
MEDIATION SKILLS FOR MANAGERS



*Empowering Rotarians with the Techniques of
Peacemaking and Mediation*



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COURSE OBJECTIVES

This workshop is designed to provide Rotarians with an overview and introduction to mediation tools and skills that can be applied informally in your leadership role, as well as at work and within your personal lives; and to promote the development of the skills to prevent, resolve and contain conflicts, thereby building better relationships within Rotary and the community.

Learning Objectives:

- Develop a basic understanding of how informal mediation works
- Identify personal conflict management style
- Introduce and practice a few basic mediator skills of neutrality and active listening
- Learn the concepts of empowering people in conflict to work collaboratively with the assistance of a neutral third party (the mediator), to brainstorm options and come up with solutions that both parties can live with
- Determine when problems can best be solved by mediation

Mediation is an ongoing educational process for even the best and most experienced mediators. By applying the tools in a broad variety of experiences, you will gradually learn to incorporate the skills into your life. Each experience will enable you to discover which tools work the best in each situation. It is important to remember that no two situations are alike. Consequently, always remember to try different tools and find the ones that are the most comfortable and work the best for you.



“In the life cycle of every conflict, there is a point when it’s large enough to be recognized, but small enough to be resolved.” –Daniel Dana-

CONFLICT

Conflict is a fact of life. In the workplace, there is real or perceived unfair treatment, emotional abuse, discrimination, sexual harassment, disparate treatment, cultural diversity, anger, hostility, or potential violence. Having to endure these conflicts without sufficient tools, resources, outlets, or support, employees are destined to experience discomfort, and the distress can get out of control.

The cost of resolving conflict is negligible relative to the cost of leaving conflicts unresolved. In the workplace conflicts invariably arise between individuals, organizational components and institutions. Studies suggest that 30% – 40% of a manager's daily activities are devoted to dealing with some form of interpersonal conflict. A manager's inability to effectively deal with anger and conflict in the workplace may result in a large loss of productivity and adversely impact others who work there.

Mediation is uniquely suited for resolving disputes between people with on-going relationships like employees (or family members or neighbors). By fostering communication and empowering the individuals involved in the dispute, mediations conducted by managers can leave the parties feeling good about themselves and better able to resolve their own problems in the future. This approach is a clear contrast from the manager who "tells" employees how they "will" resolve their conflict and from the winner and loser format of the courtroom or formal administrative hearings where parties are necessarily adversarial and often say things that are difficult to retract or forget.

Mediation conducted by managers is informal and can be used to prevent small problems from escalating into big ones. It can also be used as a joint planning mechanism, a method of anticipating and avoiding future conflicts, or in breaking impasses and deadlocks. The savings to organizations that provide managers with mediation skills and encourage such positive approaches to resolving conflict can be dramatic in terms of money, time and workplace harmony. Furthermore, solutions that the parties fashion themselves are more durable and frequently have a systemic effect on productivity and employee satisfaction and increased feelings of a comfortable and positive work environment.

Leaders do not avoid, repress or deny conflict,
but rather see it as an opportunity.
Once everyone has come to see it that way,
they can exchange combative posture for a creative stance,
because they don't feel threatened, they feel challenged.

-Warren Bennis -

MEDIATION

MEDIATOR

EMPOWERMENT OF THE PARTIES

EXPRESSION

AIRING

ARTICULATION

WHY MEDIATION WORKS: FUNDAMENTAL PROPOSITIONS

- People are more important than disputes.
- People act out of self-interest.
- A dispute can't be resolved unless people's interests are met in part.
- People aren't always clear about interests and interests change.
- The truth, right and wrong, correct and incorrect are illusive and may never be ascertained.
- People tend to avoid making decisions as long as possible.
- People tend to carry out decisions they helped make.
- Disputes belong to the disputants.
- Settlements are never entered into without doubt.
- People do not like to be told what to do.
- Everyone wants and needs to be fully heard



DISPUTE RESOLUTION PROCESSES PROVIDE THE PARTIES WITH MORE OPTIONS AND CONTROL OVER THE OUTCOMES

NEGOTIATION ≡ MEDIATION ≡ LITIGATION

Most control ≡ Control outcomes ≡ Least Control

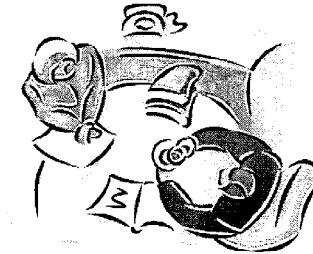
KEY INGREDIENTS FOR INFORMAL MEDIATION



THE MEDIATION PROCESS

Seven Elements for Success

- α Maintain Neutrality
- α Establish Boundaries
- α Don't Blame – Resolve
- α Identify Incentives
- α Agree Incrementally
- α Trust the Process
- α Empower to Reach Own Solution



The Phases

Effective mediation is accomplished through three key phases of: 1) gathering information to identify issues and interests; 2) brainstorming potential solutions to meet the needs of both people; and 3) reaching a clear agreement that works. However, before mediation can occur, it is necessary to identify incentives to encourage the voluntary participation of employees.

