Transformative activity description

ACTIVITY FOR 1st SESSION: (Mediators should move through the following

steps)

I. Introduction:

A. Beginning the Mediation Session

1. Introduction of the mediators (establish credibility) and parties

2. Gain commitment from parties to participate

3. Definition of mediation (informal, self-determination, collaboration, control, etc.)

in alignment with the transformative model

4. Educate parties about the mediation process; role of mediation and mediator’s

role

5. Uses a metaphor for describing what mediation is in transformative approach

6. Explain the benefits of mediation in terms transformative mediation

7. Develops rapport/credibility with the parties

8. Statement of impartiality and neutrality (avoids authoritative stance)

9. Description of the proposed mediation procedures

10. Explanation of the concept of the caucus (use the word separate session instead of

caucus)

11. Definition of the parameters of confidentiality (except where disclosure is

required by law-which involves child and adult abuse issues). Also, parties are

allowed to seek legal advice.

12. Description of logistics, scheduling and length of meetings (agenda)

13. Suggestions for behavioral guidelines or ground rules

14. Answers to questions posed by the parties

15. Securing a joint commitment to begin

16. Preview the session: what should parties expect will happen

Body Sections II-VI:

II. Accumulating Information

1. Invites parties speak and tell their stories

2. Allows emotions to be expressed and listened to during mediation

3. Demonstrates equal interest in parties

4. Summarizes and engages in reflective listening

5. Avoids being judgmental or presupposing what is best for parties

6. Allows parties to interact uninterrupted (follows parties not lead them)

7. Clarifies information and translates information back to parties

III. Developing Issues

1. Check in with parties on content and process

2. Ask parties if the session is working for them well

3. Focus on empowerment by

supporting

(and never

4. supplanting) each party’s voluntary efforts at

deliberation

and

decision-making

,

5. Encourages recognition among parties to achieve

6.

new understandings

of the

other’s perspective& own perspective

7. Allow parties to work through conflict through their interaction

8. Asks open-ended, explorative questions

9. Maintains neutrality

10. Follow parties and their own decisions about process

11. (responds to expressed priorities and needs of the parties)

12. Follow parties in terms of their content decisions: avoids

13. leading parties on new content

IV. Focus on Improving Interaction and Communication. (10 pts)

1. Encourages effective interaction among parties (ask what they would like to do or

see happen)

2. Encourages acknowledging and validating information from the parties

3. Freely allows parties to generate their ideas

4. Facilitates in uncovering issues / Helps parties see others’ issues

5. Encourage parties to engage in deliberation and choice making.

6. Allow parties to control topics, order & discussion.

7. Allow parties to talk rather than engaging in mediator talk

8. Engage in reflection, summary, and check-in regularly

9. Allows parties to guide conversation

10. Control your “own” emotion as mediator

11. Address parties as “you” instead of “we”

12. Continuously check direction and choices (Where do you feel comfortable going

next?)

13. Focus on the content and decisions made by parties

14. Avoids reframing, caucus, ground rules, and agenda unless desired by parties

15. Avoids presuppositions or assumptions about the parties

ACTIVITY for SECOND SESSION: (Mediators should move the parties through

the final stages of a mediation.)

V. Shifts

1. Promotes shifts of recognition among parties

2. Promotes shifts in empowerment among parties

3. Promotes shifts from facts and positions to parties interests

4. Maintains neutrality/impartiality when reflecting back the shifts that were

observed

5. Promotes shifts from ambiguity to clarity

6. Promotes shift from deconstructive conflict to constructive conflict

7. Promotes shift from weakness to strength in parties

8. Points out shifts and check-in for accuracy

VI. Closing the Session: (10 pts)

1. Reviews the agreement or conclusions by reflecting back parties ideas

(Accurately as possible)

2. Does a comprehensive overview and asks if all was discussed

3. Clarifies all outstanding issues by checking in

4. Respects the terms

5. Drafts a positive, clear, precise agreement terms with parties’ assistance

6. Never coerces parties

7. Reviews confidentiality of the session

8. Commends participants for their participation

9. Congratulates parties for their progress or settlement

10. Discusses future actions to be taken by asking parties their needs

The following behaviors should be encouraged throughout the entire mediation process:

DELIVERY (10 points)

1. Cultural sensitivity

2. Direct and shared eye-contact to both parties

3. Effective gesturing

4. Avoids reading or too much note taking

5. Effective vocalics: articulation, volume, rate, projection

6. Effective kinesics: posture, movement

7. Composure during emotional times

8. Uses appropriate humor

9. Establishes credibility

10. Maintains rapport with parties during the session

11. Expresses sincerity, confidence, and dynamism

12. Demonstrates appropriate facial expressions

13. Uses parties’ names (generally first name unless parties desire otherwise: need to

ask at the beginning of the session)

14. Effectively displays memory log of the session