

# LECTURE CONTENT OUTLINES

## MODULE 2

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AMERICA

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VIRNET MEDIATION

# USING THE OUTLINES

Thank you for joining me on this educational journey through my mediation training course. I'm pleased you've decided to join me for this innovative, exploratory course in mediation and conflict resolution.

These outlines are companions to the recorded lectures, and they provide additional resources, notes, and commentary related to the core course content. I've designed each module to include time for review of these outlines, so you can refresh your memory regarding the concepts, ideas, and practical skills we've discussed in the lectures.

I hope you'll refer back to these outlines and the other course materials as you progress through each module. These materials can be a resource in your future practice, as well.

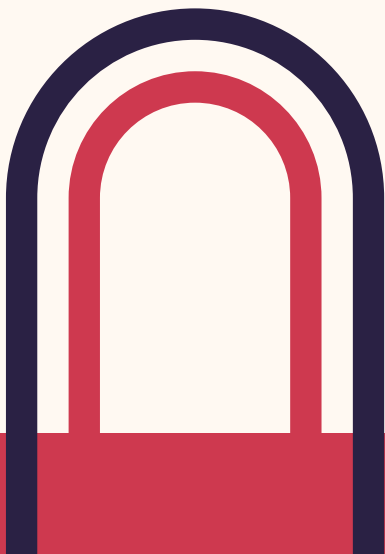
# STAGES OF MEDIATION

## Introduction

- Purpose of Mediation: Mediation is a structured process in which a neutral third party facilitates communication between disputing parties to help them reach a mutually acceptable resolution.
- Importance of Understanding the Stages: Following a clear framework ensures that mediators can guide the parties effectively while maintaining structure and neutrality.

## Stages of the Mediation Process:

1. Opening
2. Storytelling
3. Issue Identification
4. Bargaining
5. Agreement



## 1. Opening Stage

Objective: To establish ground rules, clarify the mediator's role, and set expectations for the session.

Key Components:

- Welcome and Introductions: Greet both parties, introduce yourself, and ensure participants feel comfortable.
- Explanation of the Process: Outline the mediation stages and the purpose of each step.
- Ground Rules: Establish rules such as respectful communication, confidentiality, and speaking order.
- Neutrality and Confidentiality Statement: Reiterate your neutral role and emphasize the confidential nature of the process.

Example: "Thank you both for being here. My role is to facilitate this discussion impartially and help you work toward a resolution that works for both of you. Everything we discuss here is confidential."

Practice Tip: Use clear and empathetic language to set a positive tone. Practice active listening even in the opening to model the behavior expected from participants.

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## 2. Storytelling Stage

Objective: To allow each party to share their perspective and feelings about the conflict.

Key Components:

- Encourage Full Participation: Invite each party to speak without interruption.
- Active Listening: Reflect back emotions and summarize key points to demonstrate understanding.
- Avoid Judgment: Ensure neutrality and avoid expressing agreement or disagreement with either party's perspective.

Example: "Tell me about what led to the current situation. I'll ensure both of you have uninterrupted time to share your perspectives."

Practice Tip: Use phrases like, "What I hear you saying is..." to validate the speaker without taking sides. Focus on clarifying facts and emotions.

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### 3. Issue Identification Stage

Objective: To distill the key issues from the information shared during storytelling.

Key Components:

- Summarize Key Themes: Highlight the recurring topics or concerns raised by both parties.
- Reframe Issues: Shift the focus from positions (what they want) to interests (why they want it).
- Prioritize Issues: Help the parties agree on the order in which issues will be addressed.

Example: "It sounds like we have two main concerns: the timeline for project completion and clear communication about progress. Does that sound accurate?"

Practice Tip: Reframing is a critical skill. For example, reframe a positional statement like, "They never listen to me!" into an interest: "You'd like to feel heard and have your input considered."

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### 4. Bargaining Stage

Objective: To facilitate a discussion where parties propose solutions and negotiate compromises.

