# PRE - COURSE QUIZ

Participant’s Name: Date Completed:

Before you enter a new learning journey it is valuable to assess what you already know about the topics to be covered. Take a moment before the course begins to fill in your responses.

At the end of the course, review your answers to gain an understanding of how far you have come and how your perspectives have shifted. You will not be graded on this quiz.

1. **What factors influence an individual’s self-awareness?**
2. **Name several personal factors that you believe influence how individuals communicate with each other.**
3. **List several reasons why a mediation process can be helpful to persons in dispute.**
4. **What steps might be important to help individuals increase their understanding of each other during mediation?**
5. **What listening and speaking skills would be useful to help individuals increase their understanding of each other?**
6. **What matters would be important to clarify or discuss with individuals as they begin mediation?**
7. **What would you consider to be important for the roles and responsibilities of a mediator working with an Interest-Based approach to Mediation?**
8. **Please add any other comments to explain your overall understanding of Mediation and expectations for this Course?**

**SESSION 1**

# ACTIVITY 1 - COMMUNITY COMMITMENTS COMPASS POINTS

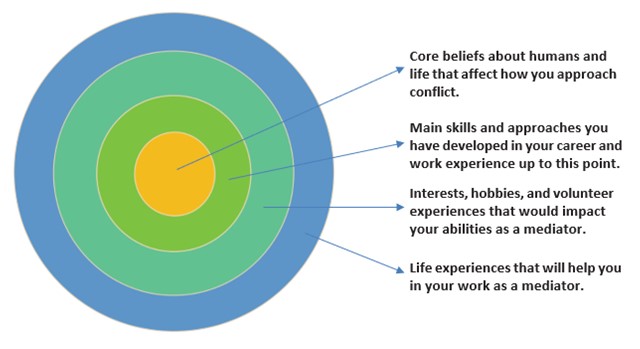
Complete the below table to explain your interest in this workshop.

|  |  |
| --- | --- |
| **NEEDS**  **What do you need, from yourself and others, to make this a positive experience for you?**  **1.**  **2.**  **3.**  **4.**  **…** | **EXCITEMENTS**  **What are you excited about in the course ahead? 1.**  **2.**  **3.**  **4.**  **…** |
| **WORRIES**  **What worries or concerns do you have? 1.**  **2.**  **3.**  **4.**  **…** | **STANCE**  **Why do you think it’s worth it to learn how to do this? 1.**  **2.**  **3.**  **4.**  **…** |

3

# ACTIVITY 2 - BACKGROUND KNOWLEDGE AND SKILLS INVENTORY

Self-reflection and the development of your personal constellation of theories and experience – Write your experiences in the space in the circles. Be prepared to share in class.



Core Beliefs:

Main skills

Interests, hobbies, etc,

Life Experiences

# ACTIVITY 3 - CONFLICT STORIES

Think of a conflict that you have been in or that you know well (can have happened anywhere). Follow the prompts below to sketch out the conflict story. Be prepared to share your story in small groups.

What happened?

Who was involved (what relationships or roles)?

5

What were some assumptions that each party in the conflict made?

Pretend that the conflict was to be discussed at a community association meeting or staff meeting. What should the agenda look like (try to word the discussion items so that no one involved would get upset by reading the agenda)?

|  |  |  |
| --- | --- | --- |
|  | **Discussion Item** | **Purpose of Discussion** |
| **1.** |  |  |
| **2.** |  |  |
| **3.** |  |  |

Look at the list of common interests below. Pick three things from the list, related to the conflict, that are very important to each person.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Character** | **Important Thing 1** | **Important Thing 2** | **Important Thing 3** |
| **1.** |  |  |  |  |
| **2.** |  |  |  |  |
| **3.** |  |  |  |  |

### List of Common Interests

Acceptance Accountability Achievement Acknowledgment Adventure Affection Appreciation Authority Autonomy Belonging

Beauty Being Heard Celebration Clarity

Commitment Communication Competency Connection

Contribution Control Creativity Efficiency Empathy Equality Excitement Experience Expertise Fairness

Financial Security Freedom Fulfillment

Fun Health Honesty Inclusion

Imagination

Independence Input Integration Intimacy Knowledge Learning Listening

Love Motivation Nurturance Opportunity Organization Originality Peace of Mind Privacy Profitability Recognition Relaxation

Respect Responsibility Safety Satisfaction Security

Self-Assurance Sense of Order Sensitivity Sharing Standards Strength Support Teamwork Time

Trust Understanding Unity Validation

# ACTIVITY 4 - CO-WORKER CONFLICT – POSITIONS, ISSUES, & INTERESTS

Read through the below scenario and please complete the tables following.

