



Mediating Conflict

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Introduction

When working with patients, clients, families, and colleagues, there's bound to be some conflict! Throw in physical and mental illness and other psychosocial stressors, and you have the potential for escalated drama. At those times, the best way to serve your client may be to act as a mediator to resolve conflict. Sometimes, you don't have a choice! You may be stuck in the middle of a conflict, or asked give your opinion. Then what?

Don't mistake a mediator for "problem solver" as the role is anything but that. In addition to possessing key communication skills, it's important that mediators clearly define their roles, responsibilities, and limitations.

Educational Objectives

After taking this course, participants will learn how to:

1. Define the role, responsibilities, and skills of a mediator.
2. Explain necessary communication rules for a successful mediation.
3. Mediate group conflicts.

Let's Get Started!

What is Mediation?

Mediation is a voluntary, collaborative process in which two disputing parties involve a third, impartial party to facilitate a resolution. It's a good choice to make when the sides cannot reach an agreement on their own, but still want to come to some resolution. Both parties must agree to the mediation process and the person chosen. The mediator is merely a facilitator and not responsible for coming up with answers. His role is to help both sides reach their own desired outcome.

Formal mediators are trained and typically charge by the hour. Many have a background in law, business, human resources, or psychology. You can also choose a skilled individual to act as your mediator as long as both parties agree. The process is structured with the mediator setting the ground rules and controlling communication. He will ask for both sides to present opening statements and then guide discussions until the agreed upon goal is reached. Mediation works for all sorts of issues including disputes over contracts, leases, small business ownership, employment and divorce. It's also helpful in resolving interpersonal conflicts such as those involving a roommate, spouse, partner, family member, neighbor, or coworker. Mediation is informal and the results are not legally binding.

Role of the Mediator

A mediator is an impartial third party who serves as a facilitator in resolving a dispute. The mediator doesn't give advice, offer opinions, or suggest solutions. His main job is to assist in the communication process by asking clarifying questions and eliminating extraneous details. He

wants to help you bust through roadblocks and cut to the chase as quickly as possible. In mediation, the work of resolving differences still falls on the disputing parties, as do all decisions.

Although the mediator has no official power and can't force you to do anything, he's of great value because he can ask the tough questions that have yet to be answered. Since he's fresh to the situation, he can hear possibilities when you may have closed your ears. He takes an unbiased approach so he's not afraid to challenge either party because his only goal is to help you reach a resolution.

By the time you've chosen mediation, it usually indicates that you're unable to communicate with the other person without it escalating into an argument. Or, you want a third party present to ensure fairness. Therefore, a big part of what a mediator does is to establish and maintain open communication. He acts as a referee of sorts making sure one person speaks at a time without interruption and there's no abusive language or name calling. If a discussion becomes heated, he may separate the two parties and talk to each side individually. The whole time, he's listening for areas of agreement and encouraging each side to come together to settle issues in a timely fashion.

The mediator is very aware that the process is voluntary and either side could walk away at any time. So, he offers reminders of what's at stake if that happens – continued conflict, possible legal action, increased costs, and turning over control. One reason to hire a professional mediator versus asking a friend is because when you're paying, it's harder to quit. Who wants to throw away money? If both sides are splitting the fee, you both have an equal reason to stay committed to the process.

Required Skill Set

It can be very satisfying to help others settle their disputes. But, being a qualified mediator takes more than wanting to help people. The first thing you have to be comfortable with is conflict! Mediation doesn't always involve heated arguing, but sometimes it does. It takes special skills to be able to de-escalate the situation and redirect negative communication toward problem solving. At the same time, you can't offend either party or else you risk someone walking out without solving anything. It's definitely an art to control the process, build trust, and remain fair. Rule yourself out if you're the type of person who takes on other people's problems as if they were your own. It's impossible to remain objective if you get emotionally involved. Another red flag is if you love to give advice. Mediators don't share their opinions, even in cases when they personally disagree with decisions.

To be a good mediator, you must possess exceptional communication skills. Being able to listen well is essential. Mediators listen for what is actually being said, but also what is unspoken and needs to be expressed. They're tuned into facial cues, body language, and tone of voice to clarify any discrepancies. They also possess a keen skill to address half-truths, false interests, and irrelevant material. Above all, good mediators are unbiased. Both sides must believe they can trust you to remain neutral and fair.

