

# Recommended steps for an informal mediation

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## 1. Preparing for a Mediation

As Chairs of Academic Departments, as leaders and as managers, you see great accomplishments by your faculty, employees and colleagues as they collaborate for great initiatives.

Sometimes however, you may experience a disagreement or dispute between employees in your organization or faculty in your department. You see and feel tension between them affecting other members in the department.

As the leader of the department, you want to be a peacemaker and smooth the tension. You need to conciliate differences and bridge the gap.

In other words, you may feel you need to conduct an informal mediation but you are not a mediator.

This article is an informal introduction to the mediation process. It is not the type that a mediator would conduct between parties that have already or may soon engage in a more formal dispute resolution process such as arbitration or litigation. It is an article that may help you, as the leader, feel confident addressing potential disputes and misunderstandings within your department.

Let us assume there is a dispute among two faculty members or two employees in the same department.

You as the leader and informal mediator will contact each party separately:

- to lay the ground rules for when, where and how the mediation will be conducted:
  - Date of the mediation
  - Location of the mediation in a neutral place
  - Communications solely with mediator are privileged and should be kept confidential
  - A successful mediation will result in a written or verbal agreement between the parties
- to confirm the reason for the conflict
- to understand how it is affecting them
- to ask them for the desired outcome
- to ask them to differentiate between what they would like and what they need
- to identify any common goals for both parties
- to better understand their perspective on the benefits of a resolution
- to see how they are willing to compromise/collaborate.

## 2. The meeting

- Complement them for agreeing to meet
- Highlight any common goals and positive aspects of the relationship
- Explain the guidelines
  - Respectful communications
  - No interruptions
  - Highlight the benefits of a mutually agreed upon resolution

- Each party spends 2 to 3 minutes expressing their position and why they feel there is a conflict.
- The mediator will let each party know that it is very important that each party listen to the other party respectfully without interrupting, even if they do not agree. Each will be given equal attention and time to speak.
- The mediator will also ask the parties to avoid labeling or blaming the other party by expressing how the behavior or an action is affecting **them individually**. The mediator will ask each party to share their perspective of what happened and their concern.
- After each party has spoken and shared their concerns, the mediator will ask the other party to repeat what they heard. This ensures a clear understanding of the other party's concern and position. Also, repeating the other party's concern plays a critical role in the process because the parties are assured that their voices have been heard, a critical step in coming closer to a resolution.
- Mediator may separate the parties into separate rooms and conduct shuttle diplomacy to enable each party to voice their concerns with the Mediator in confidence.
- The mediator will then ask each party to highlight some of the benefits of a resolution.
- The mediator will then ask each party to identify what each would like to see as a **reasonable** outcome for both.
- The mediator will facilitate and not force any decisions on the parties. It is critical that the mediator creates the landscape for the parties themselves to come to a resolution. The mediator can ask questions to get them to move forward and achieve a resolution but should not decide for them.
- Once they have achieved a resolution, the mediator can summarize the main points and write down their agreement for each to have a copy.

### 3. Final comments

- The mediator will congratulate the parties for resolving the conflict and may ask them to envision steps moving forward. The mediator may also ask them to share their views about their process. This step can help rebuild trust and ensure to a greater extent the commitment of both parties to move forward in a more collaborative way.

### 4. Follow up

- The mediator may also ask the parties if they would like to meet again in a few weeks to speak about the progress. This step increases the chance of a greater commitment to their agreed resolution.