You work in an office that is overworked and understaffed, with the demands on your time continually increasing. You have spoken to your supervisor, Suzanne, requesting more office workers. Several weeks later, you receive an e-mail from Suzanne stating that a new college intern, Adrienne, is being taken on to help you with office management issues. Relieved, you immediately pass on backed-up projects and paper to Adrienne.

After a month, you find Adrienne is falling behind in some of the key assignments you gave her, and after approaching her you realize her time is primarily being spent with phone calls and helping Terry, another office worker. Terry’s workload is lighter than yours, and you are frustrated that he monopolizes Adrienne’s time.

Frustrations grow after you send a sensitive e-mail to Terry explaining your schedule and requesting him to back off on the workload he gives to Adrienne. During the next monthly staff meeting, Terry completely ignores you and at one point in the meeting makes an offhand suggestion that “some staff who are having problems with being overworked should receive time management training.”

In talking with other staff in the office, you decide you need to approach Terry face-to-face with your challenges. After setting up two meetings, both of which Terry has missed due to “something” coming up at the last minute, you are feeling unsure of how to proceed. However, you are even more frustrated as just days before you were going to talk to Terry, you receive an e-mail from a co-worker telling you that Terry is bad mouthing you in the staff room saying you are overstressed and disorganized. Though angry, you want to approach the situation constructively. 1

Positions:

|  |  |
| --- | --- |
| **YOURS** | **TERRY’S** |
|  |  |

1. **This scenario has been reproduced with permission from the ACHIEVE Centre for Leadership, Conflict Resolution Skills Manual. For more information about the ACHIEVE Centre for Leadership, please visit** [**https://achievecentre.com/**](https://achievecentre.com/)**.**

Issues: Yes, No, Close but not quite!

(Answer yes (y) or no (n) or close but not quite (c) to the question: “Is this an issue?” and explain why.

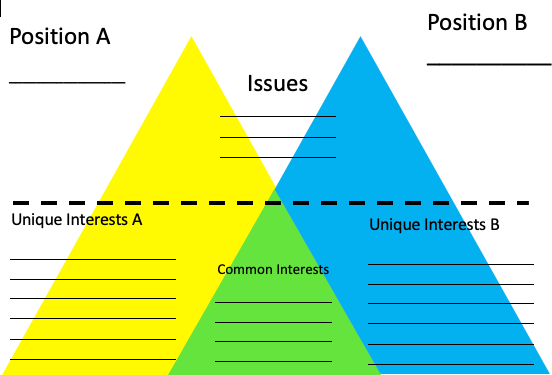
|  |  |  |
| --- | --- | --- |
| **Item** | **y/n/c** | **Why (not)?** |
| **Delegating work** |  |  |
| **Adrienne’s work responsibilities** |  |  |
| **Time management** |  |  |
| **High workload** |  |  |
| **Staffing** |  |  |
| **Roles and responsibilities** |  |  |
| **Respect** |  |  |
| **Communication** |  |  |
| **Work Relationship** |  |  |

Hunch the Interests

|  |  |
| --- | --- |
| **You** | **Terry** |
|  |  |
|  |  |
|  |  |
|  |  |

# ACTIVITY 5 - GRAPHIC ORGANIZER

Reflect on your conflict story in Activity 3. Complete the following graphic organizer to reflect the positions, issues and interests from the conflict.



**SESSION 2**

**ACTIVITY 6** **- HOW TO USE SCARF**

**SCARF**

**S**tanding/Status **C**ertainty **A**utonomy **R**elatedness **F**airness

SCARF is a tool to understand deeper human needs. When SCARF conditions are present for all, conflict is low.

