk particularly about identity issues in situations of power imbalance.

50 Lecture & Exercise Promoting Self Awareness

from Toni Robinson, Ombudsperson, MIT, Cambridge, MA

- 25 LECTURE: Impact of Culture and Diversity on Mediation Outcomes

(Adapted from Selma Myers and Barbara Filner in Mediation Across Cultures, a Handbook About Conflict & Culture, Selma Myers and Barbara Filner, @1993)

- We hear lots of rhetoric about culture, diversity, cultural diversity, multiculturalism, and whatever buzzword of the week pops up which refers to human differences and our way of life.

Ask participants:

- How do you define “culture?” (list on board)
- How do you define “diversity?” (list on board);

Discuss common themes/language based upon participants’ input and dictionary definitions of each word.

Ask:

- What cultural values might affect the mediation process?
[e.g., language (accents, meanings of specific words) assumptions, expectations to conform, biases]
- What might be on the extreme ends of a continuum of cultural values?
- What diversity issues might affect the mediation process?
[e.g., race, gender, lifestyles, age, abilities]
- What might be on the extreme ends of a continuum of diversity issues?
- If anyone tells you that neither culture nor diversity affects the way that parties in a mediation see conflict or how they handle conflict - that it is a “(mis)communication” thing, I suggest that you run the other way!

- One common theme throughout much of the current literature is that culture is only one aspect of diversity.
 - Humans are physically alike, but cultural differences and individuals' views on diversity affect the way people behave toward one another.
 - With the advent of the web, there is increased sharing of information between and among cultures and often the recognition that people are alike in many ways than originally believed.

25 EXERCISE: Group Identity in the Self-Concept
(from "Developing Competency to Manage Diversity" by Taylor Cox, Jr. and Ruby L. Beale, BK, NY, 1997, Page 53) to help participants see how they identify culturally with other groups and raise awareness of the importance of group identity.

Have each person draw a large circle on blank paper, to make pie chart. Give 2-3 minutes to fill out pie chart with own various identity groups. Discuss results as a group for 10 minutes.

- Your role as a mediator when issues around culture and/or diversity arise is to help facilitate an understanding/acknowledgement/recognition of the parties' respective differences and how these differences may have impacted the situation that brought them to mediation in the first place.

Ask:

- How would you try to accomplish that during the mediation?
- And, recognizing your own values (via your own pie chart) and where you fall on the continuums can help you assist the parties to the mediation in devising their own action plan for

addressing future situations involving issues around culture and diversity.

10 BREAK

75 Circle

Emphasize safe space. Every person speaks about his/her own background and how his/her identity groups have affected his/her life (when first conscious of it, significant events, family attitudes), 2-3 minutes per person. Close with acknowledgment of variety and thanks for sharing.

[Examples of the type of sharing which is valuable, in introducing people to the challenges of different others and in bringing the group together:

- I am a white American woman. I am engaged to a man from Mexico, who is Latino. My father is openly opposed to our marriage. He says Latino men beat their wives, and this will be a disastrous marriage for me. I know my fiancé would never hurt me, but it is hard to go against my father.
- I grew up in a small town in the Midwest, and my family were the only Asian people in the town. I felt so isolated. My parents wanted me to learn about their culture from China, but I just wanted to be American, like everyone else.]

10 BREAK

30 Scenarios

Note: Keep in mind that this model of mediation is a method of conflict resolution typically found in western, industrialized societies. In other cultures, e.g., the parties would never discuss their differences face-to-face but would negotiate through a third party. In some cultures, the mediator would

be a respected elder who sees it as his/her job to bring the parties around to the right point of view.

How might your response or strategy be different in these different situations? What do you see as your choices in each situation?

Would you ever choose to make explicit an issue of stereotypes or prejudice that wasn't brought up by the parties?

In what situations, if any, might you consider telling a party that you thought he/she is being prejudiced?

1. One party expresses belief in private session that the other party is prejudiced against him or her. (“He thinks he can just take advantage of me because I’m not from this country!”)
2. One party makes what you perceive as racially or culturally insensitive remarks in a private session, but is “well behaved” in the joint session. (“I think he’s going to go now and tell all his friends and family how they can get money out of me. Those people will rob you blind if you’re not careful!”)
3. There is a big cultural/racial/gender/etc. difference between the parties that hasn’t been mentioned explicitly by either of them, but which you feel has contributed to the miscommunication and escalation of the conflict.
4. A party in private or joint session says something that is personally offensive to you.
5. You, as mediator, feel that you are making judgments or assumptions about one party because of his or her race/culture/gender/sexual orientation, etc.

