

# MEDIATION TRAINING

# PREPARATION

- HAVE A THOROUGH UNDERSTANDING OF THE CONTROVERSY
- YOU MAY REQUEST A BRIEF ( $\leq 1$  PG) **CONFIDENTIAL** POSITION STATEMENT
- REFER TO AND BE FAMILIAR WITH RELEVANT POLICIES (FH, EH)
- GAIN AN UNDERSTANDING OF THE PERSONALITIES, PERSPECTIVES BEFORE CONVENING
  - BE SENSITIVE TO ETHNIC/CULTURAL/GENDER, ETC. DIFFERENCES
  - IS THERE ANYTHING THAT MAKES THIS SITUATION UNIQUE?
- ENVIRONMENT (SUFFICIENT FOR CAUCUSES, MINIMAL INTERRUPTIONS, NEUTRAL SITE)

# INTRODUCTION

- GET MEDIATION AGREEMENT SIGNED
- POINTS TO EMPHASIZE:
  - DISINTERESTED NEUTRAL
  - REVEAL ANY RELATIONSHIPS
  - NON-BINDING (HELP YOU REACH AGREEMENT, SORT OUT ISSUES)
- EXPLAIN PROCESS
  - OPENING STATEMENT? PRODUCTIVE OR NOT?
  - CAUCUSES/NEGOTIATION
  - RESOLUTION AGREEMENT (REFUSE TO SIGN?)

# INTRODUCTION (CON'T)

- CONFIDENTIALITY
  - CANNOT ENSURE CONFIDENTIALITY OF ANYONE ELSE BESIDES YOURSELF
  - BUT CONFIDENTIALITY HELPS THE PROCESS, AND IS THE GOAL
- RESOLUTION
  - TYPICALLY NO CLEAR WINNER OR LOSER
  - THERE WILL BE GIVE AND TAKE
  - HELP YOU FIND SOME MIDDLE GROUND

# STRATEGIES

- GIVE THEM A CHANCE TO TELL THEIR STORIES
  - DECOMPRESSION
  - OPENING, CAUCUSES
  - EXERCISE CAUTION IN FACE-TO-FACE BETWEEN PARTIES
- BRAINSTORM SOLUTIONS
  - ENCOURAGE DIALOGUE WITH YOU
  - HELP THEM FEEL THAT THE SOLUTION WAS THEIR IDEA
    - “WHAT DOES RESOLUTION LOOK LIKE TO YOU?”
    - “HOW WOULD YOU LIKE TO SEE THIS RESOLVED?”

# NEGOTIATIONS

- ASK FOR REASONS AND RATIONALE FOR PARTIES' POSITIONS
- ENCOURAGE PARTIES TO CRITIQUE THEIR OWN OFFERS/POSITIONS
  - “WHAT DO YOU THINK THEY WILL SAY TO THAT? HOW WOULD YOU COUNTER THAT ARGUMENT?”

# SOLUTIONS

- PRODUCT OF PREPARATION
- IF BOTH SIDES ARE NOT ENTIRELY HAPPY, PROBABLY A GOOD RESOLUTION
- AVOID CHARACTERIZATIONS OF PROPOSALS, POSITIONS
  - SARCASM, ETC.
- DON'T BEAT A DEAD HORSE BUT GIVE THEM IDEAS