When SCARF conditions are threatened for one or more people/parties, conflict escalates.

Reflect upon the co-worker conflict case scenario described in ACTIVITY 4 above and identify one or more threatened SCARF conditions for each party.

How can SCARF help us to better understand and mediate conflict escalation?

Reflect on how SCARF conditions may have been threatened in your own conflict story.

# ACTIVITY 7 - MANAGING STRONG EMOTIONS

Practice strong emotion scenarios using the scenarios described below and reply with the Empathy, Attention, and Respect (EAR)2 de-escalation sequence.

**EAR**

**E**mpathy **A**ttention **R**espect

Learners may practice using the following examples:

* 1. **TRANSFER OF HEALTH SERVICES TO NATIVE BAND**

The band representative says:

“You Canadians took everything from us and now do not care about our safety!”

* 1. **PARENT-RUN DAYCARE**

The irate parent screams:

“McBurgers is an evil company!”

* 1. **SUPERVISOR AND EMPLOYEE JOB PERFORMANCE**

Employee says to the supervisor:

“You do not care at all about my health!”

* 1. **CAR REPAIR**

Chris says emphatically to Pat:

“You got what you paid for!”

* 1. **COMPETING BUSINESSES**

The Options representative says:

“Without any contract, this is all a waste of my time; I may as well go home!”

* 1. **BOARD AND STAFF**

The staff representative yells:

“This ED is a cold hearted dictator!”

1. **Bill Eddy, High Conflict People in Legal Disputes, (2d edn, Unhooked Books 2016)**

# ACTIVITY 8 - REFRAMING SCENARIOS

Identify the REFRAME. Review the scenarios below and reword negative concerns or fears into positive hopes or needs while changing the focus of each statement from past to future:

## TRANSFER OF HEALTH SERVICES TO NATIVE BAND

Part of the transfer of health services involves the transfer of equipment for medical use. There is an emergency vehicle that is part of the inventory. It is 11 years old and is in bad shape. Repairs would be costly in the band representative’s opinion, and not a very good investment. The government is about to have the vehicle repaired. The band representative and a federal negotiator are discussing the equipment transfer and this vehicle comes up in the discussion. The band representative wants a new one purchased prior to transfer and the negotiator has assumed that repairs would be done to the vehicle.

REFRAME:

## PARENT-RUN DAYCARE

You run a day care for 3-5 year olds that has a parent-run volunteer board. The staff and parents are quite friendly and relations are generally good.

You are always looking for events and activities that the children might enjoy for an outing. The latest trip being proposed is to McBurgers, which provides a tour of the facility and then free lunch for the kids. You have sent home permission slips to parents for this trip.

The next morning an irate parent bursts into your office, unannounced, to tell you what s/he thinks of this trip. His/her child is quite excited about the trip, but the parent wants you to cancel it. S/he is

outraged that you would even consider such a trip. Everything about McBurgers is appalling to him; S/ he never feeds their children food from this place, and would never want them to work there, either. He

claims the daycare staff should have known better, and that you should have understood the values of the parents on these kinds of issues. S/he is threatening to take his/her child out of the daycare unless you do something.

No other parent has complained, and the children are all talking about the trip, which is to happen tomorrow. You have already arranged for the rental of a van to take them. You don’t find anything particularly offensive about the place, and think the parent’s attitude is rather elitist.

REFRAME:

## SUPERVISOR AND EMPLOYEE JOB PERFORMANCE

An employee and his staff supervisor are having a meeting to discuss the job performance of the employee. D., the employee, has been off work quite a bit in the last year due to illness. The fatigue and flu-like symptoms seem to come and go without warning, leaving much of D’s work for others to do

on the spot. The supervisor has tried a number of short-term solutions, including taking on temporary people to fill in, and getting other staff to cover. You have both attempted to figure out ways to plan for emergencies, but work is often of low quality and too many errors are apparent.

D has also become quite withdrawn around the office, and others are starting to resent having to fill in, although no one has brought it up with D because of his illness. The supervisor feels that things have to come to a head, the organization is suffering and something must be done.

