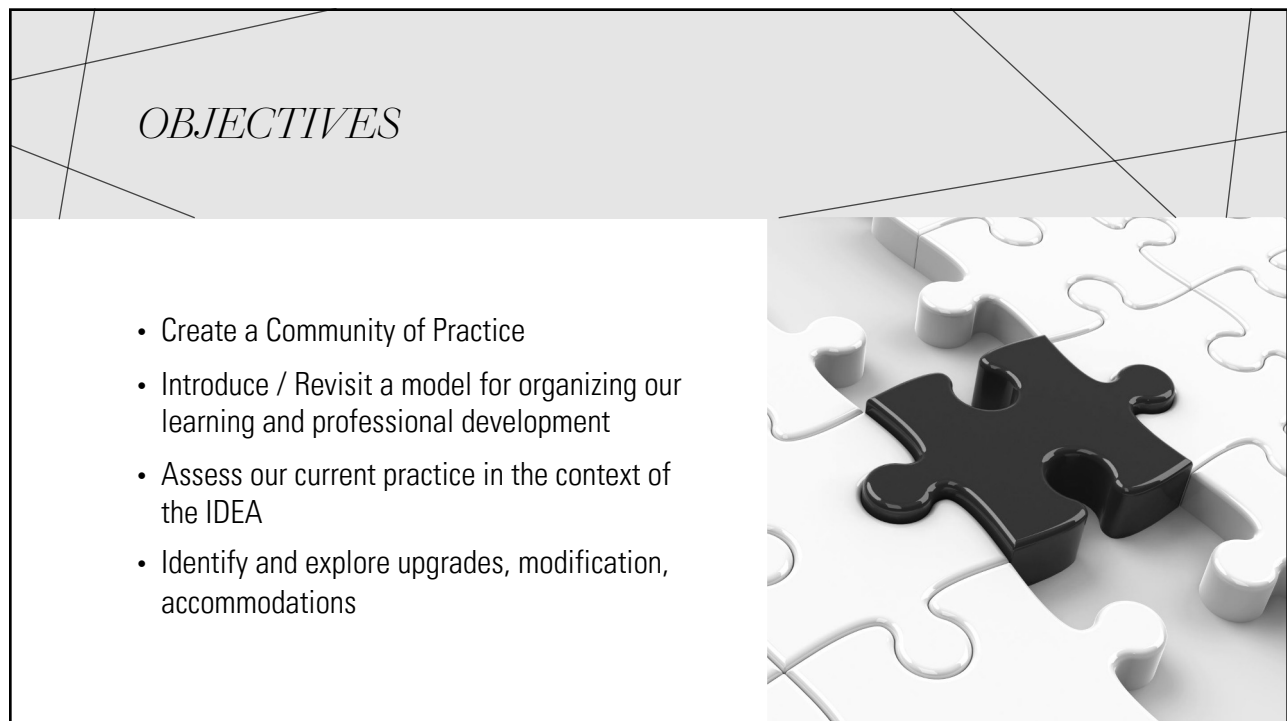


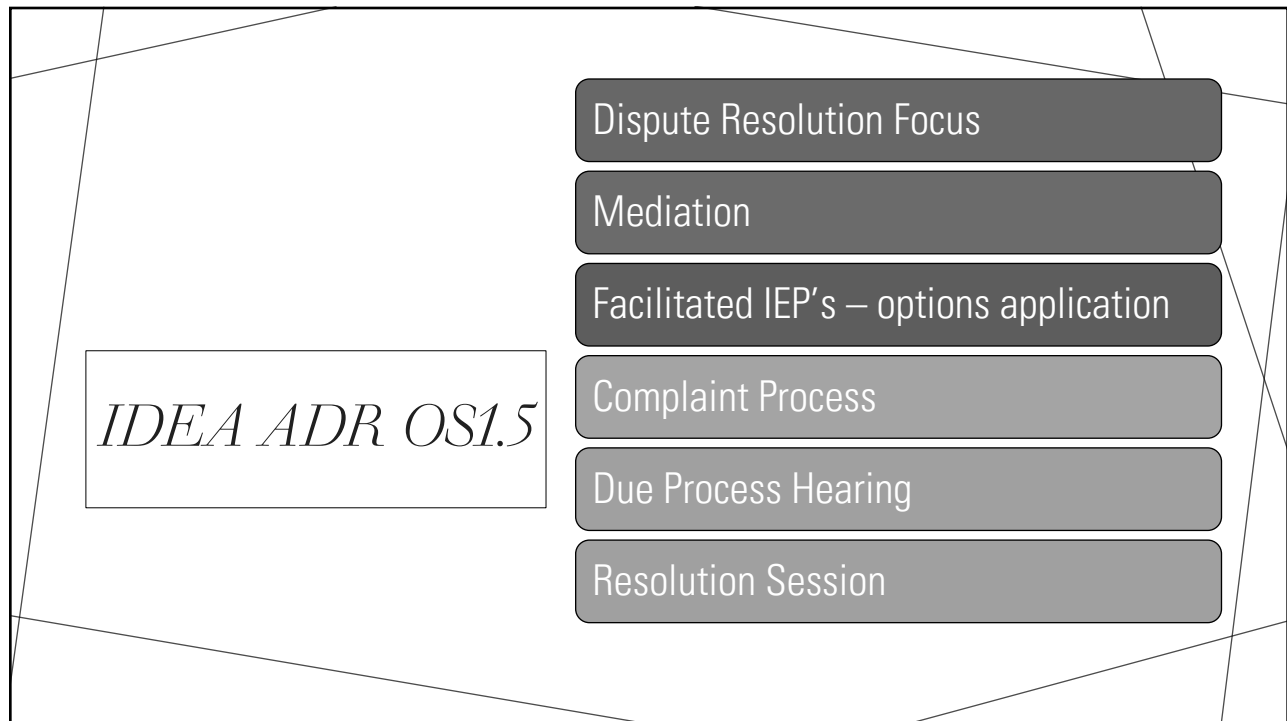


1



- Create a Community of Practice
- Introduce / Revisit a model for organizing our learning and professional development
- Assess our current practice in the context of the IDEA
- Identify and explore upgrades, modification, accommodations

2



3



4

## *FIRST STAGE*

"First, as beginning mediators (*facilitators*) we studied technique. We learned among other things, active listening, reframing, focusing on interests, prioritizing issues, and helping the parties to generate options. We learned to demonstrate empathy as well as impartiality, how to diagnose settlement barriers, and how, with any luck, to bring a case to closure. We looked for opportunities to practice these skills."

Bring Peace Into the Room  
Bowling and Hoffman

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## *SECOND STAGE*

"The second stage of our development involved working toward a deeper understanding of how and why mediation (*facilitation*) works. In seeking an intellectual grasp of the mediation (*facilitation*) process, we hoped to find the tools with which to assess the effectiveness of various techniques, identify appropriate professional and ethical boundaries, and better understand what we were doing, why we were doing it, and the meaning of the process for our clients."

Bring Peace Into the Room  
Bowling and Hoffman

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## THIRD STAGE

"The third aspect begins with the mediator's (*facilitator's*) growing awareness of how his or her personal qualities – for better or worse – influence the mediation (*facilitation*) process. It is at this stage that we begin to focus on, and take responsibility for, our own personal development as mediators (*facilitators*). It is about ***being*** a mediator (*facilitator*), rather than simply ***doing*** certain prescribed steps dictated by a particular mediation (*facilitation*) school or theory."

