

MEDIATION AND THE PROCESS

What is mediation and the role of a mediator?

- Mediation is a facilitated negotiation. A mediator is a neutral third party who assists in the exploration of options that will at best resolve the dispute to the satisfaction of all parties involved, or at least allow the members to reach an agreement that is acceptable to all involved
- The mediation facilitates communications in an effort to try and improve or maintain the disputants' relationship
- Mediators cannot react to what is disclosed or discussed. Mediation is and must be a flexible process
- Settlement or agreement may not always be reached, and mediators must be aware of when the mediation process is not working or progressing and conclude the session.

Is mediation appropriate?

(you will know if the following checklist applies)

- The conflict between the disputants is specific
- Both parties perceive the mediator to be a neutral third party
- Both parties have agreed to try the process voluntarily
- Both parties have an investment in the resolution of the dispute
- Not dealing with the conflict is unacceptable to both disputants
- Adequate time is available to work through the conflict
- There is an appropriate location available

Key factors for a mediator

Communication

- Active listening (paraphrase, clarification, prompters)
- Assertiveness
- Conflict resolution
- Collaborative problem solving (collective genius)

Attending

- Appropriate eye contact and body language
- Vocal qualities and verbal tracking

Exploring

- Reflection of feelings
- Encouraging
- Summarizing, reframing and questioning

Focusing

- Reflection of meaning
- Content summarizing

Influencing

- Directives and logical consequences
- Options and interpretations

Benefits of mediation

- Disputants control the process
- Mediation is flexible
- Disputants can arrive at creative solutions
- Mediation is confidential
- Mediation can reach a better settlement for the disputants