REFRAME:

## CAR REPAIR

Pat has been coming to the same garage for years. Recently, his/her car broke down at a time when s/ he could not afford a costly bill. S/he asked his/her favourite mechanic, Chris, to do “the cheapest job possible”. When Pat went to pick up the car, the bill came to over $500, which Pat thought a little high, but paid without saying anything.

Three weeks later, Pat’s car broke down again, this time stranding him/her on a freeway and requiring an expensive towing bill. The problem was related to the first job, and seemed to indicate to Pat that the

repair job was not done properly. Pat had his/her car towed to Chris’ shop and would now like him/her to repair the car without charge, as well as paying the towing bill.

Chris’ position is that Pat asked for the cheap job and s/he can’t guarantee results. Chris’ told Pat at the time of the repair that a proper job would’ve cost twice what s/he paid. Chris didn’t really want to do the job on the cheap, but went ahead as a favour to Pat, even putting in more labour than s/he charged for.

Pat feels strongly that any job would have a 30-day guarantee.

REFRAME:

## COMPETING BUSINESSES

Two theatre companies are located within four blocks of each other, in the downtown area of a city. The style of one, Access Theatre, has been comedies and other “popular” theatre venues. The other, Options Theatre, has for years concentrated on avant-garde theatre. The two companies have had friendly relations, as they drew very different crowds.

Over the past year, Options has been experiencing declining audiences, while lighter and more traditional or familiar pieces seem to be drawing crowds. Options has decided to change their scheduling, to include more shows geared toward the mass audience, with only one or two productions per year of avant-garde. For them, it’s a matter of survival.

Access has gotten wind of this change and has requested a meeting. It is their contention that Options is violating an informal agreement not to tread on each other’s turf. Options has plans to be as sensitive as possible, but feels they have no choice.

REFRAME:

## BOARD AND STAFF

The staff of a non-profit agency has proposed a grievance policy which reflects their desire to be involved in resolving grievances. In their proposal, grievances would be handled by a staff representative, who would be selected by the collective of ten. Failing resolution at that level, staff would propose bringing in an outside third-party to assist, and finally, the matter could be taken to the board. The board has proposed a policy whereby grievances would be handled by the executive director, and failing resolution at that level, would go to the board.

Staff does not support the idea of the executive Director being automatically “given” that power; they think a decision of the collective might result in someone better equipped with “people skills” to handle a particular problem. The staff see the executive director as more business and less people-oriented, as s/he has tended, in the past, to categorize some grievances or conflicts as “petty.” The board has faith in the executive director, and is concerned about what they see from staff as a growing desire to cut the

executive director out of many decisions. A staff representative and the board president are meeting to go over the two proposals.

REFRAME:

**SESSION 3**

# ACTIVITY 9 - CULTURAL RESPONSIVENESS IN MEDIATION

Reflect on the 4As strategy as you read the below excerpt from the course manual, “Mediator Competency: Cultural Responsiveness”:

### Mediator Competency: Cultural Responsiveness

People are diverse. Each person has a cultural lens through which they perceive, interpret, and respond to self, others, life, and learning. This lens is shaped by life experiences as well as the social and historical construction of facets of identity such as gender, sexual orientation, race, neurodiversity, class, language, ethnicity, religion, age, and physical ability.

As a result of these factors and the value assigned to each, every person has experienced and continues to experience different combinations of advantages and disadvantages, opportunities and barriers, privilege and marginalization.

In different contexts, these facets of a person’s identity intersect, influencing how they position themselves and one another in social groups. These facets of identity also affect the extent to which an individual or group experiences cultural continuity or discomfort in a given context, including a mediation.

Our goal as mediators is to create conditions of cultural continuity for all participants, in particular those who have experienced and continue to experience trauma, marginalization, and inequities.

*As you read* this excerpt take note of each of the following:

1. **Something you agree with, and why**
2. **Something you would argue against, and why**
3. **Something you aspire to, and why**

In class you will be asked to share your thinking in small group.

**SESSION 4**

# ACTIVITY 10 - PRE-MEDIATION MEETINGS (ROLEPLAYS) (60 MIN)

The purpose of this practice opportunity is to expose learners to the opportunity to ‘try out’ a pre- mediation meeting with a client. It is not intended to be a precursor for a role-play in the course.