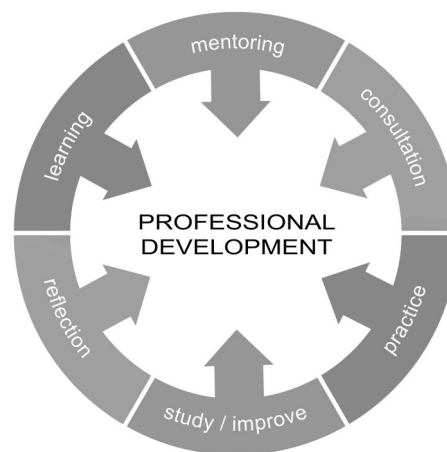
Bring Peace Into the Room  
Bowling and Hoffman

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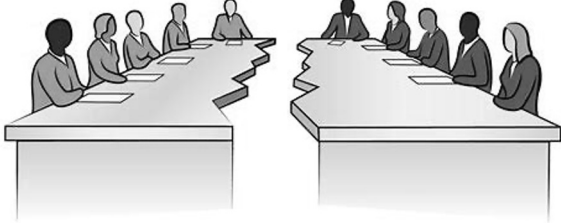
## MODEL OF PROFESSIONAL DEVELOPMENT: THE DYNAMIC FOUR STAGES

- The Novice
- The Apprentice
- The Practitioner
- The Artist

The Making of a Mediator: Developing Artistry In Practice  
Michael D. Lang and Alison Taylor



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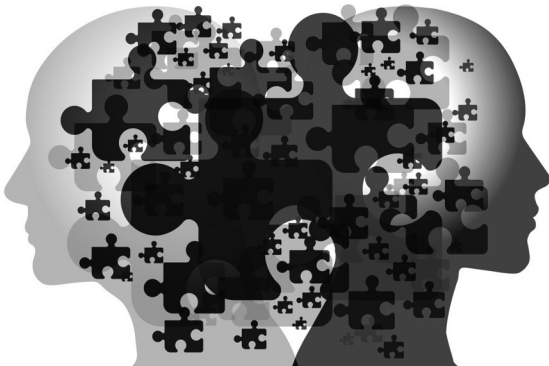
## *CREATING A CONTEXT*

- Briefly describe your most satisfying mediation. What contributed to your assessment of the case?
- Briefly describe your most challenging or puzzling mediation. What contributed to your assessment of the case?
- Where are you most challenged as a mediator?

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## *YOUR CONSTELLATION OF THEORIES: ADOPTING A FRAMEWORK FOR REFLECTION*

1. Central Core Beliefs and Values
2. Theories and Abstracts
3. Models and Approaches
4. Facts and Information



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## *CENTRAL CORE BELIEFS AND VALUES*

- Theories that help to explain complex abstract ideas such as:
  - Truth
  - Justice
  - Love
  - Fairness
  - Trust
- A person's view of life
- A person's orientation to humankind

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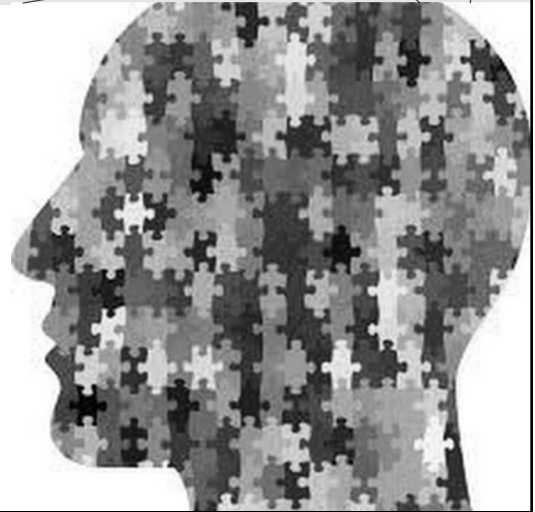
## *SAMPLE QUESTIONS TO PROMPT DISCUSSION:*

- What core beliefs and values attracted me to, and keep me engaged in mediation?
- Where did I learn about conflict? What did I learn in my family and community about conflict?
- In what do I put my trust and faith?
- What are my beliefs about justice and fairness?
- What are my core values and what are their sources?
- How does this conversation inform me as a Mediator?