6. You feel that your co-mediator is making judgments or assumptions about one party because of his or her race/culture/gender/sexual orientation, etc.
7. There is a big cultural gap between you and one or both of the parties you are mediating, and you find yourself having difficulty understanding their behavior and motivations.

Session 9

TYPES OF MEDIATION

Learning Goals: Participants are challenged to answer "What is success in mediation?" They should not fall into the trap of thinking that because agreement has not been reached on all or most of the parties' issues, they have failed. Empowering the parties to clarify their own interests and enabling them to recognize the other's point of view should be viewed as success.

35 Transformative and Problem-Solving Mediation

Mediation is not one specific practice—it is very diverse. There are many schools of thought, many different styles of practice that fit different situations and circumstances. (Divorce, commercial, environmental, workplace, family, special education, criminal and civil cases, victim-offender, international)

Highlight **two general philosophies/approaches** to mediation that are common: Transformative Approach vs. Problem-Solving Approach

Extremes at two ends of a continuum – the approach we've taken here is somewhere in the middle. Most mediators I know see some value in both and draw from both.

Difference is in how they think about success.

Problem-solving approach: (aka “Collaborative problem solving”) success is reaching an agreement that addresses parties’ interests in the best possible way (or at least gets more of what’s important to them than if there was no agreement). Job is to try as hard as possible in helping parties to fashion an agreement—hopefully that winds up in some sort of “win-win” resolution.

Transformative approach:

Suppose a party withdraws from a mediation. Would that be a success or a failure?

What might make it feel like a ‘success’?

What outcomes might occur that would make it feel like a valuable process?

[Record responses on board]

- clearer sense of issues
- clearer sense of own priorities
- more information
- better understanding of other person
- ability to recognize others’ point of view
- chance to be heard
- better sense of realistic options
- better negotiating skills
- make own well-informed and clearly-thought-out decisions

Transformative Mediation

History: Bunch of mediators saw cases in their own practice where “good things” (i.e. list above) happened even when settlement was not reached, and vice versa.

Robert Baruch Bush PROMISE OF MEDIATION 1994. Main message: practice mediation in a way that supports these good things happening, then agreement will happen if it’s the right

thing—and if it doesn't, then maybe it isn't the right thing (or the right thing at this particular time)

[Handout: Summary definitions of E & R]

Review definitions

[SLIDE # 41]

- these are extremes, even caricatures
- it's a matter of emphasis, not absolutes
- settlement is nice, but not primary goal, and vice versa

“Transformative” can be misleading – implies mediators imposing values

Where are different approaches most appropriate?

- transformative (and related approaches) most accepted and most effective where there is (or may be) an ongoing relationship between the parties – e.g. roommates, divorcing parents ... other examples?
- “pure” problem-solving mediation (joint maximization of interests, forgetting about relationship) makes sense where there will likely be no further interaction – e.g. employment termination ... other examples?

Most people have a bias. Flexibility of approach is good.

10 BREAK

130 Role Play #5 Carl and Louis

Learning Objective: elicit recognition

100 role play

15 small group debrief

15 large group debrief

5 Assign roles for Role Play #6A & 6B (use Informal Role Play Assignment Sheet, in Handouts.)

Describe how this role play session will work:

1. groups of 3, i.e. only one “mediator”
2. allow 45 minutes for first situation, debrief for 5 minutes
3. then switch to second situation, same 3-person group with different person “mediating”, and 5-minute debriefing

Session 10

Learning Goals: Participants should have finished reading *Getting Past No* by now. The discussion focuses on applying *GPN* principles to mediation, pointing out ways that a mediator can help parties engage in constructive negotiation according to the five steps to success as described in the book.

The role plays involve "informal" mediation scenarios, in which participants practice using techniques and skills learned for formal mediation in everyday situations. For most mediators there are many more opportunities to use the skills in daily life than formal mediations, and making the application of mediation techniques to everyday situations clear makes the training more relevant for them. The institution benefits from having not only mediators who can staff the formal mediation program but also people with peacemaking skills spread around the campus. The informal role plays have only one mediator, with two parties and observer and coach.