GATHER INFORMATION

- *Establish Boundaries
- *Don't Blame - Resolve



BRAINSTORM POTENTIAL SOLUTIONS

- *Identify Incentives
- *Agree Incrementally



DEFINE CLEAR AGREEMENT

- *Trust the Process
- *Empower to Reach Own Solution

Phase One – Gather Information

The first phase of the process focuses on gathering information by giving each person the opportunity to tell their story and how they view the situation. The mediator sets the stage for safe communication and effective listening to gain the trust and confidence of the participants to move forward in the process.

Establish Boundaries

Once the individuals have agreed to mediate, start the process by establishing boundaries in the first “information gathering” phase of mediation. This means that by asking questions and gathering information, you:

- Define the problem from each participant’s perspective
- Identify the issues
- Clarify each person’s values and interests
- Reframe the language
- List the issues
- Set the agenda

To achieve the goals of the first phase of the process, follow the key steps of:

- Setting the stage for the process
 - Guidelines
 - Timelines
 - Expectations of roles – the manager as mediator, employees in conflict
- Providing each person with the opportunity to share his/her story one at a time
- Summarizing what each person has said, highlighting key issues, values and interests
- Opening the discussion on each topic, with each person sharing their views one at a time

No Blaming

It is critical there is no blaming or taking of sides at all times, but particularly in the first phase to appropriately set the stage and gain the trust of the participants. The manager as mediator is a role model to help the people in conflict move forward with productive problem-solving by:

- Not taking sides
- Suspending judgment and appearing impartial at all times
- Fostering open, fair cooperation
- Putting the individuals on equal footing
- Helping them focus on the present and the future, not the past

Phase Two – Brainstorm Potential Solutions

The second phase of the process is the “brainstorming” phase. As the mediator works through each identified issue, s/he encourages the participants to come up with as many options as possible to meet their respective interests and agree on solutions they can both live with. This phase involves highlighting incentives to encourage the participants to generate options for resolution and narrowing options down to agreements the participants can live with, one issue at a time. These steps include:

- Generating options
- Focusing on interest-based negotiation to reach agreements

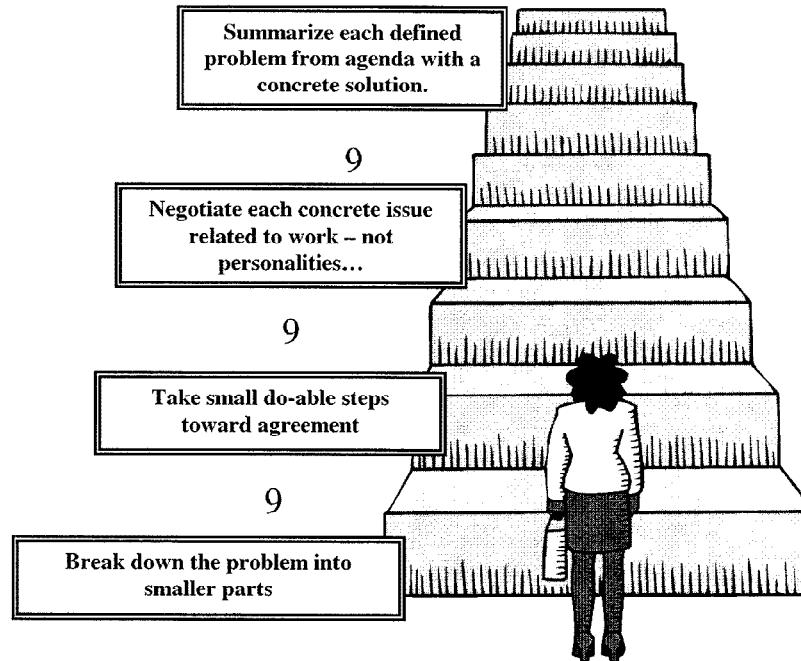
Incentives for Mediating

Successful mediating in the workplace requires the support and “buy-in” of the employees, preferably *before* a dispute ever occurs. However, once the dispute occurs and the issues have been identified, the individuals in conflict may need to be reminded of the benefits of finding a resolution through the process. More specifically, identify:

- How each would benefit from reaching a mutual agreement
 - Less stress
 - Positive work environment
 - Restore relationship and/or friendship
 - Move on to more important issues
 - Opportunity to be heard and understood
- How other co-workers and team members will benefit
 - Less stress
 - Positive work environment
 - More productive
 - Increased appreciation
 - Respect
 - Improved trust
- How outsiders may benefit
 - Improved reputation
 - Increased productivity
 - Increased revenue
 - Repeat business
- It's their decision
 - No one tells them what to do
 - Customize an agreement that will meet their needs

Agree Incrementally

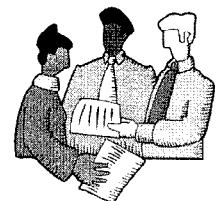
Generally the participants will have more than one issue or a large issue that should be broken down for effective problem-solving. Each issue or component should be addressed separately, encouraging the participants to brainstorm as many potential solutions as possible. Gradually build on each successful agreement until all issues are resolved.