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## *THEORIES AND ABSTRACTS*

- Theories of intervention
- Theories of justice
- Theories of power
- Theories of dispute formation/resolution/engagement
- Theories of behavior
- Theories of interpersonal interaction/behavior



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## *THE WORK*

SHARED LEARNING



14

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## *LEADERSHIP WITHOUT EASY ANSWERS*

RONALD HEIFETZ

- **Technical work**

- *“Technical problems are those that, in some sense, we already know how to respond to them.”*

- **Adaptive work**

- *“The problem definition is not clear-cut, and technical fixes are not available. Learning is required to both define problems and implement solutions.”*



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<b>Situation</b>	<b>Problem definition</b>	<b>Solution/ implementation</b>	<b>Primary responsibility</b>	<b>Type of work</b>
Type I	Clear	Clear	Authority	Technical
Type II	Clear	Requires Learning	Authority & Team	Technical & Adaptive
Type III	Requires Learning	Requires Learning	Team & Leader	Adaptive

*SITUATIONAL STYLES*

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## *SIX FACES OF CONFLICT*

- Low-impact Conflict
- Latent Conflict
- Transient Conflict
- Representative Conflict
- Stubborn Conflict
- Enduring Conflict



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## *QUESTIONS FOR REFLECTION:*

- What theories do you find inform your practice as a mediator?
- What is my view about how conflict emerges and is resolved/engaged?
- What do you think demonstrates fairness?
- Is coercion ever justifiable? Is violence? Is war ever just?
- What are the sources of power? Personal? Organizational? Community?
- How does this conversation inform me as a mediator?



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## *MODELS AND APPROACHES*

- Integrative or Distributive Approach
- Transformative Approach
- Facilitative Approach
- Evaluative Approach
- Narrative Approach
- Social Justice Approach
- Restorative Approach
- Basic vs Developmental Approach

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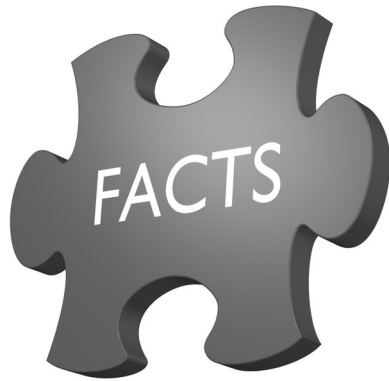
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## *QUESTIONS FOR REFLECTION:*

- What models and conceptual frameworks did I bring from my background or prior profession(s)?
- What was the name of the model of mediation, negotiation, or facilitation I first learned?
- What does this model say about the role of the intervener?
- What is the stated goal of the model?
- Identify your current "palette" of models and approaches? What are you finding is effective in IDEA facilitations?
- When I am working as a mediator, I must . . .
- When I am working as a mediator, I cannot . . .



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## *FACTS AND INFORMATION*

- The IDEA
- Current Case Law
- The IEP
- FAPE
- SDI
- LRE
- School Culture

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## *QUESTIONS FOR REFLECTION:*

- What does the IDEA mediator need to know to be effective?
- What is an appropriate use of this information?
- What is an inappropriate use of this information?
- What do participants need to know to effectively participate in a shared decision-making process?
- What standards of practice do I follow?
- What ethical issues must I be aware of?
- What are the controversial issues in my field?



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## *A BASIC CONVERSATIONAL STRUCTURE*

