

HOW DO I PREPARE FOR MY MEDIATION?

So you've asked for or been asked to participate in a mediation session because you've tried so many other strategies to resolve a dispute and they haven't helped. You may have different ideas from the person with whom you're in conflict about what's fueling the problems you're having; you might even have no idea why the other person has problems with you at all. You may be considering other options: transferring away from the other person, quitting your job, using disciplinary action, filing a grievance or discrimination complaint, or just putting up with it as best you can. After all, how different can mediation be from other discussions and arguments you've had when the same people are involved, talking about the same issues?

The mediators who will be working with you can help to guide the discussion and help you manage or resolve problems more effectively by setting ground rules, slowing down the conversation, asking questions and clarifying those things each person finds most important. Having mediators in the room cannot by itself guarantee that you will be able to reach a successful outcome. Much of what determines the success of the mediation process will come from you and from the person with whom you're mediating.

What mediation is for:

- Helping people in a dispute communicate with one another and better understand one another's viewpoints
- Providing a neutral, confidential forum for participants to express their viewpoints, needs and expectations openly and honestly
- Assisting in defining the issues that are important to all the participants
- Helping people to resolve or better manage disputes by reaching agreements about what they will do differently in the future

What mediation is NOT for:

- Changing people's personalities, beliefs or values
- Debating who is right and who is wrong
- Determining a winner and a loser on the "merits of the case"
- Finding fault, assigning blame, and determining punishment/restitution
- Having someone make decisions for you about how your dispute will be resolved
- Gathering information to use against another participant in a different proceeding

So what can you do as a participant to give your mediation the best chance to succeed?

- Change how you talk about the issues that brought you to mediation: When the other participant is talking, ***really listen***. See if you can hear their interests, expectations, values and interpretations of events and information. Wait before responding, instead of jumping to defend yourself. Be honest ***and*** tactful; it's more likely to get you the cooperation you need to reach agreement.
- Try to understand the other person's point of view, even if you don't agree with it: How would you answer these questions about the dispute that brought you to mediation?
 1. How does the other person feel about the conflict?
 2. How would he/she define the problem(s) that need to be resolved?
 3. How would he/she describe my behavior during this dispute?
 4. How has my behavior affected him/her?
 5. What are the most important issues to him/her?

If you don't know the answers, try to find out. That doesn't mean you have to agree with them or give up on things that are important to you. It just means you may get useful and helpful information from it that will help you interact with this person going forward.

- Use "I" statements and open ended questions: Remember, mediation is not about determining who's right and who's wrong. By saying things like, "I don't remember it that way. What I remember is..." or "I didn't like it that you called me four different times to ask me when I was going to be finished with the project. I felt rushed and anxious, and I couldn't concentrate", you allow the other person to save face and make it less likely they will argue with you, because you're just expressing how *you felt*. Now imagine the response from the other person if you said, "You're a liar!! How are you going to sit there and lie like that?" or "You just keep harassing me all the time, so I can't do my work."
- Agree to confidentiality: While your mediators are required to keep information you share with them confidential (with a few rare exceptions), confidentiality between the participants is not mandatory. However, if you can agree to keep it confidential, it may increase the chances that your mediation will be an honest exchange of ideas and issues. If participants feel that they cannot share openly, they may refuse to mediate at all or may severely limit what they are willing to discuss, which may result in an agreement that is less useful and that not all participants have faith in.

If there is another stakeholder who cares about the outcome of your mediation, you and the other participant can make a particular agreement about what can be shared with that person when you develop your other solutions.

- Try not to interrupt, even if you're angry or offended: If the other participant expresses anger, listen. Try to understand what the anger is about, even if it seems to be about the same things it always is. A common reaction is to want to respond defensively or strike back. This is not likely to lead the other person to want to make agreements with you. Allow the other person to vent. Respond with "I" statements about how you feel about what they said. Ask questions if there are things you don't understand. Try not to make negative judgments about what they've shared, even if you believe it deserves it.
- Reality test your solutions/agreements: How are the solutions you've suggested likely to work out in everyday life? Are there other people whose cooperation you need to get? Can you make an agreement about some issues and leave others unresolved? What will you do if one of you believes the agreement has been violated?

Please note that none of the suggestions in this document are meant to be prescriptions for what you *must* do as a participant. You can choose to do none of them. You may believe that you shouldn't have to change your behavior or your views when it's the other person who has the problem, and who should be making changes to treat *you* differently. You have to make decisions based on what you believe is in your best interests.

If you feel unwilling to make changes or to give credence to the other person's views, mediation may not be a satisfactory experience for you, and a more formal disciplinary or grievance process could be another option to consider. Please feel free to contact the Shared Neutrals Mediation Program Coordinator at 410-767-4953 or snmp.mediation@maryland.gov, or your personnel office if you have questions about the range of options that are available to you.