

# IS MEDIATION RIGHT FOR ME?

**A guide to the mediation process.**





### THE GOAL OF MEDIATION

Mediation is a conflict management tool used to assist individuals who are engaged in a dispute to move forward in a collaborative way. The nature of conflict is that it does not go away without active work. Mediation is one way to assist.

Mediation helps people resolve or better manage disputes by developing agreements to help both parties move forward using mutually agreeable solutions.

### THE ROLE OF THE MEDIATOR

Mediators play a neutral role as they help you resolve or better manage your dispute. They do not take sides with either party. Their job is to assist you to understand one another and develop agreement. To do this, they establish mediation guidelines for communication and ask great questions! They will help you identify the issue (s) in need of resolution as well as explore the interests (what is important ) of each party. Once issues and interests are identified, they will encourage you to brainstorm solutions. After the mediation, they will write drafts of agreements and, after gaining your approval, give them to you to sign, date, and exchange.

### WHAT IS MEDIATION NOT?

Mediation is not debating. It does not require you to prove that you are right and the other person is wrong or convince them to give up what they think is important. Unlike debating, mediation is not intended to have a “win-lose” outcome. In fact, it is often the failure of “debating” that leads people to seek the help of mediators! Mediation is not capable of changing anyone's personality or values. Unlike the justice system, the mediation process is not intended to find fault, assign blame, or punish anyone.

Finally, mediation is not something people are likely to do successfully if they are mandated to participate in it against their will. It needs to be voluntary.

### WHAT DON'T MEDIATORS DO?

Mediators do not:

- make decisions for you and/or the other person about how your dispute will be resolved.
- talk with others without your permission about how the mediation went.
- determine who is “right” or “wrong.” There is no value in trying to persuade the mediator of the “merits of your case.”

### MOVING FROM WIN-LOSE TO AN ALL-WIN OUTCOME

Mediation is a different way of working through problems that many of us are not used to. Through media, sports and culture we have been acclimatized to address conflict with a win-lose mentality. Mediation seeks to achieve a win-win outcome for both parties. The key to a win-win outcome is understanding the positions and the interests of each person involved.

**Positions** are perceived fixed solutions to a problem. A position is typically a stance taken by the person who raises the dispute or takes issue with something.

**Interests** are what is important to each person involved in the dispute. Positions are based on interests. Interests show us the deeper reasons for the dispute as well as why those issues are important to them.

# THE FIVE STEPS OF MEDIATION

1

## **Preparation: ENGAGEMENT PHONE CALL**

We start with a phone call with each party to listen to your questions, explain the mediation process and determine if you would like to move forward.

2

## **Preparation: EXPLORATION PHONE CALL**

During our second call we do a lot of listening. We will ask questions to try to understand the problem and what is important to you.

3

## **Mediation: ISSUE and GUIDELINES**

We will identify the key Issue the group wants to work through and come together to discuss. We will establish Meeting Guidelines in order to ensure respectful and productive dialogue.

4

## **Mediation: OPTIONS and POSSIBILITIES**

This conversation starts with identification of common interests for all parties. Next, creativity is key in considering which options will serve the interests of each party.

5

## **Mediation: AGREEMENT**

Identification of which options can be agreed upon and put into a plan. The steps in the plan will be clearly defined in plain language with concrete timelines attached.

## NOW WHAT FACILITATION

Our team of facilitators have extensive expertise and experience in the field of conflict management, instructional practice and meeting facilitation.

Working in the field of conflict management for over 20 years, our involvement spans the public, private and not-for-profit sectors. Our clients include sports associations (coaches, administrators, volunteers, and team members), educators, lawyers, health professionals, psychologists, social workers, families and more.

Using group workshops, strategic planning, team interventions, individual coaching and policy review - we will help you and your team overcome the unique obstacles that distract you. Our services support growth, productivity, and retention.

### **Facilitators:**

#### **Nadia Kyba, MSW, RSW President, Now What Facilitation**

Nadia has worked in the field of Alternative Dispute Resolution for 25 years. Within the Provincial Child Welfare system, Nadia worked as a social worker, team leader, collaborative practice facilitator and practice consultant. Nadia has extensive experience facilitating dispute resolution for a wide variety of cultural groups including extensive work with Indigenous communities.

Nadia's passion for training and conflict management led her to design and facilitate workshops for business and sports associations to address individual and group conflict. She is a regular instructor with the Justice Institute of British Columbia where she trains social workers in foundational skills such as conflict management and forensic interviewing. Nadia is an Adjunct Professor at the University of British Columbia in the School of Social Work.

Nadia believes that involvement in organized sport can have a significant impact in the lives of children and adults. Nadia is the Safeguarding Liaison at viaSport BC. She is also a named Expert with the US Anti-Doping Agency's True Sport Program where she provides speaking engagements, interviews, resource development, articles and video resources to support National level Coach and Athlete development in the United States. Her work has been featured by USA Basketball, USA Water Polo, USA Swimming, USA Figure Skating and USA Lacrosse.

**Please visit <https://www.nowwhatfacilitation.com/our-team> to view a full list of our training team.**