MEDIATION
Communicating for a Win-Win Win Solution
Or something like that . . .
What is Mediation?

- A form of facilitated negotiation (Alternative Dispute Resolution) in which a trained, neutral third party, called the mediator, assists the opposing parties to reach a mutually satisfactory settlement to their dispute.

- An informal, confidential and voluntary process that gives the parties an opportunity to:
What is Mediation? (cont.)

- clarify their needs and interests;
- improve communication;
- generate mutually agreed upon options to resolve the dispute;
- assess the risks of not reaching agreement;
- find areas of agreement;
- incorporate agreements into resolution.
What is Mediation? (cont.)

- Mediation ends when:
  - a mutually agreeable resolution is implemented, or
  - the parties reach an impasse.
Exceptions to confidentiality:

- required reporting due to disclosure of violations of law or
- disclosures of gross misconduct on the job
Who is a Mediator?

A trained employee who:

- provides skillful, structured communication processes to opposing parties
- helps the parties jointly explore and reconcile their differences
- does not decide who is right or wrong
- has no authority to impose a settlement on the parties involved
- is not involved in settlement negotiations
- does not provide testimony to a grievance hearing
Mediation in SLCC Policy

- 2.06 – Sexual Harassment Avoidance, c.1.e. – filing a complaint
- 3.06 – Employee Grievance Policy, D. Step Two – Mediation
- 3.15 – Employment Discrimination, c.1.e. – filing a complaint
Conflict

Struggle resulting from incompatible or opposing needs, drives, wishes or ideas.

How does it most often occur in the workplace?
Conflict isn’t bad, unless it is handled badly.

- Positive vs. negative
- A natural part of everyday life
- Either creative or destructive results
- Can be a positive force for personal growth and social change
What’s Your Attitude?

- Conflict can be viewed as an opportunity
- Conflict can bring about a new understanding
- Conflict can help you learn new skills
- Conflict can bring about positive change
Almost every *dispute* or *conflict* involves the attempt to meet one or more of Maslow’s *Hierarchy of Needs*:  
- Self-actualization
- Esteem
- Belonging/Love
- Safety
- Physiological
Responses to Conflict

Avoidance
Battle
Collaboration
Responses to Conflict

Conflict may create the potential for individuals to seek self preservation (become defensive).
Responses to Conflict

Approaching the potential resolution of a situation by attempting to imagine the needs or position of the other party may assist us in thinking and behaving openly and honestly during mediation.
Does your conflict response style help you or hurt you?

- Did you gain better communication?
- Do you view the other party with respect?
- Did you reach a mutually agreeable resolution?
- Did you get closure?
Mediation Process

• Mediator introduces him/herself and explains the process.
• Each party tells his/her story.
• The agenda lists the issues to address.
• Problem-solving options are discussed.
• Mutually agreeable solution reached and finalized in writing.
Mediation Process (cont.)

What the mediator does not do:

- decide who is right or wrong
- become involved in settlement negotiations or impose a settlement on the parties involved
- provide testimony to a grievance hearing
Mediation Ground Rules

• Courage to participate in a new process
• Willingness to negotiate in good faith
• Openness, honesty and accuracy
• Courtesy and respect for all parties involved
• Attentive listening
• Making the final decision to agree or not
Final Stage of Mediation

• If no agreement is reached, end the mediation
• If final agreement is reached:
  ➢ Draft a written mediation agreement
  ➢ Sign the final agreement
  ➢ Review (if possible) to determine if the agreement is still working within 30 days