Phase Three – Define Clear Agreements

It is important for the manager as mediator to guide the participants through the process and assist them with narrowing down their ideas to clear, workable agreements. This may require:

- Identifying common ground
 - “It’s important to both of you to finish the project successfully, correct?”
- Reality testing
 - “What would it be like to work together if this doesn’t get fixed?”
- Clarifying the terms of agreement or next step alternatives
 - “You both agree that Ryan will discuss with Mat any recommendations made by Mat, that Ryan feels should not be included in the report, before finalizing the report.”
 - “How will communication on such disagreements work when there is a short timeline?”



Trust the Process

When challenges arise, don't abandon the process. Sometimes people need to get angry and vent to move forward. Refocus them on the issues, summarize and reframe so they know they have been heard (and hear each other) and continue to move through the process. Remember that:

- Mediation is private
- The process offers the participants the opportunity to:
 - Be heard and to listen to each other
 - Control their destiny.
 - Take responsibility of their problem.
 - Engage in resolving their problems.

Empower the Parties to Reach Their Own Solution

The reoccurring theme and key element to a successful mediation is that the participants resolve their own problem. When people make decisions and reach agreements for themselves, they are more likely to live up to and feel satisfied with the agreements. Therefore, it is critical for the manager in the role of mediator to remember:

- Keep the dispute with the participants
- The mediator does not judge, decide or endorse outcomes
- If the participants can't decide, the mediator uses mediator tools to move beyond the impasse



THE MEDIATOR

Maintaining Neutrality

The first critical element in becoming an effective mediator is maintaining neutrality. This means that you [as mediator]:

- Do not personally gain or lose from the outcome of the mediation
- Have no strong feelings about anyone involved in the dispute
- Do not make the decision
- Put the individuals in the dispute on equal footing

While maintaining neutrality may appear simple, three steps should be taken to ensure that you consistently remain neutral when acting in the role of mediator. The first step is to review your personal attitude towards conflict, different personality styles, values and different situations. In doing so, it is important to identify your personal “hot buttons” (things that may impact your impartiality) and come up with strategies that will enable you to, quickly and effectively deal with and move beyond those emotions. The second step is to become familiar with your own personal conflict management style and how that style interacts with other styles. Third, is to become aware of and practice neutral behavior (even in those instances when you aren’t neutral). This requires a refinement of body language, facial expressions and verbal language and the development of a keen sensitivity to people’s reaction to those expressions and language.

Attitude

Anxiety, anger, frustration and destruction are a few of the feelings and effects associated with conflict. Accordingly, we view conflict as a hurdle we must overcome as quickly as possible. To do so, we each develop our own personal approach to cope with the problems and stress that conflict brings into our lives.

We begin shaping our attitudes toward even entering a situation where there might be conflict, when we are very young. Over time, we gradually develop our own personal repertoire for dealing with conflict that we carry into most of our relationships. Often it is broad differences in attitudes as well as conflict management styles between individuals that cause conflicts to escalate and become more “heated”. It is therefore important for mediators to be familiar with and be able to recognize different conflict styles.

Equally important, is for the mediator to be able to recognize his/her own attitudes and personal style and how he/she reacts to different types of conflict and the styles of others. It is only through gaining a better understanding of your own style that you can maintain a “neutral” attitude throughout a mediation process. Maintaining neutrality is a key quality of a good mediator.



Hurdles of Neutrality

We each have negative reactions ("HOT BUTTONS") to different situations (which we may not be aware of until we feel them). A "HOT BUTTON" occurs whenever we are confronted with appearances, values or behaviors which are unfamiliar, or which we've consciously or unconsciously associated with something negative. People usually react with anger, resistance or frustration (their personal conflict resolution style) because of their experiences in the world.

Someone with a Neutral ear can create a positive experience for people whose "hot buttons" are keeping them from dealing effectively with a conflict situation. The neutral person helps the parties in conflict to get in touch with the best of themselves by being impartial and focused on building trust and collaboration. The attitudes and behaviors the neutral person promotes helps those in conflict to feel valued, regardless of differences, thus empowering them to resolve their own differences.

