

MEDIATION

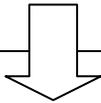
In mediation people get the chance to say what they really need to in a confidential, safe atmosphere with the presence of a mediator to keep the communication respectful and constructive. The sooner mediation can be arranged the more successful it will be. Mediation is totally voluntary. It is also confidential; anything discussed stays within the room and is not disclosed to any other parties.

What is mediation?

Alternative Dispute Resolution Definitions - March 1997

"Mediation is a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.

The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of the resolution, but may advise on or determine the process of mediation whereby resolution is attempted."



... *"parties to a dispute, with the assistance of a neutral third party"* A mediator does not represent either client or take sides in the dispute.

... *"identify the disputed issues"* In order to do this, it is necessary for clients to tell the mediator what their conflicts are all about. As mediators, we help the clients to categorise what is happening objectively.

... *"develop options, consider alternatives..."* This is a brainstorming and evaluating process.

... *"no advisory or determinative role"* This phrase places the responsibility of decision making onto the client with no advice or suggestions from the mediator.

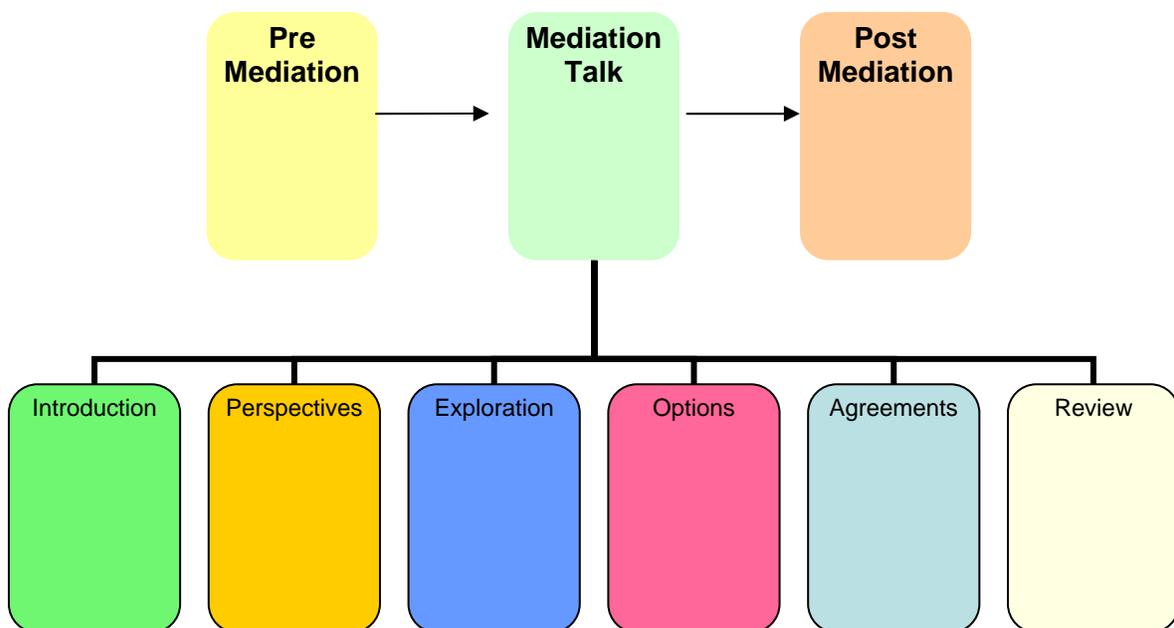
... *"but may advise on or determine the process of mediation"* The mediator

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should always retain control of the process, the parties retain control of the content.

How is mediation structured?

The success of mediation has a lot to do with its structure and its ground rules and of course the facilitation skills of the mediator. The mediator sees each person first and then brings them together in a face to face meeting.



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Pre Mediation

- To contact the parties (e.g. in person, by phone, letter, or email)
- To collect conflict data (conflict assessment)
- To develop a detailed mediation plan
- To educate parties about the mediation process
- To clarify that both parties are agreeable to mediation and committed to the mediation process (e.g. informal oral agreement, formal agreement, written contract)

Mediation Talk

This is a six step structure

1. Introduction and agreement of ground rules.
2. Hearing what has happened and summarising back. The mediator invites each person to say what they feel has been happen in their working relationship and will summarise it back.
3. Identifying the issues. The mediator will guide the discussion between parties so that the key issues are identified and clarified for each person.
4. Mutually understanding and communicating feelings. Feelings are allowed in mediation. As there are a lot of assumptions and misunderstandings, encouraging more direct communication and expression at this stage can be very helpful.
5. Brainstorming and win-win solutions. When people are ready the mediator will help them to start at looking at what agreement they can make. This is the stage of looking towards making decisions and changing behaviours.
6. Signing the agreement.

Post Mediation

- To review the agreement and to consider any necessary modifications.

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Please contact the UCS

- Get professional advice in dealing with conflicts and use the UCS if you need a Mediator to help solve a conflict.
- Ask for further information on conflict counselling or mediation.
- Attend workshops related to dealing with conflicts, or assertiveness (register online).
- Request specific training. The Counselling Service can develop conflict training specific to your area.

University Counselling Service

Email: counselling@curtin.edu.au

Phone: (08) 92667850

Fax: (08) 92663052

Website: <http://counselling.curtin.edu.au/>