

Conflict Resolution through Mediation

Conflict is part of human interaction. Mediation is a way to help people improve the quality of their communication when in the midst of conflict. Mediators help parties talk together, clarify issues, develop alternatives and make decisions. The process gives people an opportunity to become more open to another perspective and gain personal understanding.

Mediation is a voluntary, non-binding process for resolving disputes in which a third person from within the University, trained in mediation techniques, helps the disputing parties negotiate a mutually agreeable settlement. The mediator guides both parties through the process by helping them develop possible solutions to their conflict. The focus during this period is on the underlying interests and concerns of the individuals and not on petty issues. The process is designed around a win-win philosophy where both parties leave the situation feeling as though they have not lost. According to the American Society for Arbitration, mediation has an 85% settlement rate.

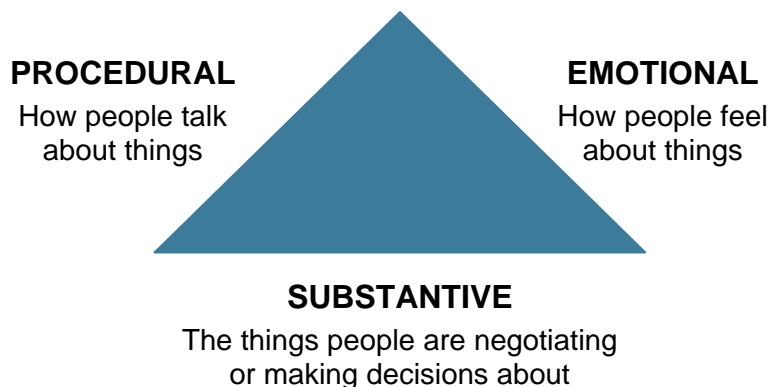
Fundamental Concept

A fundamental concept of mediation is that it is in everyone's best interest to talk out conflicts rather than fight them out. Mediation is unique in that it encourages principals to deal directly with each other, to treat the dispute as a mutual problem to be solved, to explore multiple options for resolution, to treat each other and their separate issues with respect, and to focus on what they will do in the future rather than on what has happened in the past. The mediator is not a decision-maker or an expert advisor who will render an opinion. Instead the mediator facilitates the discussion between the parties, enabling them to find their own, mutually acceptable solutions.

A grievances procedure usually asks the question: "Who is most at fault and how much should he lose?" Mediation asks a different type of question: "What needs to be done to improve our working relationship or to correct the work environment?"

The Satisfaction Triangle

Whatever the solution, effective conflict resolution meets the needs and interests of the people involved in three important respects:



Procedural Needs/Interests are about people having an opportunity to participate and about having confidence in the information and proceedings involved in a negotiation. How are decisions made? Even when people cannot “get what they want,” understanding how and why the decision was reached, believing that it was fair, and that there was a way for them to present their side of the story, produces satisfaction in the final outcome.*

Emotional Needs/Interests are about the personal and emotional aspects people bring to the negotiation. Was I heard? Was I treated with respect? Everyone needs to feel listened to, respected, and safe. If in the process of looking at the problem, people feel threatened or discounted, they are less likely to accept the decisions.*

Substantive Needs/Interests are about the material things and issues people are negotiating. What are the answers, solutions, or decisions that are made? In a conflict or dispute, everyone wants to “get” something, and believes that others are standing in the way.*

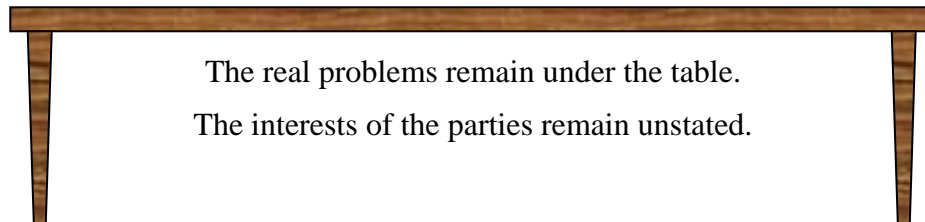
(* Based on Susan Shearhouse, Frameworks for Agreement, 1993)

The Mediator’s Approach

The mediator usually intervenes in a dispute where the parties have assumed an adversarial approach to dealing with the conflict. In mediation, the mediator assists the parties in their negotiations by shifting them from an adversarial approach to a problem-solving, interest based approach.

Adversarial Approach

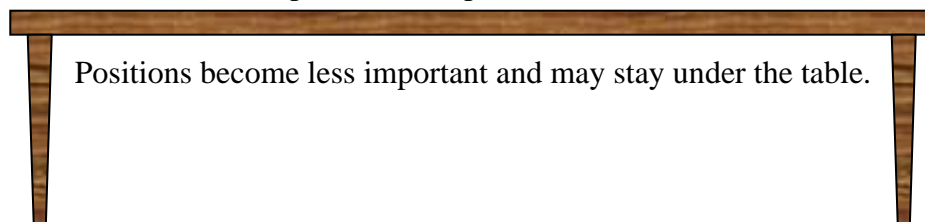
Positions are placed on the table.



The Problem-Solving Approach

Interests of the parties are stated and become the focus of the discussion.

The problems are placed on the table.



Why Mediate?

- Relationships are strained but must continue.
- Miscommunication is apparent and a skilled neutral person would facilitate communications.
- The presence of a third party would change the dynamics.
- The parties may be willing to settle or re-evaluate their positions.
- Confidentiality is important.
- Parties are interested in retaining control of outcome.
- Time factors may be a consideration.

*Agreements end conflicts...
relationships enforce agreements.*
– Janice Loue

Benefits of Mediation

There are many positive aspects of mediation. Mediation encourages employees to solve their own problems before formally filing a complaint (internal/external). It identifies causes of problems and helps parties understand how to work in the environment. In some cases it prevents grievances. Mediation ensures a fair process for both parties. It is also a confidential process. It also helps both parties set goals on how to uphold their settlement agreement together.

Mediation at Lehigh

Mediation will provide yet another alternative to Lehigh employees when there is a need to solve a workplace problem. The first step to trying to resolve conflict is to talk to the other party involved in the conflict. This is part of the informal problem solving process. If the first step does not work, one or both parties may consult with another person, either a supervisor, a Human Resources representative, or another trusted friend.

Mediation will provide another level of informal problem resolution before pursuing the *Formal Problem Solving Process*, the *Harassment Policy*, or before filing an external administrative complaint or consulting an attorney. Mediation is always a voluntary process. Either party can walk away at any time for any reason. The process is as formal or as informal as the parties want it to be.

Participating in a mediation effort is perceived as a sign of maturity, intelligence, and strength.