Disapproving / judgmental vibes do not empower. Thus, as a mediator it is important to:

- ≡ See your own "buttons." and
- ≡ Practice setting them aside

It sounds easy but it can be extremely difficult to be neutral and empowering, when:

a. Working with a person you find difficult not to be judgmental about:

- ≡ Sometimes people act so differently from your own values and beliefs that you cannot help but respond negatively
- ≡ Sometimes people are so in tune with your world-view that you cannot help but favor their position

Accordingly, sometimes you may find yourself:

- < Pushing for a preferred position
- < Giving too much / too little attention to one party
- < Feeling ill-at-ease with someone who shares your position but does not have your approval

b. The kind of behavior that is hard for you to deal with:

Behavior we like:

- ≡ cooperative and assertive
- ≡ open to new ideas
- ≡ willing to suppress hostility
- ≡ wanting to collaborate

Behavior we don't like

- antagonistic
- contentious
- resistant
- escalating conflict

CONFLICT MANAGEMENT INVENTORY

The Statements below describe how some people feel or act when they are in a conflict situation. Read each statement carefully. Then, using the following scale, show how well each statement describes how you feel about or act when in a conflict situation

- 5 = I always feel or act this way in a conflict situation.
- 4 = I almost always feel or act this way in a conflict situation.
- 3 = I sometimes feel or act this way in a conflict situation.
- 2 = I almost never feel or act this way in a conflict situation.
- 1 = I never feel or act this way in a conflict situation.

- ___ 1. I would rather try to avoid an argument than to quit an argument once it got started.
- ___ 2. Even when I cannot get a person to agree with me, I try to make him/her do things my way.
- ___ 3. I try to use kind words to calm down difficult people.
- ___ 4. You do for me and I'll do for you.
- ___ 5. I try to talk things out and avoid disagreements and arguments.
- ___ 6. When two people argue, the person who keeps quiet first, shows better judgment.
- ___ 7. I feel that someone with power and authority will usually win over someone who is right.
- ___ 8. I feel that peaceful words lead to peaceful action.
- ___ 9. I would rather settle for half of something than nothing at all.
- ___ 10. If I know that I'm right, I don't care what other people think.
- ___ 11. I let people know that I've won an argument when the other person gives up.
- ___ 12. A strong personality can best keep the peace.
- ___ 13. I try to kill my enemies with kindness.
- ___ 14. I'll listen to you and you'll listen to me and then we won't get into an argument.
- ___ 15. Everyone has something to contribute, so we should listen to what they have to say.
- ___ 16. I try to stay away from people who disagree with me.
- ___ 17. I believe that battles are won by those who believe in winning.
- ___ 18. I believe that kind words are worth more and cost little.
- ___ 19. I get along with people by meeting them half way.
- ___ 20. Only when I'm willing to listen, will I hear what the other person has to contribute.
- ___ 21. I try to stay away from people who like to disagree and argue all the time.
- ___ 22. If I don't give in, I find the other person will usually give up first.

- ___ 23. I find that I can avoid arguments by being careful of how I act and what I say
- ___ 24. I make more friends when I'm willing to "give and take."
- ___ 25. I face up to my problems and find that it results in the best solution.
- ___ 26. I feel that the best way of handling conflicts is to avoid them.
- ___ 27. I put my foot down and let people know where I stand.
- ___ 28. A gentle voice turns away words spoken in anger.
- ___ 29. I feel that getting part of what I want is better than not getting anything at all.
- ___ 30. Being honest and trusting will usually get me what I want.
- ___ 31. I feel that nothing is so important that I have to fight for it.
- ___ 32. There are two kinds of people in the world, the winners and the losers.
- ___ 33. I don't believe in "getting back at people" when they do something against me.
- ___ 34. When both persons in a disagreement give in a little, a fair agreement can be reached.
- ___ 35. I find that by asking and asking, I can finally arrive at the truth.

SCORING

<u>WITHDRAWING</u> Avoidance (Turtle)	<u>FORCING</u> Competitive (Shark)	<u>SMOOTHING</u> Accommodative (Teddy Bear)	<u>COMPROMISING</u> (Fox)	<u>PROBLEM-SOLVING</u> Collaborative (Owl)
___ 1.	___ 2.	___ 3.	___ 4.	___ 5.
___ 6.	___ 7.	___ 8.	___ 9.	___ 10.
___ 11.	___ 12.	___ 13.	___ 14.	___ 15.
___ 16.	___ 17.	___ 18.	___ 19.	___ 20.
___ 21.	___ 22.	___ 23.	___ 24.	___ 25.
___ 26.	___ 27.	___ 28.	___ 29.	___ 30.
___ 31.	___ 32.	___ 33.	___ 34.	___ 35.
___ Total	___ Total	___ Total	___ Total	___ Total

The higher the total score for each conflict strategy, the more frequently you tend to use that strategy. The lower the total score for each conflict strategy, the less frequently you tend to use that strategy.

Adapted from Johnson, David W. and Johnson, Frank P. Joining Together: Group Theory and Group Skills, 2nd ed, Englewood Cliffs, N.J., Prentice-Hall, 1982 at 284.

