

Basic Mediation Training

Introduction: The following student learning objectives establish a standard body of skills and knowledge which will provide participants an introduction to basic mediation. They provide a basis for typical 40 hour basic mediation training and are not intended to limit or restrict additional learning objectives that trainers or Dispute Resolution Organizations find appropriate. Mastery of these skills is achieved by completing a mediation practicum program.

Course Objective: Upon completion of the course the participant will demonstrate the ability to conduct a complete mock mediation, employing the skills, strategies, and processes outlined below.

Pre-Mediation

1. The participants are familiar with the intake process, screening criteria and determination of the appropriateness of the dispute for mediation.
2. The participants are aware of the additional skills, knowledge, and training needed for effective intake.
3. When co-mediating the participant can identify and share appropriate information with their co-mediator.
4. Participants understand and can adjust the physical attributes of the mediation setting to promote effective dialog (location of parties, mediators, observers, white boards, etc.)

Mediator Opening Statement

1. Participants will understand and explain mediator opening statements and agreements to mediate relevant to their Dispute Resolution Center or organization.
2. Participants will be aware of which issues are not protected by confidentiality and how exceptions to confidentiality should be handled in accordance with their Dispute Resolution Center or organization.
3. Participants will be able to explain both confidentiality and privilege and the exceptions.
4. Participants with mandatory reporting requirements understand how their obligations will be met in accord with their Dispute Resolution Center or organization.

Client Opening Statement (listening skills)

1. Participants will equitably conduct the client opening statement process in which they listen to each party's opening statement, accurately and impartially summarize the content, relevant emotion, and underlying interests.

2. Participants will understand the fundamental role of feedback in assuring and conveying effective listening.
3. Participants will be able to analyze obstacles to communication and to apply strategies to improve parties' ability to communicate.
4. Participants will demonstrate active listening and attending behaviors while listening to parties and taking notes.
5. Participants will appropriately summarize and reframe parties' statements in neutral language.

Exploration of Conflict (Exploration may be a separate step prior to agenda building. It will likely occur periodically as issues are clarified and negotiated.)

1. Participants will explore and analyze the issues of the conflict sufficiently to be able to summarize parties' positions, related feelings, and underlying interests.
2. Participants will appropriately use inquiry techniques (open ended and closed questions) to ascertain greater insight into the dynamics of the conflict and reveal underlying interests.

Agenda

1. Participant knows when and how to transition to agenda building.
2. Participants will assist parties in agreeing on an agenda which equitably reflects the issues of the conflict in neutral, non-positional, language.
3. Participants understand that issues related to establishing and determining the order of an agenda have strategic importance and are able to apply techniques to assist parties in determining how to proceed.

Negotiation

1. Participants will assist discussion of each issue, asking questions to identify common and varying interests, and assisting parties to craft proposals addressing the interests at the table.
2. Participants will understand negotiation theory including positions, interests, settlements, bottom lines, BATNAs, WATNAs, and the role of the third party neutral in assisting in a negotiation.
3. Participants will assist parties to identify interests and utilize the interests to improve the effectiveness of the negotiations.
4. Participants will understand how power imbalance can affect negotiation and will apply strategies to assure equitable representation of all parties' interests.
5. Participants will develop the capacity to address the dynamics of cultural constructs and patterns, gender identity, and other issues related to parties' identities

6. Participants will understand negotiations strategies related to limited resource distribution, future behavior, values, interests, identities, communication, and relationships.
7. Participants will respect the ethical standard of self-determination, and engage the parties to ensure that negotiations are party driven.

Written Agreement

1. Participants will understand and apply the essential elements of durable agreements (who?, what?, when?, where?, how?, what if?)..
2. Participants will demonstrate the ability to assist parties to develop durable written agreements characterized by clarity, balance, adherence to ethical standards and contingencies for potential difficulties.
3. Participants will assist parties to develop agreements that are perceived as sufficiently fair as to achieve voluntary compliance.
4. Participants will appropriately adjust the “level of agreement and enforceability” to reflect the needs of the parties (a spectrum from simply documenting the conversation to drafting enforceable contracts).
5. Participants will demonstrate appropriate use of reality testing in developing agreements.
6. Participants will be able to appropriately use written agreement forms provided by their Dispute Resolution Center or organization.

Caucus

1. Participants will understand the risks and benefits of caucuses in a mediation and appropriately determine when to use a caucus.
2. Participants will demonstrate techniques to make caucus productive such as building rapport, reality tests, role reversal, rehearsal and preparation for return to open session, coaching, identification of key issues, exploration of options, allowing for venting, developing alternatives for settlement, education regarding negotiation process, etc.
3. Participants will be able to inform parties of the process and confidentiality practices regarding caucus.
4. Participants will manage transition to and return from caucus appropriately preparing parties to resume the joint session.
5. Participants will understand and adjust interaction during caucus to assist parties while maintaining appropriate levels of impartiality.
6. Participants will assist the party not in caucus to engage in constructive activity while waiting.
7. Participants will distinguish between caucus and breaks and inform parties of how a caucus or break can be requested by either the mediation team or client.

General

1. Participants will have self knowledge of their conflict styles, history, and attitudes and how their personal experience may influence their aptitude for or approach to conflict resolution.
2. Participants will be able to perceive the conflict styles of others, and will be able to adjust their mediator interventions to work effectively with all conflict styles.
3. Participants will understand that communication is comprised of both verbal and non-verbal elements and will be able to identify how either of these can escalate or de-escalate conflict.
4. Participants will be able to help parties acknowledge the impact of their statements on the other parties, and clarify their intention in making these statements.
5. Participants will understand basic conflict theory including definitions of conflict and the relationship of conflict to emotions and interests.
6. Participants will understand that there is a continuum of conflict resolution methods, including negotiation, mediation, arbitration and litigation, and will understand the advantages and disadvantages of each.
7. Participants will understand ethical issues related to mediation, particularly as it relates to confidentiality, self-determination, and voluntary participation.
8. Participants will be familiar with the American Bar Association Model Standards of Conduct for Mediators, and the Washington Mediation Association Ethics and Standards of Practice, and Washington State Uniform Mediation Act.
9. Participants will be able to discern which issues in a conflict are negotiable and which are non-negotiable, and will have a sense of how to guide parties in discussing these issues.
10. Participants will appropriately manage the emotional climate to foster productive dialog.
11. Participants will appropriately manage anger through acknowledgement of underlying emotions.
12. Participants will be able to terminate or conclude the resolution process at an appropriate time and in an appropriate manner.