

# University of Alaska Fairbanks

## Mediation Process

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February 1 – 5, 2010  
8:00 am to 5:00 pm  
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Wood Center  
CD & EF

Tentative Schedule as follows:  
Monday – Friday

8:00 am	Welcome
	Session 1
	Session 2
	Session 3
Noon – 1 pm	Lunch hour
	Session 4
	Session 5
	Session 6
4:30 pm	Wrap Up

## LIST OF MEDIATORS

Lydia Anderson  
Earlina Bowden  
Tyrone Burkhead  
Christine Cooper  
Torie Foote  
Kellie Fritze  
Susan Gaudin  
Laura McCollough  
Yvonne McHenry  
Richard Miller  
Hild Peters  
Patti Picha  
Ana Richards  
Julie Shalvoy  
Julie Smith  
Juella Sparks  
Kayt Sunwood  
Bridget Thimsen

To get more information  
about this training or  
becoming a mediator, call:

Office of Equal Opportunity  
at 907-474-6600

To attend the training, contact  
your supervisor for a referral.  
Send the referral to Earlina  
Bowden at:

[eebowden@alaska.edu](mailto:eebowden@alaska.edu)

or

visit our website at  
[www.uaf.edu/oeo/](http://www.uaf.edu/oeo/)



FEB. 1-5, 2010  
**UAF AND  
MARES-DIXON  
&  
ASSOCIATES**



**THE MEDIATION  
PROCESS**

**A Comprehensive, Highly  
Interactive Mediation  
Training Program**

**YOU WILL LEARN**

- How to structure and facilitate the mediation process
- How to communicate effectively in a highly emotional or toxic atmosphere
- How to help parties present issues, concerns and proposals in ways that get results
- How to work with attorneys and other representatives in mediation
- How to resolve discrimination complaints
- How to avoid or move beyond impasse
- How to structure sound, realistic, mutually acceptable settlements
- How to manage power issues and ethical dilemmas
- How to sustain a viable, internal mediation program

**THE TRAINING TEAM**

Judy Mares-Dixon, M.A., former Partner of CDR Associates, has worked in the conflict resolution field since 1986 as a trainer, mediator, facilitator, consultant, coach, and dispute resolution systems designer in the United States, Canada, Germany, Hong Kong, Australia, and New Zealand. She delivered over 60 CDR Associates' internationally recognized mediation training programs offered in Boulder, Colorado from 1992-2004.

Judy mediates collective bargaining negotiations and a variety of public issues involving numerous stakeholders. She mediates interdepartmental and organizational conflicts, as well as sexual harassment complaints, ADA issues, discrimination complaints and employee grievances. She also mediates community and cross-cultural conflicts.

Several highly experienced Alaska-based mediators/trainers will serve as coaches, providing individualized guidance and feedback throughout each of the mediation simulations.

Certificate of Completion: You will receive a certificate that will serve as a permanent record that you have successfully completed this course.

# Mediation Frequently Asked Questions

## *What is Mediation?*

Mediation is an alternative to traditional grievance and litigation processes. It is confidential, usually voluntary and ensures that the outcome of the decision-making process remains in the hands of the parties. It provides an opportunity for the parties to discuss their issues, clear up misunderstandings, identify separate and mutual interests and find areas of agreement. The mediator provides a safe environment, the ability to frame the issues in constructive ways, and support for the development of a mutually acceptable solution. The purpose of mediation is to help people resolve or better manage their disputes with one another. It accomplishes this by helping parties reach agreements about what each will do differently in the future. The process is intended to tap the parties' wisdom, unlock creativity, bring about hope, loosen deadlocks and promote understanding, cooperation, and joint problem-solving.

## *What are the Benefits of Mediation?*

There are several benefits of mediation, they include:

- Mediation is generally perceived to be a fair and effective form of alternative dispute resolution.
- Mediation is a process which allows the parties to maintain greater control over the development of agreements.
- Compliance with agreements reached in mediation is often higher than with externally imposed decisions.
- Mediation is a confidential process, unless the parties mutually decide otherwise. In any event public disclosure of sensitive information is avoided.
- The process fosters understanding and cooperation often resulting in improved relationships.