Basic Approaches to Dealing With Conflict

Social scientists have devised a number of different schemes to analyze the way an individual reacts to and deals with conflict. The Thomas-Kilman Conflict Mode Instrument, for example, breaks conflict handling skills into five styles based on two dimensions: Assertiveness (extent to which an individual attempts to satisfy his/her own concerns); and cooperativeness (extent to which an individual attempts to satisfy the other person's concerns). A look at the different styles will help you understand how you generally deal with conflict situations.

Competing is assertive and uncooperative. An individual pursues his/her own concerns at the other person's expense. This is a power-oriented mode in which one uses whatever power seems appropriate to win one's own positions (i.e. ability to argue; rank; economic status; age; intelligence; etc.). Competing might mean "standing up for your rights", defending a position which you believe is correct, or simply trying to win.

Accommodating is unassertive and cooperative, the opposite of competing. When accommodating, an individual neglects his own concerns to satisfy the concerns of the other person. There is an element of self-sacrifice in this mode. Accommodating might take the form of selfless generosity or charity, obeying another person's order when one would prefer not to, or yielding to another's point of view.

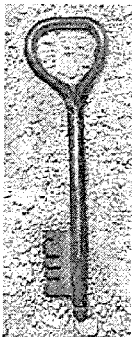
Avoiding is unassertive and uncooperative. The individual does not pursue either his/her own concerns or those of the other person. He/she simply does not address the conflict. Avoiding might take the form of diplomatically sidestepping an issue, postponing an issue until a better time or simply withdrawing from a threatening situation.

Collaborating is both assertive and cooperative. It is the opposite of avoiding. Collaborating involves an attempt to work with the other person to find some solution that fully satisfies the concerns of both persons. It means digging into an issue to identify the underlying concerns of the two individuals and to find an alternative that meets both sets of concerns. Collaborating between two persons might take the form of exploring a disagreement to learn from each other's insights, concluding to resolve some condition which would otherwise have them competing for resources, or confronting and trying to find a creative solution to an interpersonal problem.

Compromising is intermediate in both assertiveness and cooperation. The objective is to find some expedient, mutually acceptable solution that partially satisfies both parties. It falls on a middle ground between competing and accommodating. Compromising gives up more than competing but less than accommodating. Likewise, it addresses an issue more directly than avoiding, but doesn't explore it in as much depth as collaborating. Compromising might mean splitting the difference, exchanging concessions, or seeking a quick middle-ground position.

In the case of conflict-handling behavior, there are no universal right answers. All five Kilman modes are useful in some situations. Each represents a set of useful social skills. Our conventional wisdom recognizes, for example, that often "two heads are better than one" (Collaborating). But it also says, "Kill your enemies with kindness" (Accommodating), "Split the difference" (Compromising), "Leave well enough alone" (Avoiding), "Might makes right" (Competing). The effectiveness of a given conflict-handling mode depends upon the requirements of the specific conflict situation and the skill with which the mode is used. Each of us is capable of using all five conflict-handling modes: none of us can be characterized as having a single, rigid style of dealing with conflict. However, any given individual uses some modes better than others and therefore, tends to rely upon those modes more heavily than others, whether because of temperament or practice. The conflict behaviors which an individual uses are therefore a result of both his/her personal predispositions and the requirements of the situations in which he finds himself.

Typically, we find that collaboration is the mode a mediator finds most useful. Extreme "competitive" and "avoiding" styles may have difficulty taking on the neutral but assertive role.



Styles of Conflict Resolution

ACCOMODATE

Your Way

COLLABORATE

Our Way

COMPROMISE

Both Ways

AVOIDANCE

No way

COMPETE

My Way

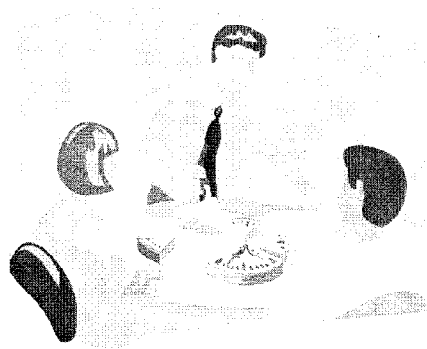
Neutrality: How it Works

To effectively assume the role of the mediator, a manager:

- Cannot personally gain or lose from the outcome of the conflict
- Cannot have strong feelings about either person in the conflict
- Does not make the decision
- Puts the individuals on an equal footing
- Does not take sides or blame
- Appears impartial at all times
- Respects confidentiality
- Suspends judgment about both individuals
- Fosters open, fair cooperation
- Focuses on the present and future
- Facilitates the process & doesn't worry how it will be resolved
- Remains optimistic, affirming and flexible

Don't Blame – Solve the Problem

- Suspend judgments about each person and their case
- Don't take sides
- Facilitate the process – Don't worry about how it will resolve itself



Be hard on the problem, soft on the people

MEDIATION SKILLS

Effective Listening

Effective listening is the process of giving nonjudgmental feedback to the participants as a way of checking on the accuracy of what has been heard.

