



#6

The Mediation – Communication Strategies

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Party Proposals

Hearing the proposal

If uneasonable arwill be rejected, discuss ways to modify the proposal. Be subtly evaluative

Communicating a proposal

Avoid criticism of the proposal unless asked or unless you believe your opinion will not hinder further discussions.



Techniques for Keeping the Parties Talking

Backeting issues

Mediator's proposal

Time to consider

Risks of no agreement

Future administrative process

Less control over outcome

Time considerations

Emotional considerations

Healing

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Rhical Considerations

Confidentiality
Pressuring to reach agreement
Subsequent disclosure of information
Appearance of impropriety
Disclosure of badground
Impartiality
Mental competency of a party
Autonomy informed consent
Honesty
Role boundaries
Privileged communications



#7

Preparing the Agreement

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Memorialize the agreed upon resolution <u>in writing</u> signed by both parties

Admovledgment that the parties are entering into the resolution agreement freely, voluntarily, and because each party believes entering into the agreement is in their best interest.

Admovledgement that the parties' participation in the Informal Resolution Process was not required, not a product of coercion, norwas it a condition of continued enrollment or employment, or enjoyment of any other right.

Agreement to waive right to appeal



Provide the agreed terms that may include:
Administrative remedies
Conective or punitive measures for respondent
Non disclosure (confidentiality)
Non disparagement clause (essentially no retaliation)

Consequences for breach of the agreement.

Institutional record keeping responsibility

Institutional obligation to maintain confidentiality, unless permitted by law

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Types of remedies, include but are not limited to:

Complainant or respondent relocate their housing

Complainent/Respondent with draws from a class that the parties have together

Respondent writes an apology letter to Complainant admovledging harmcaused

Indefinite mutual no contact order



#8 Failure to Reach Agreement

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Failure to Reach Agreement

Explain..

The inability to reach an agreement does not mean we stop trying

Methods of continuing dialogue
Date certain to resume
Follow up phone conferences
Meeting with each party
Time to think
Time to consult others









Open ended questions

Encourages party to open up, vent and articulate

Allows story to be told

Who, what, when, where, why how describe, explain, tell...

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Closed or leading questions

Question suggests the answer

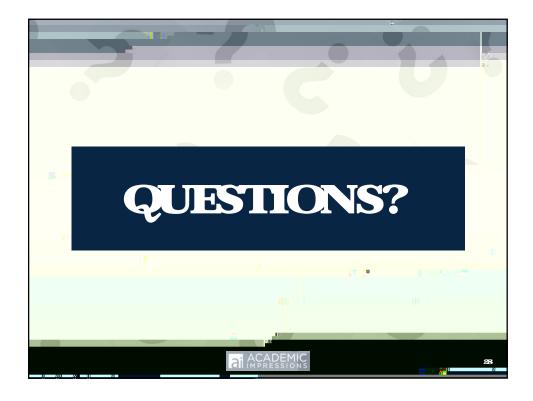
Confines response

Summizes

Probing questions

Explaing feelings, opinions, thoughts...





Thank you!

Please remember to complete the _____.
Your comments will help us continually improve the quality of our programs.

ALMA NEMIC