Preparation – Case Development

Convening the Process

Increasing Shared Understanding

Inquiry to Action - Agreements

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## *PREPARATION*

### Case Development Protocol

- Intake – Information, data, agenda
- Logistics – Scheduling, documentation

### Accommodations

- ADA
- Location
- Technology
- Process
- Culture/Linguistic
- Coaching

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## *CONVENING THE PROCESS*

### The Basics

- Mediators Opening Statement
- Parties Opening Statement
- Transition
- Agenda

### Accommodations

- Process / Model
  - Pre-Mediation Conflict Coaching
  - Social Justice Model

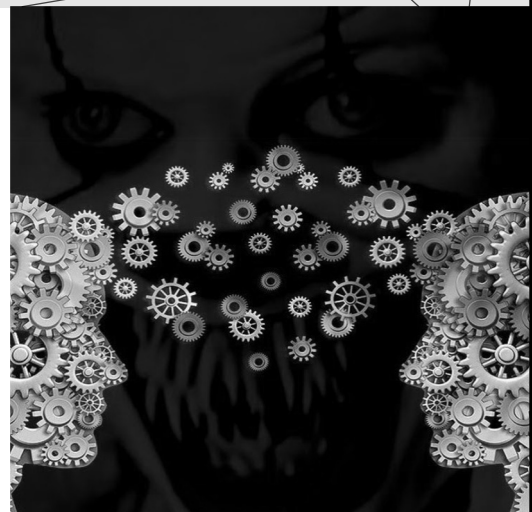


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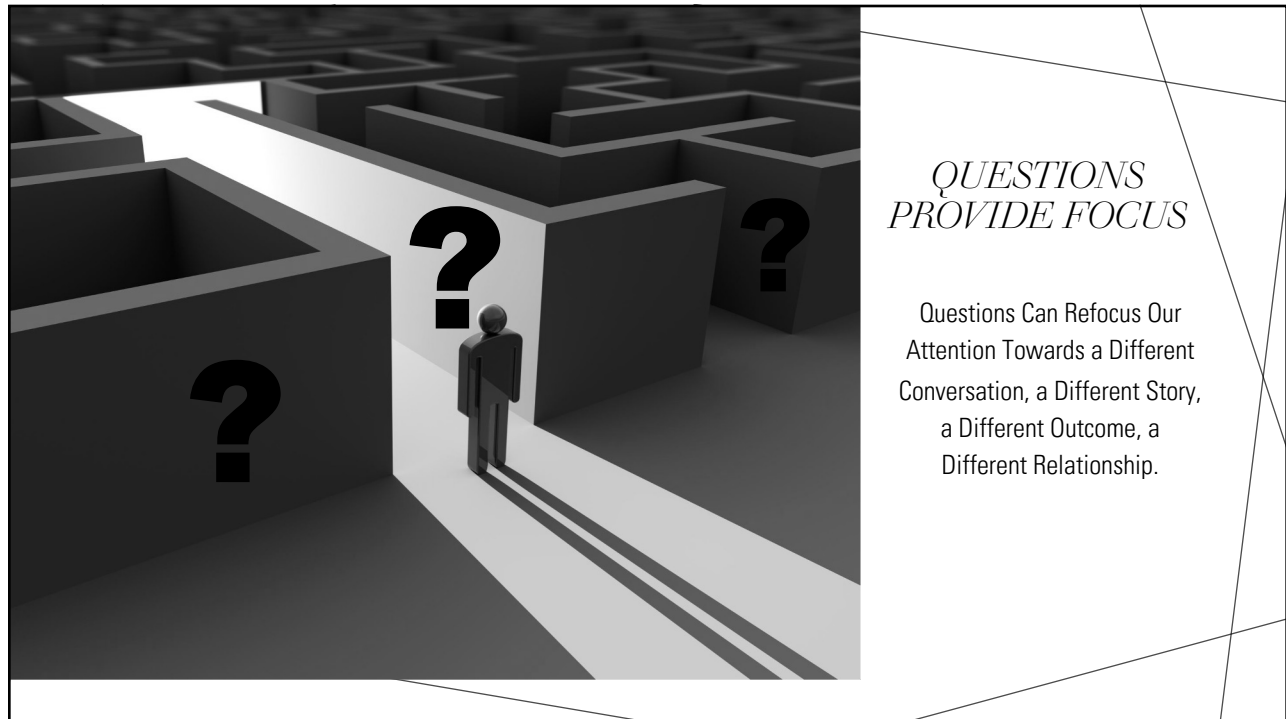
## *INCREASING SHARED UNDERSTANDING*