- a. Your nonverbal behavior

S = face person **Squarely**
O = with **Open** posture
L = **Lean** forward
E = **Eye** contact, but without staring
R = **Relaxed** body stance, nodding to indicate you are attending

- b. Watching the other's non-verbal behavior [most of our behavior is non-verbal. People feel understood when we pay attention to this].

EXAMPLES: *"You looked really upset when she said that..."*

[Or, Mediator's response to frowns, grimaces, tightening:

"It seems like it's really hard for you to listen to this."

- c. *Silence.* [Often the most respectful response]. A brief but definite pause gives people a chance to reflect and respond at their own pace.
- d. Verbal attending. [If someone seems to need reassurance, you can give noncommittal, non-judgmental responses which encourage them to continue, like]:

"I see ... mmmm ... interesting ... Really?"



Reflective Listening

To provide people with the feeling that they have been heard and understood without judgment or bias mediators send the message that their aim is to really 'get' what each person means and how they feel about it, without taking sides. To accomplish this, it is important to listen for and identify:

Issues: What the problem is... The various things about which the parties disagree that are all related to one general topic.

Positions: How each person wants to fix the problem... A party's expressed opinion, desire, or goal in a given matter.

Interests: Underlying values and needs... The end or ultimate goal a party is seeking to satisfy that lead the person to take a position. Interests are the things that people wish to have satisfied. Interests include fears, needs, concerns, ambitions, and desires. Understanding the interests of the parties lays the foundation for negotiation and often leads to more creative resolutions. Furthermore, when conflicts are defined in terms of interests rather than power or rights, people tend to cooperate more, rather than compete. Satisfying an interest is emotionally easier to accept than compelling action through power or seeking third-party assistance such as arbitration or litigation.

Here, we are listening for both content [*Issues*] and feelings [*Interests*].

Employee: *"The real problem here is I was assigned to the job, but she keeps changing the tasks and timelines and messing everything up."*

CONTENT [*issues*]

FEELINGS [*interests*]

Incomplete job; Clear assignment

Anger, frustration, under valued, desire for more independence, loss or lack of control

Possible NON-mediator responses:

"Why don't you just take control and get the work done and forget about her?"

"She is really organized and a great worker, I'm sure you can work through this."

Mediator Listener's response:

"It sounds like you're confident that you can get the job done on your own and it's frustrating for you that another person is involved and in particular that the person has a different approach to doing things and changes the direction that you were heading in. Is that right?"

Reframing

REFRAMING is an integral part of all aspects of being a mediator. It shapes what you listen for, how you hear it, how you put it back out there, how and why you ask questions -- and how you (REGULARLY) pull things together so that people can see where they are.

REFRAMING means constantly listening with a "neutral" ear and speaking in "neutral" words: this requires being able to change how something is said so that people are willing to consider it as an issue on the table.

REFRAMING means the ability to quickly neutralize zingers, drop out judgments, bias and negativity, and restart with diminishing the intent. Generalizations, biases, negativity, judgments -- all exacerbate conflict and lower the desire for collaboration. We hear and feed back, ask questions and summarize, all in a way such that the meaning is there but the anger and distortion are not. This gives people a new vocabulary and a more positive way of holding their concerns.

EXAMPLES:

"He's utterly irresponsible."

"Sounds like you would handle things differently."

"She [colleague] passes me in the hall like I'm not even there."

"The way you see it, a fellow employee should greet you in a friendly way."

KEYS TO REFRAMING: WHERE TO FOCUS

FOCUS ON ACTIONS NOT TRAITS OR QUALITIES

FOCUS ON OBSERVATIONS, NOT HIDDEN MOTIVES

IDENTIFY THE ISSUE & UNDERLYING INTEREST

IDENTIFY ANY EMOTIONAL CONTEXT

BE SPECIFIC

USE "I" STATEMENTS: SPEAK FROM YOUR OWN FEELINGS (NOT ADVICE OR OPINIONS)

NEUTRALIZE NEGATIVES, BIAS, JUDGEMENTS AND INAPPROPRIATE LANGUAGE

RESTATE THE CONCERN AS AN ISSUE OR POSITION

REFRAMING PRACTICE

REFRAMING: Restating another person's statement to make it less negative and more productive.

We reframe to drop out judgment, bias and negativity. We say it again in neutral words that improve communication about the issues and build a collaborative approach to develop solutions.

Practice reframing the following statements:

1. S/he's like a broken record and never shuts up.
2. S/he is so full of himself and arrogant.
3. S/he is completely wishy-washy.
4. S/he is a compulsive shopper.
5. S/he is a passive aggressive and drives me crazy.
6. S/he is a lazy do nothing and takes forever to get things done.
7. S/he is a whiner and is so negative.
8. S/he lies.

