

# Mediation

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## Purpose:

To provide a high level overview of the process and skills used in mediation and can be used by leaders in sport.

# Agenda

1. What is Mediation
2. Mediation and other Dispute Mechanisms
3. Positions and Interests
4. Framing the Issue or Problem
5. Meeting Guidelines
6. The Meeting
7. Small Group Activity
8. Wrap Up and Questions

# What is Mediation?

Conflict

Mediation is a conflict management tool used to assist individuals who are engaged in a dispute to move forward in a collaborative way.



# Mediators and Facilitators...

- Are good listeners
- Are curious
- Ask open questions
- Challenge positions
- Think outside the box
- Establish and enforce Meeting Guidelines
- Call for breaks (caucus) when needed
- Don't take sides
- Don't insert their own perspectives
- Don't make decisions about how dispute will be resolved
- Don't determine who is "right" or "wrong"

# Arbitration

Parties voluntarily submit their dispute to the arbitrator, who is empowered to impose a binding solution.



# Moving from Positions to Interests

Create an all win.



An iceberg floating in the ocean. The small tip above the water is labeled 'positions' and the large submerged part is labeled 'interests'.

# **positions**

## Positions

Positions are perceived fixed solution to a problem. "It's my way or the Highway."

# **interests**



An iceberg floating in the ocean. The tip of the iceberg, which is visible above the water, is relatively small and jagged. The much larger, submerged part of the iceberg is visible below the water line, showing a complex, textured structure. The water is a deep blue, and the sky is a clear, light blue.

# **positions**

# **interests**

## Interests

Interests are what is important to each person involved in the conflict.

# Types of Threats that Support Positions.

- **Personal:** When our sense of self is at stake.
- **Practical:** When something we care about, need to make our life function or want to achieve is at stake.
- **Relational:** When our sense of how people should interact in their roles is at stake.
- **Structural:** When our sense of the way systems are set up or functioning is at stake.



## **Positions:**

Andrea wants the windows up.  
Nadia wants the windows down.

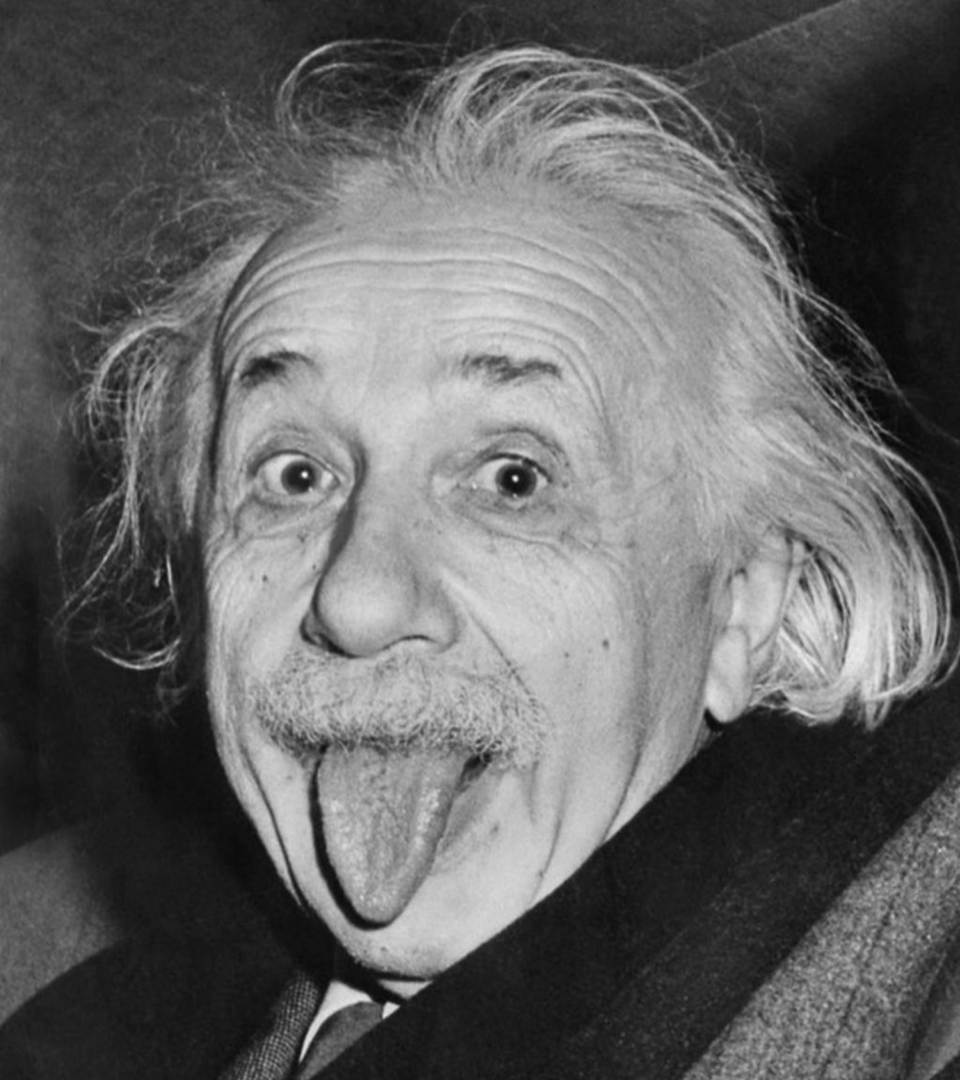
## **Interests:**

Andrea:

- Staying warm
- Having awesome hair
- Being comfortable on drive

Nadia:

- Is in menopause needs to stay cool
- Car stinks of tuna sandwich
- Being comfortable on drive



"If I had an hour to solve a problem **I'd spend 55 minutes thinking about the problem and five minutes thinking about solutions.**"

***-Albert Einstein***

# Framing the Issue

- Use positive language
- Use the 40-20-10-5 tool
- Ask stakeholders to frame the Issue
- Challenge assumptions
- Frame questions not statements
- Avoid all subjective language





# Framing the Issue



- **Our Board is toxic.**
  - *How can we make our board function more effectively?*
- **Decision making is biased.**
  - *How do we make decision making more transparent and understood?*
- **Our head coach breached our code of conduct.**
  - *What is our understanding of our code of conduct?*

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# Meeting Guidelines.

How will we be  
together?



# Sample Meeting Guidelines

1. Confidentiality
2. Listen to understand
3. Focus on the future
4. One person speaks at a time
5. No blaming or shaming
6. Give feedback, not criticism
7. Take a break if you need one
8. Phones away



# What to expect...



## **Prior to the Meeting...**

Facilitator meets with all parties involved  
explores positions, interests and issues.

Facilitator schedules a meeting.



## **At the meeting...**

Group Guidelines are established

Problem is neutrally framed as an issue

Interests are explored & common Interests  
are highlighted

All options and possibilities are considered

A Plan or Agreement is created

# Your Turn!

In your breakout room:

1. Read the scenario provided.
2. Create a white board and draw an iceberg.
3. Frame the Issue or problem
4. List the positions of both parties
5. List the possible interests of both parties
6. List options/ideas
7. Develop an agreement





**Relationships are  
built over 100  
cups of tea..**

- Cassidy Caron, who led the Métis delegation in Rome as Métis National Council president



Questions

# Contact

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