

Office of University Life

Welcome to *In Session*: **The University Life Professional Development Series**

Mediating Student Conflict

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A VERY SHORT INTRO TO MEDIATION AND MEDIATION SKILLS

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Levels of Conflict Resolution*

- **Stop the fighting**
- **Settle the issues**
- **Resolve the underlying causes**
- **Forgive**
- **Reconcile**

* Cloke, Pepperdine Dispute Res LJ, 4:2, 2004

Negotiation Styles/Strategies

- **COMPETITIVE, ADVERSARIAL:**
competition to obtain maximum gain for oneself may be at the expense, or with little regard for the interests, of the other party
- **COLLABORATIVE, PROBLEM-SOLVING:**
a collaborative search for mutual benefit

MEDIATION

- **Mediation is a process in which an impartial third person facilitates a negotiation between people in conflict or who are trying to “make a deal.” The mediation process empowers them to take control of their lives and find solutions that meet their interests and needs. It is a private, voluntary, informal process where the mediator or mediators assist the participants to resolve their dispute in a manner acceptable to all.**

Core Principles of Mediation

- **Self Determination / Party Autonomy**
- **Informed Decision Making**
- **Confidentiality**

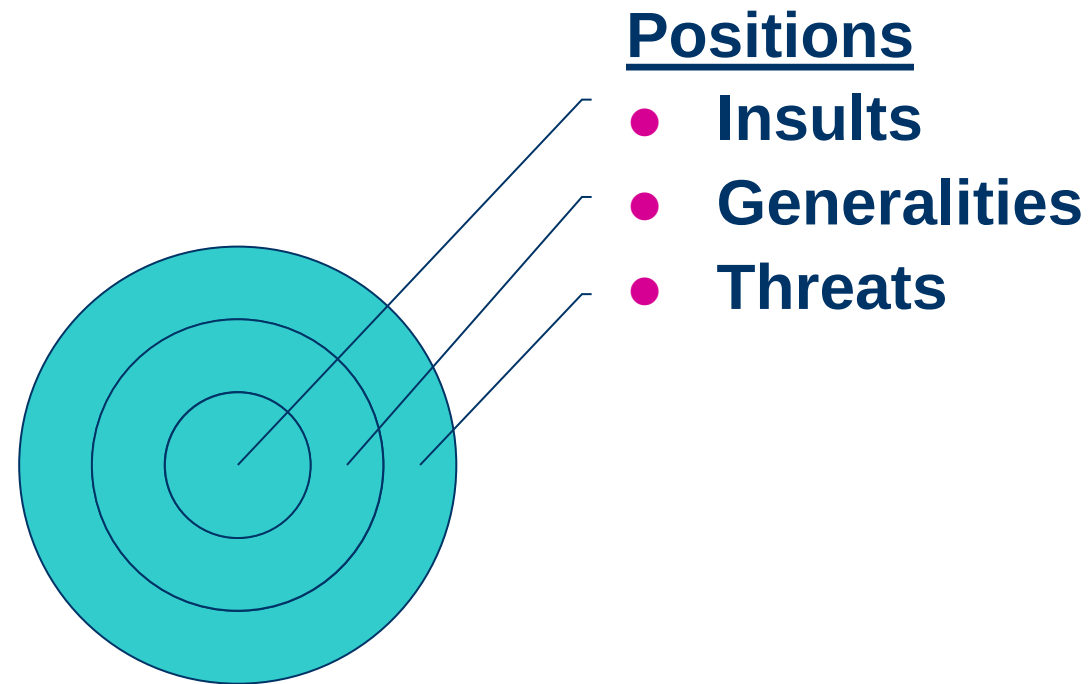
Percentage Exercise

- **If someone used the following words to predict the outcome what n % value would you assign to each?**
 - Pretty good chance
 - Could be a problem
 - Excellent possibility
 - Risky
 - That dog won't hunt

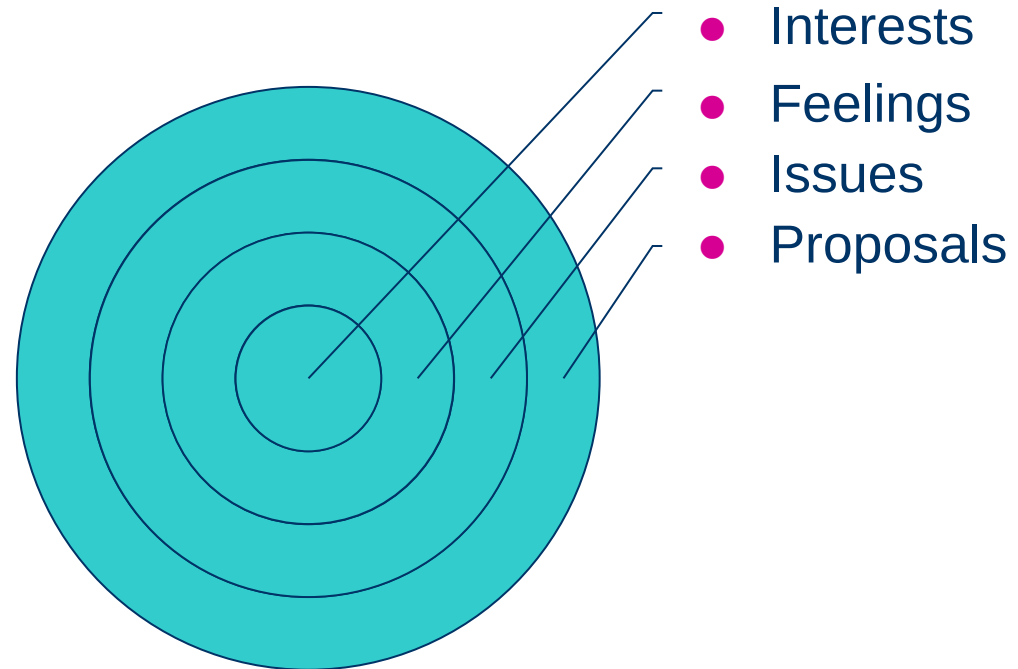
STAGES OF MEDIATION

- Assessment and preparing for mediation
- Beginning the mediation/mediator's opening
- Gathering information
- Identifying issues, interests and feelings
- Clarifying the issues and interests, acknowledging feelings
- Problem solving – Processing the issues
- Reaching closure
- Closing the session
- Monitoring steps necessary for implementation

How Parties Present A Dispute



What Mediators Listen For



THE DIFFERENCE BETWEEN *POSITIONS* & *INTERESTS*

- ***POSITION:*** *If you don't pay the rent by the end of the week you are out of here. A Demand or Assertion.*
- ***INTEREST:*** *I need the money to pay for ..., not being taken advantage of, respect. The Underlying Need or Motivation.*

Five Core Concerns

- **Appreciation**
- **Affiliation**
- **Autonomy**
- **Status**
- **Role**

Summarizing

- **Synthesizing the content of parties' previous statements and responses, focusing on what the mediator has heard about the parties' interests, feelings, and issues.**

- Frenkel and Stark, 137

Summarizing Using Reframing

- **Repeating to the parties:**
 - the essence of what they have said, focusing on what you have recognized as their interests, feelings and issues
 - and omitting hurtful or escalating words while retaining the force of their statements

Clarifying to Gain Understanding

- **Useful topics to explore***
 - Feelings
 - Interests
 - Parties' understandings of legal rules
 - Parties' views of the "facts"
 - Relationships
 - Values