Asking Questions

A mediator asks two kinds of questions: *OPEN-ENDED* and *FOCUSED*.

OPEN-ENDED QUESTIONS

These are particularly important in the Phase One of the process because they provide space for the speaker to explore his/her thoughts and tell their story in their own terms, in their own style and at their own pace.

When mediators ask open-ended questions, they are listening for the issues to work on, underlying concerns/interests that will affect outcomes, for positions people come in with, and for clues to the willingness and ability the parties to work collaboratively. Open-ended questions are used to: to get the conversation started; to gain a richer picture of a key issue; to clarify a misperception. For example:

"Could you tell me how you came to feel that... "
"Could you tell me more about your experience with ..."
"What are your feelings about... ?"
"Could you clarify for me how... ?"

FOCUSED QUESTIONS

Once a person has gotten his/her story out and has been heard and understood, a mediator increases the richness of the picture of the dispute by asking focused questions. These are questions that help people analyze specific items, focus on workable issues, and check out the reality of positions and options.

The kinds of things that may be useful for a mediator to know to help parties think through to a solution for their dispute(s) may include:

- ≡ The specifics about how the dispute/interactions occur
- ≡ What is important to each of them
- ≡ What their understanding of the other person's perception of the problem is
- ≡ What each one thinks the other might do to make things work better
- ≡ Whether they feel they can work cooperatively to meet their respective interests

Focused questions can enrich the picture of the dispute and help create a natural transition from getting informed ... to working together on solutions. For example:

"What have you done so far to resolve the problem?"
"What specifically needs to happen to help you move beyond the issue?"
"How do you think _____ views the situation?"
"What can you do to help resolve this issue?"
"Help me understand what you mean by"

Summarizing

SUMMARIZING gives shape to the process and serves as a “bridge” that directs the parties to the next step. It involves feeding back concisely the issues/interests that have been discussed up to that point (*re-framing all the time*) and helping people see how the issues are all fitting together, including their new perceptions, the range of alternatives and possibilities.

SUMMARIZING requires the skill of synthesizing larger pieces of the interaction to a few succinct sentences that check out agreement on the definition of the issues, associated feelings, needs, interests and concerns. If there is agreement that you’ve made an accurate appraisal, then you move (or bridge) to the next stage of problem-solving.

SUMMARIZING is an integral part of all aspects of mediation. It shapes what the mediator listens for, how it is heard, how it is put back to the party(ies), how and why certain questions are asked, and how the mediator pulls things together.

SUMMARIZING means constantly listening with a “neutral” ear and speaking in “neutral” words: this requires being able to change how something is said so that people are willing to consider it as a proposal, idea, or issue for discussion.

REFRAMING AND SUMMARIZING PRACTICE EXERCISE

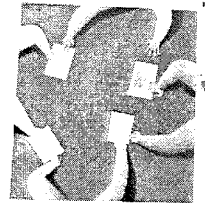
Reframe and summarize the following statements. Be sure to identify issues, interests and emotions. Build trust and be sensitive to language.

1. “The point is that she just doesn’t have a clue how to be a manager! When we all worked together it was a team effort. Now that she’s been promoted it’s like she’s become a different person with us. All of a sudden she’s issuing directives, instead of listening to what the problems are. The whole team is breaking down and people are really disgruntled.”

“It sounds like everyone is having a difficult time adjusting to new roles. At one time you were peers and got along, but now that she is in a leadership position, things are different and don’t seem to be working as well and it doesn’t feel like a team anymore. Is that correct?”

2. Bill isn’t satisfied with our performance review process. I’ve given him ample opportunity to make suggestions for change, but he never came forward. I didn’t write the policy manual, but we all have to be evaluated annually and it’s part of my job to do that. If I make any changes to the review process, he’ll have even more to complain about. It’s his fault.
3. I always finish my work on time and often take on extra projects. So what if it isn’t perfect. Everyone makes a little mistake once in a while. No one’s perfect, not even Bob! At least I get the work done and keep up with everything. He’s such a bean counter!
4. The problem is her. She keeps blocking all of my suggestions and that’s why the goal is not achievable. According to her, we don’t have enough money, enough personnel, and no one gets along. We simply don’t have enough time to work all this out before the project deadline.

NEGOTIATION



The second phase of the process is brainstorming and negotiation. At this time, the mediator helps the parties generate options to enable the parties to find a solution that will be mutually agreeable to all of them. Once the issues have been identified and the parties have a clear understanding of what it is they are trying to resolve, they can usually move toward generating options for the resolution of the issues. This involves bargaining and negotiation to select the options that best satisfy the interests of all the parties.

Strategies

When acting in the role of the mediator, the manager should focus on interest-based negotiation skills. Interest-based strategies are based on the merits of the problem itself. There are three basic sub-strategies¹:

- Separate the People From the Problem
- Focus on Interests, not Positions
- Invent Options for Mutual Gain
- Insist on Objective Criteria
- Know Your BATNA – Best Alternative to a Negotiated Agreement

Interest-based bargaining is a "principled" approach that leads negotiators to win-win solutions.