25 GETTING PAST NO

“Go To The Balcony”

- Define mediation in your introduction as a process that will help parties clarify what is important to them, and understand better what is important to the other.
- Use the ground rules and structure of mediation to help people be reflective.

- Use private sessions help people step back from conflict and examine their own feelings and interests.
- As a mediator, check your own reactions. Remember that calmness is contagious.

“Step to Their Side”

- Probe each party's perceptions of the other side's interests and motivations.
- See opportunities for recognition: help each side hear the other.
- Accumulate and emphasize positives: shared values & interests, points of agreement no matter how small.
- Establish trust: people cannot make agreements without some basic level of trust --some common moral footing and principles.
- Reframe and defuse attempts to use power coercively.

“Reframe”

- Help move from positions to interests.
- Process and prioritize issues, and frame them in the most positive terms.

“Build Them a Golden Bridge”

- *Expand the pie* by:
 - building on list of concerns and interests
 - fractionating (breaking down) issues
 - generating creative options
- Prioritize issues and look for fruitful trade-offs.

“Use Power to Educate”

- Refocus power moves into exchanging information.
- Help parties get information they need to make informed decisions and engage in shared problem-solving.

10 Informal Mediation

Informal Mediation Scenarios

among friends and co-workers in lab, living group, campus organizations, etc.

most frequent use of mediation skills

invite suggestions of situations

Discussion: what are differences between formal and informal process?

Remind how this role play session will work:

1. groups of 3, i.e. only one “mediator”
2. allow 45 minutes for first situation, debrief for 5 minutes
3. then switch to second situation, same 3-person group with different person “mediating”, and 5-minute debriefing

10 Break

55 Role Play #6A: Walker & Quick

5 prep

45 role play

5 small group debrief

55 Role Play #6B: Terry & Yuen

5 prep

45 role play

5 small group debrief

Learning Objective: identifying & working with different perspectives

20 Large group de-brief of both role plays

5 Assign roles for Role Play 7A & 7B

Session 11 (4 hours)

ETHICS AND GRADUATION

Learning Goals: Participants continue practicing using mediation skills in everyday situations or "informal" mediations. The ethics discussion should raise questions about the

fundamental principles underlying mediation and about a mediator's obligations to the parties. Closing the class with a meal for the whole group helps cement bonds among participants and celebrates their accomplishment.

10 Questions

55 Role Play #7A Claudia & Sunil (informal)

- 5 prep
- 45 role play
- 5 small group debrief

55 Role Play #7B Linda and Bob (informal)

- 5 prep
- 45 role play
- 5 small group debrief

Learning Objective: writing the agreement

10 Large group debrief both role plays

10 BREAK

60 Ethics

Points to consider:

- What does confidentiality include, and what are the limits on confidentiality?
- Are we concerned with finding truth or reaching resolution (or something else)?
- What is fairness?

ETHICAL DUTIES OF MEDIATORS IN A FORMAL MEDIATION

Competence/professional role boundaries

Conflict of interest

Impartiality

Voluntariness

Confidentiality

'Do no harm'

Party self-determination

Informed consent

Duties to absent parties

Honesty (in commercial setting, about, e.g., fees, expertise or competence, etc.)

15 Closing and Evaluation

Congratulations

Thanks

Refer back to Learning Stages -- now most are between "conscious incompetent" and "conscious competent"

Affirmation

Trainer to administer Affirmation (all participants repeat after trainer):

"On all occasions when I mediate with [name of program] I will not reveal any communication

- made in the course of and
- relating to the subject matter of the mediation,
- except for statements indicating that someone is in imminent danger of serious harm,
- in any subsequent administrative or judicial proceeding or to law enforcement or university disciplinary personnel, or
- in any report (except for statistics with no identifiers) or conversation."

Future

not all will mediate with campus program

opportunities for in-service trainings to keep skills sharp

Hand out Certificates

Ask participants to complete Final Evaluation forms.