Formal Training

As of this writing, the field of mediation is still defining itself. Currently, no U.S. state has established a formal licensing or certification process to become a mediator. A few state courts, however, do certify mediators who receive referrals from or provide services to court-connected mediation programs. These mediators must fulfill certain standards, including the completion of a specified number of hours of mediation training, in order to qualify for certification.

Some professional associations and private businesses also offer certification classes for basic and advanced mediation skills training, totaling approximately 40 hours. Don't confuse this certification with being approved by any state regulatory agency. If you're interested in formal training, it's best to investigate your local state ethical guidelines and professional mediation organizations. Before signing up for any training, be sure you understand what it qualifies you to do.

Structure Communication

Taking command of the mediation process requires setting communication ground rules from the start. Before anyone gives his side, you need to gain agreement on respectful discourse. To increase buy in, create the rules together, rather than dictate them. You might say, "Before we get started, I've found it's important to agree on some communication guidelines." Then ask each person to contribute suggestions as you write down their ideas. If they've missed any important components, raise the issue and ask their opinions such as, "How do you want to handle interruptions?" Once you've refined the list, ask if they agree to abide. If so, have them sign the rules and post them on the wall in full view. In the event someone violates a rule, stop the process and remind him of his earlier agreement.

Suggested Ground Rules

Here's a list of communication guidelines that help keep the mediation process productive:

- Use "I" statements.
- No "zapping" with put downs, name calling, or sarcasm.
- No intimidating body language, non-verbal expressions, or yelling.
- Stay in the present and future.
- Stick to the topic at hand.
- Listen without interruptions.
- Acknowledge and restate what you heard the other person say.
- Request behavior changes only (no asking someone to "feel differently" or "change his attitude").
- Allow mediator to monitor and control process.

The last ground rule is important to establish. Both sides must give you the authority to keep things on track, otherwise they'll start correcting each other and you'll lose control. Let them know that if discussions become too heated to be productive, you may call a timeout and then

explain how these breaks will be conducted. Or, if you decide to conduct private interviews, let them know why so it appears fair.

The next step is to explain the process. State that each side will get a turn to talk and that you'll be asking clarifying questions. As much as possible, encourage the two sides to look and speak directly to each other. If they have follow up questions after listening to each other's stories, they should be asked in a direct dialogue and not go through you. Refrain from answering for anyone because each person should be speaking for himself. Remind them of your role and that you won't be offering advice or opinions. Each question will be turned back to them to answer.

This may seem like a lot of steps to take in the beginning, but each one is crucial to a successful mediation. It's very difficult to introduce a rule in the middle of things and expect compliance. Structuring communication also boosts others' confidence in your ability to control the situation.

Surface Hidden Agendas

Just because two people have agreed to mediation doesn't mean they'll be completely honest about their motivations! Part of a mediator's job is to get people to reveal their real interests and expose hidden agendas. There are many reasons someone might not be upfront about his goals. If there's a perceived imbalance of power, one person may not be completely honest for fear of retaliation. Or, sometimes it's fear of making the other person mad, so the true conflict is never revealed. Others keep secrets because they assume they won't get what they want if everyone knew the truth.

You'll know there's a hidden agenda if both sides cannot agree on the problem. If the issue you're trying to address feels like a moving target, it's because someone is holding back information. Another indication is when there's no solution that will satisfy, no matter how reasonable. It's because someone's not getting his true needs met, so he's stalling by introducing new problems. If you sense this type of masquerading, expose the truth with direct questions.

Surfacing Statements

Hidden agendas confuse the mediation process, causing the conversation to veer off in meaningless directions. Interests can't be met if they're not shared. Don't be afraid to state your suspicion that someone is not being totally forthright. Here are some examples of what to say to surface the truth:

- "I'm confused by the decision that's being considered. It doesn't seem to address the present issue. Is there something else that needs to be discussed?"
- "I hear you agreeing to a decision, but you appear to be nervous. Before moving forward, I want to make sure you've shared all your concerns."
- "This conversation is going in circles. Every time we get close to an answer, a new problem comes up. Let's cut to the chase and talk about the real issue."
- "I sense that you're after something different than what you first stated. What is it that you really want?"