List of necessary items to discuss with participants

* Describe the mediation process
* Describe your role as mediator
* Talk about confidentiality
* Make sure they have knowledge of the issues and authority to settle or find someone who does
* Find out who all needs to be involved in the mediation
* Discuss how other people may be affected by the outcome of mediation
* Talk about the role of lawyers or other supports
* Explain “without prejudice”
* Manage necessary information gathering and sharing
* Determine if there is a need for outside experts
* Discuss the guidelines for the conversation
* Explain about caucusing
* Go through the Agreement to Mediate

Learners have to cover a list of topics in a relatively short period of time, the expectation isn’t to go deeply into the conflict situation or to cover all items in the Pre-mediation meeting checklist (see list of necessary items to discuss with participants above). Instead, the idea is to cover some of the topics on their checklist and to spend some time on relationship building.

1. **You will be working in pairs. Each person will be a mediator in one of the rounds and the client in the other round.**
2. **The mediator has 25 minutes to:**
   1. **Review at least 3 items on the pre-mediation checklist with the participant,**
   2. **Solicit at least some information about the situation, and**
   3. **Start building a trust relationship with the client.**

### Scenario for Mediator A

Mediator information

This is your first meeting with Alex regarding a family mediation.

Role-player Information

You are Alex. You and your sibling own a house together. You bought the house when you were both in University and you have been living together for 10 years. You are recently engaged and you would like live with your partner. You would like to continue living in the house and buy out your sibling and your sibling wants to continue living in the house and buy you out. You would like to work things out amicably with your sibling but things are getting quite tense and now the extended family are taking sides.

### Scenario for Mediator B

Mediator information

This is your first meeting with Bobby regarding a civil mediation.

Role-player Information

You are Bobby. Your customer, Rosie, is refusing to pay a bill for a construction project on a house she bought to rent out. You have done work for Rosie before and would like to continue the relationship; however, the bill is in excess of $25,000 and you need to get paid so you can pay your suppliers and contractors. You are thinking about putting a lien on the property.

**SESSION 6**

# ACTIVITY 11 - CONTINUING A MEDIATION

Prepare short responses to the following questions:

1. **What are some of the issues that may arise when continuing a mediation?**
2. **What do parties need to know about continuing the mediation on a different day?**
3. **How to manage such a situation?**
4. **How to keep the momentum going?**
5. **What are some of the administrative issues to deal with?**

**SESSION 10**

As Mediators, we all understand the importance that ethics plays before, during and after mediation. Although this is an important topic for Mediators, the National Introductory Mediation Course cannot devote as much time as the topic needs.

Learners are encouraged to seek other learning opportunities through their regional affiliations to address this topic.

# ACTIVITY 12 – ETHICS DISCCUSSION

Read the documents below found online and in the Professional Mediation and Ethical Practice sections of the Manual:

1. **a document from the Washington University Journal of Law & Policy titled, “Ethical Challenges for Mediators around the Globe: An Australian Perspective” <**[**https://papers.ssrn.com/sol3/papers.**](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2922913)[**cfm?abstract\_id=2922913**](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2922913)**> accessed 22 June 2022. Excerpts of the article are attached as Annex A.**
2. **The ADR Institute of Canada “Code of Conduct”**
3. **The ADR Institute of Canada “Code of Ethics”**

Reflect while reading:

1. **What are the similarities/ differences between the ADRIC Code of Conduct & Ethics and the Standards in the Washington University Journal?**
2. **How would these similarities/ differences affect:**
   1. **A client?**
   2. **A mediator?**

Read Section IV. MEDIATORS’ RESPONSES TO THE SCENARIO, in the Washington University Journal attached as Annex A, including The Scenario, BACKGROUND, THE MEDIATION and the mediators’ responses and reflect on the following:

1. **How would you respond if you were the mediator?**
2. **What values or biases emerge as you read Scenario A?**
3. **Could any of their responses be a breach to the Mediators’ ethical responsibilities?**

Be prepared to discuss in class.