25 Lunch

APPENDIX OF HANDOUTS

Assess Your Active Listening Skills**GETTING THE STORY**

1. I work to put the speaker at ease.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

2. I use open-ended questions to encourage explanation or elaboration.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

3. I let the speaker tell the story as he or she wishes to tell it.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

4. I keep the conversation focused on the speaker's issues.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

5. I demonstrate genuine curiosity and interest.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

6. I use body language and non-verbal cues to encourage, acknowledge and empathize with the speaker.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

PROBING/CLARIFYING MEANINGS

7. I draw out the background and context of a situation.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

8. I encourage the speaker to clarify ambiguous or vague meanings.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

9. I ask questions to clarify the speaker's underlying concerns, issues or interests.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

10. I ask questions that encourage the speaker to reflect on perceptions, assumptions, inferences and intentions as well as facts.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

LISTENING FOR EMOTIONS

11. I recognize and acknowledge emotions.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

12. I keep my composure and respond appropriately when strong emotions are expressed.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

13. I pick up on and respond to non-verbal cues.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

SUMMARIZING

14. I summarize and check my understanding of the key facts or elements of the situation.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

VALUING SILENCE

15. I allow for and value silence.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

GENERAL

16. I handle internal and external distractions well.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

17. I try to keep an open mind, even when I have doubts or judgments.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

18. I avoid pushing my own interpretation, agenda, or solution.

0	1	2	3	4	5
Don't Know	Definite Shortcoming	Need Improvement	Do Okay	Do Effectively	Definite Strength

SUMMARY

My strengths as an active listener:

2-3 skills I can work on:

GUIDELINES FOR PARTIES IN ROLE PLAYS

- Review the facts thoroughly in advance so that you do not have to refer to the sheet except on rare occasions.
- If questions arise not covered by the facts given you, make up appropriate answers, consistent with your character. If the issue is one the other party would have known about, tell him/her as soon as you see him/her again.
- Stay in character during breaks as much as possible- that makes it easier to be realistic when you are in the mediation session -- and don't talk about the case (except to others playing the same role).
- Think through your character's motivation. What is the most important issue for your character? What gets him/her upset? Why did s/he agree to mediation?
- Before you start, be clear on what you want to get from mediation-- your stated position.
- As you go along, be aware of your real interest, not necessarily the same as your stated position.
- What is your BATNA (best alternative to a negotiated agreement)?
- What will likely happen if you don't reach agreement at this mediation?
- Remember that you want to trust the mediators, because you want them to solve (help you solve) this dispute. If something about their manner really puts you off, then you will never open up, but if they do a reasonable job of listening and making you feel comfortable then gradually begin sharing more difficult or personal information and working along lines they suggest.

Do not always begin your story at the beginning and relate it logically to the end. People often begin with points freshest in their minds, i.e. recent events, and may leave out significant points, either because they forget or because discussing the point makes them uncomfortable. Know what makes your character uncomfortable.

Guidelines for Role Play Coaches

- Answer any questions about the process and make sure people understand their roles.
- Be up front about your style of intervening and giving feedback. This will keep the mediators from being unpleasantly surprised by some action you might take.
- Before you start, negotiate with the mediators about how interventions will happen and what they are comfortable with (e.g. do they prefer to keep comments to a minimum, or are they comfortable with short, frequent interventions)
- Also solicit from the mediators any particular things they would like you to watch for or comment on.

Feedback During the Role-play

- Be wary of jumping in too often. Give the mediators a chance to learn by experience and don't overwhelm them..
- When you do intervene, wait for a "teachable moment." Let things continue to unfold long enough for mediators to be able to assess the consequences of their actions, or until you see a pattern emerging.
- Try to keep interventions as brief as possible so that the mediators and parties do not lose too much momentum. Keep the process moving, and be clear about stopping and starting.
- Try out using a question to help the mediators focus on what is going on, rather than just giving your assessment or advice up front. Same ideas:
 - Ask a one or both parties, "How are you feeling right now?"
 - Ask the mediators, "What reaction did you observe just now in party A?"
 - Problem-solve with the mediators: "How else might you approach that?"
 - Problem-solve with the parties: "What would have been more helpful?"
 - Ask the parties, "What would you like from the mediators right now?"

Debriefing

You'll have about twenty minutes after the role play to discuss how things went. It is the Coach's role to manage this discussion. The focus should be on the mediators' behavior and decisions, and what they can learn from them.

We suggest the following sequence for the small-group debriefing,

- 1) Mediators speak first, discussing what they thought worked and didn't work. Encourage the mediators to pull out the positive.
- 2) Parties describe how the process felt for them, and how the actions of the mediators helped or hindered their moving towards resolution.
- 3) Coach & Observer give feedback, using concrete examples and helping all to think about constructive alternatives.

From the small group debriefing, pull out one or two things that worked well, or points of learning, that you would like to share in the large group debriefing.