## *Why do we need a Campus Mediation Services*

Campus mediation services are effective in addressing a broad range of conflicts – student vs. student disputes, supervisor-employee conflicts, discrimination complaints, faculty conflicts, inter and intra-departmental conflicts, campus construction problems, and disputes between members of the University and the local community.

There are a number of venues or situations where UAF could benefit from expanding and integrating mediation services on campus. The following examples are meant to be illustrative, not inclusive.

### Productive Work Place

- Retention & recruitment of valued faculty, staff & students
- Co-worker disputes including supervisor-supervisee

- “Return to Work” agreements for injured workers
- Inter- and intra-departmental conflicts
- Conduct complaints involving faculty, students, staff

Discrimination complaints (after careful screening)

- ADA
- EEO
- Hate/bias

Grievances

- Informal/early resolution when possible/appropriate
- Issues not eligible for resolution via formal grievance

Housing/residential life issues

- Roommate disputes

### **Who is an Effective Mediator?**

An effective mediator is able to embrace conflict and motivate parties to come to the table in attempt to resolve their dispute. An effective mediator is able to facilitate focused, thoughtful, creative, difficult discussions among disputing parties. He/she is a good listener and can frame issues in ways that enhance their negotiability as well as reframe toxic or negative statements such that disputants can respond constructively versus destructively.

An effective mediator is flexible, creative and open to a variety of viewpoints. The mediator must have the ability to not only embrace conflict, but, from time to time, help disputants to engage in conflict in a constructive manner prior to resolving the conflict.

Finally, an effective mediator has a solid understanding of the mediation process and is able to:

- Identify and separate interests from positions;
- Sequence issues and frame the discussion;
- Summarize key points and capture elements of agreements;
- Consider multiple solutions; and
- Encourage parties to come up with their own solutions that serve to resolve conflicts as opposed to regulate or manage those conflicts.

A good mediator is one who is perceived as fair and objective by both the potential users of the process as well as those who fund and promote the use of mediation.

### **What are the Myths of Mediation**

Some mediators are incurable romantics who sincerely believe mediation is "magic", "like fairy dust". They believe that mediation is all about peace and love. Alas! There is no quick fix for complex and intractable disputes. We are all familiar with the concept of “No pain, no gain”.

Mediation is not soft, it's challenging. There can be laughter, new or renewed relationships, new learning and even joy. Mediation is usually worth the effort, but it takes courage, strength and preparation to participate and to be successful. Mediation is not easy. It requires stamina on everybody's part. It also requires skills and strategy, not just presence and goodwill. It requires a strong belief in people and the belief that people have a solid sense of what they need and, provided the opportunity they will usually do what is "right".

Mediation is not "poor man's justice" some of the most challenging conflicts around the world have been solved through mediation.

### **What Training does a Mediator Need?**

Faculty and staff interested in joining the current roster of UAF mediators should complete a rigorous mediation training course which covers a host of critical areas that one must master in order to function as an effective mediator. Some of these topics include:

Interest-based negotiation	The mediation process
Conflict theory	Mediation theory
Applications of mediation	Communication skills for mediators
Power issues in mediation	Managing impasse in mediation
Managing prejudice in mediation	Raising conflict constructively
Mediating discrimination cases	Dealing with money issues in mediation
Ethical considerations for mediators	

### **Continuing Education for Mediators**

In addition to recruiting new mediators, it is imperative that practicing mediators stay abreast of the trends and best practices in the field. The national standard for continuing education for mediators, recommended by the Association of Conflict Resolution, (ACR), is ten hours of education per year. Continuing education topics might include:

- Multi-party mediation
- Managing difficult dynamics in mediation
- Mediating intractable cases
- Substantive knowledge in relevant subject areas such EEO or labor relations.

UAF's Director of EEO is a professionally trained mediator who has mentored and supervised internal mediators. As UAF's mediation program grows, it will be critical to establish a formal process for assisting each mediator to prepare and debrief each case so that he/she will have the opportunity to continually learn new skills while further developing successful strategies.