Key Components:

- Brainstorming Solutions: Encourage creativity and multiple options.
- Reality Testing: Help the parties evaluate the feasibility and fairness of proposed solutions.
- Maintain Focus: Keep the discussion constructive and avoid escalating tensions.

Example: "What options do you think could address both of your concerns? Let's list all ideas before evaluating them."

Practice Tip: Use the "BATNA" (Best Alternative to a Negotiated Agreement) concept to help parties assess their alternatives if mediation doesn't result in an agreement.

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## 5. Agreement Stage

Objective: To finalize the resolution and document the agreement.

Key Components:

- Drafting the Agreement: Use clear, concise, and specific language.
- Confirming Understanding: Ensure both parties understand and agree to the terms.
- Celebrating Success: End on a positive note to reinforce collaboration.

Example: "So, you both agree that the project will be completed within three months, and you will have weekly check-ins to review progress. Let's document this and sign it."

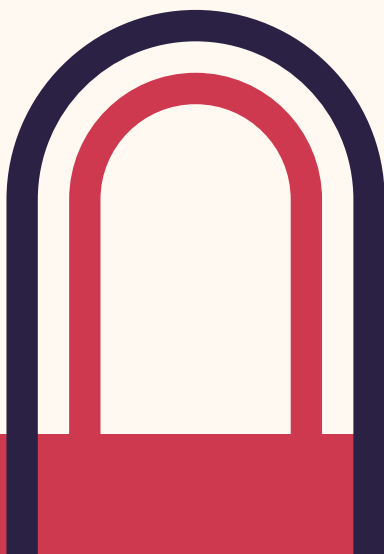
Practice Tip: Always include action items, timelines, and responsibilities in the agreement. Review the document thoroughly before concluding.

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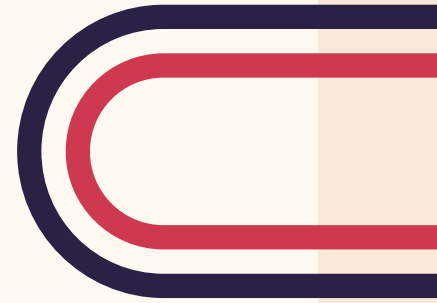
Key Takeaways for Students:

1. Be Neutral: The mediator's neutrality is essential at every stage.
2. Listen Actively: Demonstrate empathy and understanding to build trust.
3. Focus on Interests: Reframe positions into underlying interests to guide constructive dialogue.
4. Stay Flexible: Adjust your approach to meet the needs of the parties while following the process.

By mastering these stages and the related skills, you will be equipped to guide disputing parties toward effective, lasting resolutions.



# MEDIATION MODELS



## Introduction

Welcome to today's lecture on mediation styles. Understanding the differences between facilitative, evaluative, and transformative mediation is crucial for becoming a versatile and effective mediator. Each approach has distinct principles, techniques, and appropriate contexts. By the end of this session, you will be able to:

1. Define and distinguish the three main styles of mediation.
2. Identify when each style is most effective.
3. Apply specific techniques to implement these styles in practice.

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## 1. Facilitative Mediation

**Definition:** Facilitative mediation emphasizes the mediator's role as a neutral facilitator who helps parties communicate, explore issues, and reach their own agreement. The mediator does not offer opinions or evaluations but focuses on improving communication and uncovering interests.

### Core Principles:

- Empowering parties to craft their solutions.
- Maintaining mediator neutrality.
- Prioritizing open communication and understanding.

**Concrete Example:** Imagine a workplace dispute between two colleagues, Sam and Alex, over workload distribution. In a facilitative mediation session, the mediator might use open-ended questions like, "Can you share more about how this issue has impacted your work?" or "What do you need to feel supported?" The focus is on enabling Sam and Alex to express their concerns and collaboratively develop a plan for fair workload distribution.