Position-Based Negotiation

Participants are adversaries

The goal is winning

Dig into your positions

Demand one-sided gains as the price of agreement

Search for the single answer: the one you will accept

Apply pressure

Interest-Based Negotiation

Participants are problem-solvers

The goal is an outcome reached efficiently and amicably.

Focus on interests, not positions

Invent options for mutual gain

Develop multiple options to choose from; decide later

Reason and be open to reason

¹ Roger Fisher & William Ury, GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN, 2nd Ed. (1981)

FORMAL MEDIATION: THE NEXT STEP

In some instances, informal mediation with the manager serving as mediator may not work. Accessing the services of an outside professional mediator may be the next step if the dispute has escalated to a formal grievance; the individuals in conflict do not trust the manager and/or they perceive s/he cannot be neutral.

If you are considering referring employees, co-workers, friends or family members to mediation, then you should first assess whether the issues are appropriate and if yes, refer them to a community mediation center.

Mediation Assessment: When is it Appropriate?

If the answers to the first two questions are no, then mediation may be appropriate.

- Has there been violence and/or is there a potential for violence?
- Is either person not mentally competent to mediate?

If the answers to the next two questions are yes, mediation may be appropriate.

- Are the individuals in conflict willing and able to communicate with one another?
- Are there options for resolution?
- Are the individuals willing to try mediating?

Referring Parties in Dispute to Mediation

If a conflict appears appropriate for mediation, then encourage the individuals in dispute to contact a mediation center. Remind them that:

- Mediation is private
- Mediation can be scheduled at a time that is convenient for them
- They decide. The mediator will not tell them what to do, but will help facilitate a discussion about possible resolutions
- Either person in the conflict can end the process at any time

CONCLUSION

This workshop provides an introduction to the basic skills employed by mediators to assist others in communicating and resolving their own disputes. You are encouraged to begin applying the skills immediately within your homes, workplaces and community. To fully develop mediation skills you may consider participating in a full mediation training or course. You may also want to consider creating a peacemaker committee within your Rotary Club.

CREATING A PEACEMAKER COMMITTEE IN YOUR CLUB

The Peacemaker Committee of the Rotary Club of Honolulu recognizes that certain core values combined with trained skills will enable more Rotarians to play an active, integral role in preventing, containing and resolving conflicts in our communities. Ultimately, the Committee envisions encouraging every Rotarian to learn and develop the skills and to help plant the seeds to enable Rotary Clubs internationally to create, support and grow community mediation programs in their own communities. To create a Peacemaker Committee in your club:

- Recruit a core group
- Establish mission statement & goals
 - Provide to Board President to submit to Board for approval
- Review local resources
 - Locate the community mediation center in your community [or determine the need for one]
- Create a list of books for committee to review
 - The Third Side by William Ury
- Determine ways to express peacemaking
 - Brainstorming sessions
 - Develop a list of approaches
- Recommend speakers
 - Different speakers to show different facets of peacemaking
- List of internet resources
- Coordinate & offer workshops
 - Introduction to mediation and skills
- Community Projects to incorporate and hone skills
 - Become a volunteer mediator
 - Create a community mediation center
 - Work with schools or housing projects in the community
- Create a Website



The Peacemaker Committee of the Rotary Club of Honolulu VISION AND MISSION STATEMENTS

VISION: The committee envisions all Rotarians to become peacemakers ourselves, and through us there will be a more harmonious and peaceful world.

MISSION: The committee encourages all Rotarians to adopt peacemaking as one of our core values, and to demonstrate to Rotarians we can be peacemakers in our extended families and our communities with certain basic values and trained skills to prevent, resolve and if necessary contain conflicts. It all begins with the home club, and encourages other clubs to form similar committees.

A peacemaker is guided by the core values of fairness, justice, compassion, forgiveness and respect for the dignity of all, as well as by the virtues of humility and courage. A Peacemaker understands that harmony begins with one's self.

To be effective, a peacemaker understands the need to cultivate conflict resolution skills such as effective communication, negotiation, active listening and neutral engagement.

The Peacemakers Committee seeks to promote its work through:

- Teaching, advocating, inspiring and practicing the skills and qualities basic to peacemaking
- Making people aware of the various causes and forms of violence (both physical and emotional)
- Employing speakers and forums in order to better educate themselves and the Rotary Community on peacemaking and its applications
- Sponsoring projects that foster peaceful conflict resolution in the community
- Proactively searching for opportunities to advance peacemaking in practical ways
- Responding, where appropriate, to requests which arise from conflict and call for peacemaking

This workshop represents the Peacemaker Committee's first step in providing fellow Rotarians with opportunities to learn the basic values and skills to prevent, resolve and if necessary contain conflicts.





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