You can't force someone to tell the truth, but it's still the mediator's job to address the elephant in the room. If your direct statements still don't surface the real issue, take a break and reconvene after giving each side a chance to re-think his goals. Make it clear that nothing can get solved without complete honesty.

Handling Group Conflict

Sometimes a conflict is bigger than two people and involves a group. This could be work teams, volunteer groups, church communities, or even large families. The more people you add, the harder it is to reach a consensus. There's more room for private alliances to form, multiple hidden agendas, and passive-aggressive behavior. The mediator's role doesn't change when addressing group conflict, but you may need to add one or two people to help you facilitate. Take the size of the group into consideration when scheduling time and choosing the environment. The whole process will take a lot longer, the bigger the group. The ideal setting is one that is spacious enough for sitting in a circle so that everyone can see each other. Avoid seating arrangements that allow opposing factions to form clusters.

Especially with a group, it's important to appear confident and in control. As the lead mediator, you should be the one to establish the communication ground rules and facilitate large group discussions. Explain the role of your assistants and then position them strategically around the room to help you monitor group dynamics. Determine how an aide should clue you in about potential problems or suggest additional questions. You can also use them to facilitate smaller group discussions and then summarize the findings. Schedule breaks so that the facilitators have a chance to debrief in private.

Group Dynamics

No matter the size of the group you're facilitating, every group goes through the same five stages: forming, storming, norming, performing, and adjourning. It's the goal of every group to gel and get along. But, notice that in order to do that, the group will go through a conflict stage. Remember, conflict isn't necessarily bad! It means the group is growing, and if it's handled well, will become even more productive. Here are the five stages of a group. Each phase leads to the next so there's skipping:

- *Forming*. This is when a group first gets together. People are slightly nervous, and their guards are up. Each person is observing others, making impressions, and wondering how to fit in.
- *Storming*. Personalities start to emerge. There's jockeying for turf. Leaders step up, and followers fall in line. Different ideas emerge about how things should get done. This is when conflicts arise.
- *Norming*. Game rules are established. Sometimes they're formal, like job descriptions. Many times, they're unspoken. You learn through observing that it's okay to show up late or refuse to do certain jobs. Unhealthy groups have norms that allow gossip and backstabbing. Healthy norms encourage conflict resolution.
- *Performing*. This stage is the goal. The group is in a groove, cooperating, and functioning well together.

- *Adjourning*. The end of a group either by leaving or finishing a project. It can be positive, neutral, or nasty.

There's no timeline for these stages, but it's possible to get stuck in the conflict stage and never advance. If your group appears stuck, consider sharing the five stages of a group and asking them to give their opinions about what stage they believe they're in and why. Ask about current norms, which are most likely unhealthy, and what they'd like to do instead. This can be an excellent path to establishing common ground.

Inter-group Conflict

Group conflicts fall into three categories: inter-group, relationship-based, and performance-based. When there's inter-group conflict, there are conflicting goals within the same group. Either the directives aren't clear and members are left to create their own systems, or the group is lacking strong leadership, and it turns into a power struggle. Some groups are intended to be more democratic, where everyone gets a vote. But, if not managed well, some members start doing things their own way without consulting anyone. In other cases, leaders are in title only, with no real authority. All of these scenarios produce the same result: conflict.

Another cause of inter-group conflict is due to inadequate or rigid operating systems. If the rules are unclear, each person is left to his own interpretation. On the other extreme, strict systems cause some to rebel, assuming the rules don't apply. A big change can also disrupt the group dynamic. Changes in leadership, goals, or purpose can have a splintering effect if even a few individuals are not on board and supportive. Conflicts can develop by fighting over limited resources, causing members to act in their own best interests and not the group's.

In most inter-group conflicts, it's the system that's broken, not the people. When mediating these situations, you can create instant solidarity by getting everyone focused on what type of structure would work better versus blaming each other. Also, help the group clarify its leadership hierarchy. Conflict brews when individuals believe they have power, when they don't. Mend factions by focusing on the group's purpose and interests and how each person can contribute to the big picture.

Relationship-based Conflict

Personality differences are at the heart of relationship-based conflicts. The larger the group, the more diverse the personalities! In some creative settings, this is exactly the goal because the result can be innovative ideas. New products and out-of-the-box thinking are often born in environments where opinions clash. This is the upside to personality differences. (In personal relationships, sometimes opposites attract and it's exciting right up until those same qualities become annoying!) The downside to personality differences is that relationships can be damaged to the point that the group is unproductive.

