

## Office of the Ombudsperson

### Service Overview: The Basics of Informal Mediation

A primary determinant for choosing between mediation and facilitated dialogue is the parties' underlying objectives. While both processes *may* yield resolution in the form of an agreement, mediation standardly requires conflict that the parties wish to resolve, while facilitated dialogue is often a forum for issues-based discussion to explore perspectives and understand differences.

Informal mediation differs from formal mediation in that any agreement reached using an informal process does not constitute a binding agreement that would be enforceable under law or by parties other than the participants.

**The mediator facilitates or manages the meeting. The disputants must actively participate in the mediation process.**

**A good faith effort is expected of all participants:**

- Participants have the right to verbalize a concern with the process during mediation, for example, if a party feels that the mediator is not being impartial or ensuring that all participants follow the ground-rules.
- Participants, both disputants and mediators, may choose to end a mediation session.
- Participants should request a break if one is desired, the mediation process can be intellectually and/or emotionally demanding.

**Treat each person present in a civil/courteous manner:**

- Take turns speaking as directed, without interrupting.
- Address each party by name, rather than talk about them. Use "I" statements that come from your own experience.
- Be aware of nonverbal response and body language.
- Respect the time and focus each person gives at the mediation table.

**Speak honestly and listen openly:**

- State your needs and interests plainly with respect for others; hear and seek to understand others' needs and interests by listening actively and without judgment.
- Discuss a problem or an issue rather than a person.
- Refrain from blaming, attacking, name-calling, or put-downs.
- Ask genuine questions to gain understanding or clarity, not to accuse or to intimidate.

**Be productive and respectful of the mediation process, as well as of the time and energy each participant brings to the mediation table:**

- Explore perspectives, not necessarily to agree, but to allow for the consideration of alternatives.
- Focus on creating an outcome that is perceived as fair and agreeable to all.
- Arrive at session(s) prepared to do the work of coming to a resolution.

The Grinnell College Ombuds is certified by the Social Justice Mediation Institute. Sensitive to a variety of differences that may impact process, the Ombuds may choose to shuttle-mediate between disputants. Participants may, or may not, ultimately join the Ombuds and one another as either a part of or follow-up to the mediation process.

#### Key Facts:

Mediation is a voluntary and confidential means of conflict resolution.

Mediation is a process that brings disputants together with an impartial third-party, the mediator.

The mediator's role is to facilitate the discussion and identification of conflict issues, to aid the disputants in generating a mutually agreeable and lasting solution.

A mediator does not discern a truth, make a judgment, or determine an outcome (resolution) for the disputing parties.

If disputants come to an agreement that they wish to codify, they may do so. They would then be responsible for writing up any agreement as well as remaining accountable to it and to one another.

The Ombuds may assist parties in talking through or reviewing an agreement and with any needed follow-up visits. The Ombuds will not retain a copy of agreements.