Thoughts on Giving Feedback

1. Start with the positive. Learning mediation is difficult, and people learning it need whatever support they can get. Starting with one or two positive points can make feedback much easier to hear.
2. Use concrete examples. Specific feedback is generally more helpful and easier to hear than general feedback. Be clear at how you arrived at your assessment.
3. Check your perceptions with the parties, if possible. If you think something the mediators did put a party on the defensive, or helped move him/her toward resolution, ask the parties about it as a way of giving information to the mediators.
4. Don't overwhelm. New mediators may learn more effectively from a few clear points tied to specific behavior than from a barrage of information.

Mediator Assessment for _____

Role play _____

Co-mediator _____

Completed by _____

Date _____

Evaluation key (please check appropriate column for each skill):

1 = no attempt/not applicable; 2 = needs work; 3 = acceptable; 4 = very good; 5 = outstanding

Skill	1	2	3	4	5	Comment
A. Listening and Drawing Out Stories						
Asked neutral, open-ended questions.						
Non-verbal listening cues (e.g. posture, eye contact) were supportive and balanced.						
Recognized emotions and responded appropriately.						
Clarified and checked understanding of party statements.						
Drew out background and context of the situation.						
Elicited not only facts, but also parties' perceptions of the situation and each other.						
Effectively summarized essence of parties' stories and concerns.						
B. Clarifying Issues and Interests						
Elicited parties' hopes and goals for the mediation session.						
Helped to clarify and frame the issues constructively.						
Explored beyond surface issues.						
Identified and emphasized shared issues and interests.						
Drew out or framed concerns and interests underlying party positions or demands.						
C. Supporting the Parties						
Established safe, constructive, supportive and not-too-formal atmosphere.						
Conveyed respect toward both parties.						
Earned the trust of the parties.						
Was impartial (or "equally partial to both sides").						
Helped the parties identify their options and resources.						
Highlighted positives and opportunities for recognition.						
Allowed the parties, not the mediators, to define the issues.						
Effectively addressed apparent or perceived violations of ground rules.						
Skill	1	2	3	4	5	Comment
D. Managing the Process						

Explained the mediation process and mediator role as needed throughout session.						
Respected and reminded re confidentiality.						
Managed time effectively, especially as time limits approached.						
Recognized process decision points and responded appropriately.						
Got agreement on process decisions.						
Recognized party readiness to move forward and made appropriate suggestions.						
Brought parties back to unfinished parts of process (e.g. finish storytelling before talking about solutions).						
Made thoughtful choices (and/or got parties' input) about use of private versus joint sessions.						
E. Building Toward Agreement						
Emphasized and reiterated points of agreement throughout process.						
Had a good grasp of each parties needs and interests (both tangible and emotional).						
Helped parties prioritize issues and interests; explored flexibility.						
Facilitated and encouraged communication between the parties.						
Assisted the parties in developing their own options and evaluating alternatives.						
Used BATNA and reality testing in a timely and effective manner.						
Managed the agreement writing process fairly and effectively.						
F. Working with a Co-Mediator						
Discussed strategy, style and preferences with co-mediator before the mediation, and during mediator caucuses.						
Shared the process with co-mediator when with parties.						
Worked effectively with co-mediator's style.						

Overall, what did the mediator do well?

What are some areas for improvement?

FORMAL ROLE PLAY ASSIGNMENT SHEET

Role Play:

Date:

Group 1

Group 2

Group 3

M1

M2

*

*

Observer

Coach

Group 4

Group 5

Group 6

M1

M2

*

*

Observer

Coach

- Insert the names of the 2 parties for this role play.

THE FLOW OF A MEDIATION

Moving from introduction to agreement is not a series of discrete steps, more of a continuous flow, not always forward.

Focus on Process

Parties worry about content.

Mediators must provide effective process.

Formal mediation has a structured process.

WHERE YOU ARE

WHAT YOU ARE DOING

Mediators'
Introduction

Explain process
Begin building trust

First Joint
Session

Hear parties' stories & summarize
Distill issues
Reframe & list issues neutrally
Identify positives
Ask for desired outcomes

Early in Private
Session

Allow venting & reflect emotions
Share positives
Probe for greater understanding
Focus on interests under positions, fantasy

Later in Private
Sessions

Reframe & name shared interests
Discuss priorities & identify trade-offs
Brainstorm
Consider intangible gains
Consider BATNA & consequences of not settling
Reframe & encourage party to see other's side
Name areas of agreement
Review possible final agreement

Final Joint Session

Write agreement

Sample Introduction

Mediator 1:

Hi, my name is (Mediator 1) and this is (Mediator 2). We work with the mediation program here on campus.

