MEDIATION TRAINING
PREPARATION

- Have a thorough understanding of the controversy
- You may request a brief (≤ 1 pg) **CONFIDENTIAL** position statement
- Refer to and be familiar with relevant policies (FH, EH)
- Gain an understanding of the personalities, perspectives before convening
  - Be sensitive to ethnic/cultural/gender, etc. differences
  - Is there anything that makes this situation unique?
- Environment (sufficient for caucuses, minimal interruptions, neutral site)
INTRODUCTION

• Get mediation agreement signed
• Points to emphasize:
  • Disinterested neutral
  • Reveal any relationships
  • Non-binding (help you reach agreement, sort out issues)
• Explain process
  • Opening statement? Productive or not?
  • Caucuses/negotiation
  • Resolution agreement (refuse to sign?)
INTRODUCTION (CON’T)

• CONFIDENTIALITY
  • CANNOT ENSURE CONFIDENTIALITY OF ANYONE ELSE BESIDES YOURSELF
  • BUT CONFIDENTIALITY HELPS THE PROCESS, AND IS THE GOAL

• RESOLUTION
  • TYPICALLY NO CLEAR WINNER OR LOSER
  • THERE WILL BE GIVE AND TAKE
  • HELP YOU FIND SOME MIDDLE GROUND
strategies

- give them a chance to tell their stories
  - decompression
  - opening, caucuses
  - exercise caution in face-to-face between parties

- brainstorm solutions
  - encourage dialogue with you
  - help them feel that the solution was their idea
    - "what does resolution look like to you?"
    - "how would you like to see this resolved?"
NEGOTIATIONS

• Ask for reasons and rationale for parties’ positions
• Encourage parties to critique their own offers/positions
  • “What do you think they will say to that? How would you counter that argument?”
SOLUTIONS

• PRODUCT OF PREPARATION
• IF BOTH SIDES ARE NOT ENTIRELY HAPPY, PROBABLY A GOOD RESOLUTION
• AVOID CHARACTERIZATIONS OF PROPOSALS, POSITIONS
  • SARCASM, ETC.
• DON’T BEAT A DEAD HORSE BUT GIVE THEM IDEAS