### *SHARED LEARNING*

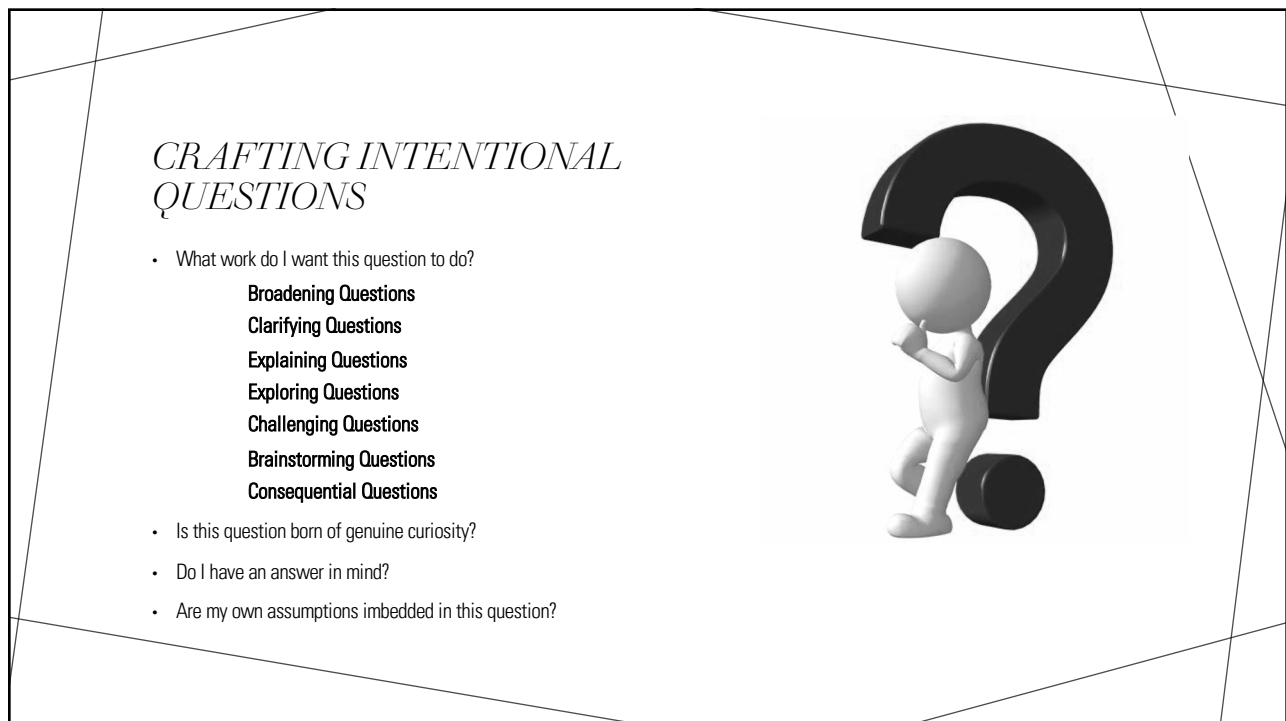
- Question and probe to explore each issue.  
What are the:
  - Expectations and hopes?
  - Concerns and fears?
  - Beliefs and values?
  - Priorities and needs?
- Reframe to identify underlying interests
- Summarize issue, common ground, and individual interests.



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## *ACTIVITY: DEEPENING THE POOL OF UNDERSTANDING*

- Positional Statement: Issue
- Active Listening: Restate/Reflect
- Intentional Questioning
- Reframe
- Summarize



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## *INQUIRY TO ACTION*

### The Basics

- Summary
- Options
- Agreement
- Case Closure

### Accommodations

- Second Session
- Consult

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## *INSIGHT TO ACTION*

- What new insight or learning have you encountered that informs your practice?
- How will you apply this insight and new learning?