We would like to start off by talking about how we approach mediation here, and then discuss your situations and how you might be able to use mediation to help—if you choose to go forward. You've already taken a big step just by coming here to try out what is probably an unfamiliar process.

Mediation gives you the opportunity to discuss the issues and concerns that have brought you here. We hope that each of you will find mediation helpful for thinking about your goals and identifying your options for dealing with your situation. Just by talking through things here you may find that you are better able to make choices about what is important to you and determine a course of action.

You may also hear and better understand the views and perspective of the other person. Together, you may find that you are able to work out a resolution of the issues that is satisfactory to both of you.

Our role here is to assist you both to talk about your concerns and to fully understand the issues involved. We will listen and ask questions, and you will also have the opportunity to listen to and ask questions of each other. We will also help you think about possible options that may resolve the situation. We do not make any decisions, however. We are not judges—we try to stay as neutral as we can in helping you make decisions and talk through the problem. Whatever comes out of this mediation will be something that you have developed and chosen.

I want to emphasize that mediation is entirely voluntary. If at any point you decide that you do not want to continue, just let us know. Please also feel free to raise any questions or concerns you have about the process.

6

Mediation is also confidential. Whatever you discuss here we will keep in confidence and not share beyond ourselves and the program coordinator. If we end up meeting with you separately—which we often do—then we will also hold that information in confidence, and won't communicate anything to the other person without your permission. We may take notes to help us keep track of things, but we will destroy them at the end.

We make an exception to our commitment to confidentiality only in the situation where there is imminent serious harm that may come to someone if we do not let someone know about it.

Any questions so far?

Mediator 2:

Let me say a little more about how this meeting will work. We will meet all together to start with, and each of you can discuss what brought you here, what's important to you, and what you hope might come out of this mediation today.

After a while, we will take a brief break to meet by ourselves. From there, we will meet with you either separately or together as we discuss the issues further and help you think about possible resolutions. If at any point when we are meeting together you feel that a private meeting would be helpful, let us know.

If we reach the point where you have worked out some agreements that you both want, we will meet all together to finish that agreement up. Agreements in mediation can be written or verbal—that is up to you. If you do want a written agreement, then that is a private, voluntary agreement between you. We can make copies for you, but our program does not keep a copy—there is, in fact, no official record of the mediation. We do not enforce agreements in any way, although you are certainly free to return to mediation if there are problems and you both choose to.

Any questions or concerns about that?

It very common for two people discussing a difficult situation to feel uncomfortable or to get stuck because there are strong feelings and they often see things differently. It can be very helpful to have some guidelines or ground rules—things that people agree to in order to help make the conversation as constructive as possible.

The basic guideline we suggest is that people agree to listen to each other and not interrupt. Are you both comfortable agreeing to that?

Are there any other groundrules or guidelines that you think might be helpful? You two know each other and the situation better than we do, of course.

[other possible groundrules: insults/language, using "I" statements, communication with third parties]

[discuss and negotiate ground rules] We can come back to the subject of guidelines/ground rules at any point where you feel stuck or think it would be helpful.

Any other questions? Are you both comfortable proceeding at this point?

So we're going to continue meeting together for a while, and we'll start with having each of you talk about the situation and how you hope this mediation might be helpful.

Any preferences about who talks first? [OR start with person who requested the mediation]

PERSONAL APPROACH TO CONFLICT ASSIGNMENT

Write, for your own eyes only, answers to these four questions:

1. How were conflicts resolved in your family when you were growing up?
2. What lessons have you learned about conflict resolution from your experiences with family, friends, co-workers, etc.?
3. When you have a conflict with someone, how do you prefer to handle it?
4. What approaches to handling conflicts are you less comfortable with or would rather not use?

EXERCISE

For Tactics When Stuck

Take one sentence from the list below and write two or more constructive statements for moving forward. Assume that you are in the Sherron and Taiwo scenario.