Signs of relationship-based conflict include different learning and communication styles. An introvert may prefer to work alone or in small groups versus large ones. He may like to receive information in an email where an extrovert would rather talk about it. A person who likes hands-

on learning may resist reading a technical manual. Yet another person may be offended by text communication instead of receiving a phone call. These preferences can affect how much inclusion or control is sought. An independent personality may seek total autonomy while another wants to be included in everything so he won't feel out of the loop.

Your first step in mediating relationship-based conflict is to help the group separate the person from the problem. Remind them that you can't ask someone to change his personality, only how he expresses it. Focus on the benefits of diversity and how the group, as a whole, gains in the end. No communication style is right or wrong, just different. Help them identify the best communication format for specific situations. This shifts blaming to problem solving and helps to preserve relationships.

Performance-based Conflict

Performance-based conflicts occur when one or more members start slacking and stops performing his duties correctly or fully. Groups work best when they're interdependent. By working together, you can get more done than several individuals working separately on the same task. But, for that to happen, you need to rely on each person to do his part so you can do yours. If one person starts doing less, everyone else suffers. If he refuses to cooperate, someone has to pick up his extra work. Of course, this is unfair and breeds resentment, so it's pretty easy to see how conflicts emerge.

This type of situation can occur in personal and professional groups. For example, imagine how disruptive it is in a large family when one person refuses to pull his weight. Or, how frustrating it can be when one member of a work team completes his portion late, causing a chain reaction. How does this happen when it's so unfair? It's the job of the mediator to identify and help the group answer this question. There are a few possibilities to consider. The easiest to solve is that the slacking person was ignorant to his duties. If he's unaware of how his work (or lack of) affects others, change can be simple. Perhaps the reason for his poor performance is because he's under-trained or under-staffed. Again, these are two relatively easy problems to solve.

A more complex reason for poor performance is because the person suffers few or no consequences. This means someone else "fixes" the problem rather than addresses it. Usually this occurs when someone in the group is uncomfortable with conflict and would rather do the extra work than confront the person. This action comes at the expense of the whole group because it sets a double standard. The only way to solve it is to get the group to bond together and address the person who is refusing to do his part. Peer pressure and consequences for not completing one's work will usually convince the non-worker to step up. In addition, supporting the person who would rather avoid conflict is key. Make it clear that "fixing" the problem actually adds to it.

Reinforce Agreements

Once you've helped a group resolve conflict, you might think your work is done. But, all your efforts will quickly unravel without securing a plan. The final stage of resolving group conflict is to reinforce agreements and ways to address future conflicts. Describe agreements in terms of expected behavior and measurable outcomes. How will everyone know that progress is being made? What will improvements look like? If you don't get team members to clarify their

expectations, the resolution will fall apart. Outline the next action each person agrees to take and the timeline. When will changes start and be completed? Put the agreement in writing and make copies for each person to sign. It's best to schedule a follow up meeting relatively soon after reaching a resolution to check progress.

In Conclusion

Mediation is a helpful tool when two parties want (or need) to resolve an issue, but cannot reach an agreement on their own. A mediator's role is to facilitate communication, but not to solve the issue or become involved by offering opinions. A successful mediator will be comfortable with conflict and assertive in setting communication ground rules at the beginning. He will also be sensitive to group dynamics, hidden agendas, and unspoken signals. Refining these skills can help you assist others in a very rewarding way!

TEST

Mediating Conflict

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Name: _____

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Circle the correct answer:

1. The mediator's role is to:
 - a) Give advice
 - b) Facilitate communication
 - c) State opinions

2. Required communication skills of a mediator include:
 - a) Assertiveness, listening, asking questions, gaining compliance
 - b) Problem solving, pointing out faults, exposing weaknesses
 - c) Speak for others, keep on task, make assumptions

3. To surface hidden agendas, mediators should:
 - a) Assume everyone is being truthful
 - b) Ask direct questions
 - c) Let the other party figure it out

4. Three types of group conflict are:
 - a) Inter, relationship, performance
 - b) Big, small, creative
 - c) Independent, dependent, interdependent

5. Every group moves through the same five stages:
 - a) T
 - b) F

I read and completed the test questions for 1 hour of credit.

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