



# RESOLVING CONFLICTS THROUGH MEDIATION

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*Management in State Government*

*Participant's Manual*

*Comprehensive Public Training Program (CPTP)*

*Sponsored by the Governor's Office and  
the Department of Civil Service*



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Management in State Government

*Comprehensive Public Training Program (CPTP)*

Sponsored by the Governor's Office and  
the Department of State Civil Service

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# RESOLVING CONFLICT THROUGH MEDIATION

## Course Description

Mediation is an effective way of resolving conflicts between individuals in a workplace or in the community . In this course, participants will learn the basics of mediation including how to prepare an opening statement, navigate the exchange between parties, define issues and ultimately reach a resolution. Participants will practice the main elements of the mediation process in class via role-plays that illustrate real scenarios.

## Job Outcomes

- Manages or resolves conflicts, confrontations, and disagreements in a positive and constructive manner to minimize negative personal impact.
- Considers and responds appropriately to the needs, feelings, and capabilities of others; adjusts approaches to suit different people and situations.
- Deals effectively with pressure; maintains focus and intensity and remains optimistic and persistent, even under adversity;
- Recovers quickly from setbacks.

## Learning Objectives

- Understand the mediation process
- Discover the mediator's role in conflict resolution
- Understand if mediation is right for your workplace conflict
- Create and practice your opening statement
- Learn how to support, encourage and provide structure to a dialogue between parties
- Learn how to define, reframe and restate the issues
- Discover how to overcome resistance and impasse in mediation
- Understand how to lead both parties to agreement and resolution
- Practice mediation process in role-play











# CREATING THE RIGHT ENVIRONMENT

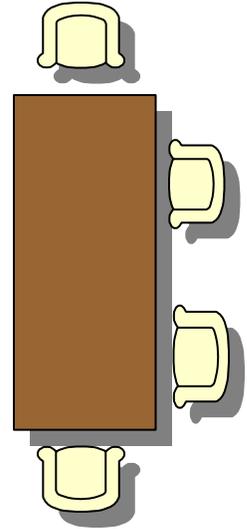
It is important to create a comfortable and neutral environment for the mediation session. Here are some considerations to help you prepare for a successful mediation session.

**Where:** Pick a room or office that is neutral to both parties. The room should be in private place, free of distractions or any decorations that may communicate preferences or other messages to the individuals. Be attentive of posters, pictures, etc.

**Who:** The two mediator approach is recommended. Having two mediators can provide additional perspective and support during the mediation process. Sessions can escalate because of the sensitive nature of some conflicts and it can be helpful to have someone else in the room. You can appoint a lead and a support mediator. It is suggested to have the co-mediators discuss roles and responsibilities before the session to ensure a smooth experience.

Sometimes other parties insist on bringing in third parties to represent them such as an attorney or a witness. Remember that the goal of a mediation isn't to prove who is right or wrong, so having a third party present is rarely conducive to the process. It is usually best to keep the mediation closed to the two parties directly involved in the conflict.

**How:** This is the best arrangement for a session involving two mediators and two individuals. This allows you to coordinate with your co-mediator and have the parties sit comfortably apart from each other. You can also have them sit on the same side of the table with a chair in between them.



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# THE OPENING STATEMENT

It is the mediator's role to create a climate conducive to generating solutions. In the opening statement, the mediator explains the purpose of mediation, the process that will be followed, ground rules, agency policies, privacy and confidentiality parameters, and an explanation of their role. The opening statement is an important tool to ensure that both parties understand the structure for the exchange, check for agreement from both parties regarding the mediation, and sets the tone for the rest of the dialogue. You may have both parties sign an agreement to mediate that covers the ground rules and confidentiality policy. Remember to ask both parties if they have any questions that you can answer before beginning the mediation.

## Sample Opening Statement

Thank you for choosing to resolve your conflict through mediation. My name is Sarah and I will be your mediator today. I will like to begin by outlining the process, establishing the purpose of today's mediation. Mediation is a structured process where disputing individuals agree to sit together and discuss differences with a neutral and impartial third person (s) who assists them in reaching a settlement or resolution. My role will be to structure and facilitate the conversation between both of you. I can help you communicate to each other and generate solutions to resolve the conflict between the both of you.

We have a few ground rules for today's session. Please do not interrupt each other. Name-calling and profanity are not allowed as they are not conducive to conflict resolution. If ground rules are not respected or if the discussion becomes disruptive, I will end the session without notice. Can we agree to follow these ground rules today?

Everything we discuss today is private and will not be shared with any other parties. The only exceptions are comments that recount situations of felony level criminal behavior, child abuse, acts or threats of violence. These situations require official reporting due to our agency's policy. Information related to this session can also be shared in the event of a lawfully issued subpoena. To help me structure and facilitate the discussion, you may see me take some notes. I will destroy them at the end of the session. We also encourage you to take notes to keep track of the topics. Any questions or concerns about the process? Please review the Mediation Agreement and sign and date it to proceed.

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# FACILITATING DIALOGUE

After the opening statement, allow both parties to briefly make a statement about the problem or issue. Each person should speak initially without interruption. Questions can come later after both parties share their side of the story. Mediator should ensure both parties share fully and prevent any one person from dominating the discussion.



The mediator role during this part of the process is to summarize periodically, restate, and clarify any statements that may be misinterpreted and misunderstood. These are the steps of **active listening**.

Step One: \_\_\_\_\_

- Stop talking
- Relax
- Remove distractions– put aside work, etc.
- Give the speaker space to vent– don't interrupt
- Pay close attention to the other person
- Don't worry about what you are going to say next.
- Use good body language—eye contact, open posture, face them fully.

Step Two: \_\_\_\_\_

- Try to put yourself in the speaker's shoes
- Listen carefully for emotional content
- Watch your own emotions without letting them control you.

Step Three: \_\_\_\_\_

- Use summarizing and paraphrasing (I hear you say ..... Is that right?)
- Repeat the message you heard to make sure you got it right
- Repeat both facts and emotional content
- Ask for clarification
- Continue the process until you're sure you understand the message.









# REFERENCES

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Moore, Christopher W. *The Mediation Process: Practical Strategies for Resolving Conflict* (1<sup>st</sup> ed.) San Francisco, Jossey-Bass 1986

Beer, Jennifer & Packard, Caroline. *The Mediator's Handbook: Revised and Expanded Format*.

Olshak, Rick with contributing authors. *Mastering Mediation: A Guide for Training Mediators in a College and University Setting* 2001 LRP Publications.

Kestner, Prudence Bowman & Ray, Larry. *The Conflict Resolution Training Program: Leader's Manual*