1. Summarize what you believe both sides agreed to before reaching the impasse.
2. Put in writing those agreements made thus far.
3. Put in writing those issues on which the parties disagree.
4. Use empathy to help build/strengthen the relationship.
5. Tell the other side why this issue is so important to the party who is balking.
6. Agree to disagree on the issue that is causing the impasse.
7. Change the subject to a lighter topic.
8. Raise a different issue that may be easier to resolve.
9. Reveal a piece of confidential information about a position that the party has not previously disclosed.
10. Change the shape of the settlement.
11. Offer other creative options that might appeal to the other side.
12. Throw in a bonus that is more important to one party than to the other.
13. Ask “what if” questions and discuss consequences of each.
14. Offer to give up something on the condition that the other side also makes a concession.
15. Use (appropriate) humor to ease the tension.
16. Take a break.
17. Reschedule the meeting.
18. Change some or all of the parties to the negotiation if feasible.

Mid-Training Evaluation

What are you finding most helpful in the training?

What are you finding least helpful?

Are there particular topics or skill which you think need more attention?

Do you have any suggestions for improving the role-play-and-debrief process?

Comments on the readings: Useful? Too much or too little? How much time do they take?

TRANSFORMATIVE MEDIATION	PROBLEM-SOLVING MEDIATION
<p>PRIMARY GOAL: Empowerment and recognition</p>	<p>PRIMARY GOAL: Settlement</p>
<p>VALUES: Individual growth, self-determination</p>	<p>VALUES: Satisfaction of parties' interests</p>
<p>MEDIATOR ROLE: Facilitator; helps parties make the most of opportunities for empowerment and recognition</p>	<p>MEDIATOR ROLE: Conflict resolution "process expert"; helps parties analyze interests and maximize joint gains</p>
<p>Mediator attends to conflict dynamics</p>	<p>Mediator attends to parties' interests</p>
<p>Less directive and structured</p>	<p>More directive and structured</p>
<p>"Parties own both process and content"</p>	<p>"Parties own the content; mediator owns the process"</p>
<p>Discuss past as a way to encourage recognition of others</p>	<p>Focus on future, as talking about the past focuses on blame</p>
<p>"There are facts in the feelings" that lead to opportunities for empowerment and recognition</p>	<p>Strong emotions are to be expected, but need to be managed in order to get to problem solving</p>

INFORMAL ROLE PLAY #5A&B: Walker & Quick and Terry & Yuen

	Grp 1		Grp 2		Grp 3	
	<u>W&Q</u>	<u>T&Y</u>	<u>W&Q</u>	<u>T&Y</u>	<u>W&Q</u>	<u>T&Y</u>
Med'r						
W/T						
Q/Y						
Obs						
Coach						

	Grp 4		Grp 5		Grp 6	
	<u>W&Q</u>	<u>T&Y</u>	<u>W&Q</u>	<u>T&Y</u>	<u>W&Q</u>	<u>T&Y</u>
Med'r						
W/T						
Q/Y						
Obs						
Coach						

INFORMAL ROLE PLAY #6A&B: Linda & Bob and Claudia & Sunil

	Grp 1		Grp 2		Grp 3	
	<u>L&B</u>	<u>C&S</u>	<u>L&B</u>	<u>C&S</u>	<u>L&B</u>	<u>C&S</u>
Med'r						
L/C						
B/S						
Obs						
Coach						

	Grp 4		Grp 5		Grp 6	
	<u>L&B</u>	<u>C&S</u>	<u>L&B</u>	<u>C&S</u>	<u>L&B</u>	<u>C&S</u>
Med'r						
L/C						
B/S						
Obs						
Coach						

[university name in full]

CERTIFICATE

The undersigned hereby certifies that on [fill in date of last
class],

[fill in participant's name in 36 point]

completed the [fill in your program name] Basic Training in
Mediation, a course of thirty-five hours, in accordance with
[you state's laws or regulations].

[trainer's name]

[trainer's title]

Mediation@MIT

Training Final Evaluation

Please rate your experience in the following areas of this training according to whether each helped or hindered your learning:

0 = problematic, interfered with my learning

1 = neutral, was neither help nor hindrance

2 = somewhat helpful

3 = very helpful

Materials & Handouts	0	1	2	3
Comments:				
Structure/Format of Training	0	1	2	3
Comments:				
Style of Presenters	0	1	2	3
Comments:				
Content of Presenters	0	1	2	3
Most useful:				
Least useful:				
Comments:				
The Training Overall	0	1	2	3

What could be added or changed in the training?

What could be dropped or reduced?

The Appendices of Role Play Scenarios and of Slides are separate documents.