

# Dispute Resolution Skills

Developing Mediation Poise and Defusing Conflict  
Before it Escalates

Kingston: April 29-May 4, 2012



**Register at: [irc.queensu.ca](http://irc.queensu.ca) or call toll-free: 1-888-858-7838**



Queen's IRC open programs and practice-based research help next-generation leaders **resolve** disputes, **champion** change, and **align** people and purpose.

Finding a constructive approach to resolving naturally occurring conflicts is a challenge faced by all organizations. Learn how to become a trusted, constructive “go to” practitioner for helping parties deal with conflicts and resolve their disputes.

With the help of extensive coaching, become skilled in fostering a climate that encourages problem solving and communication. Through role playing and simulations, you will develop the skills to resolve conflicts internally early on, before they become costly grievance hearings. Respond quickly to potential conflicts. Analyze disputes with insight. Motivate parties to engage in solving problems together. Implement a dispute resolution system that addresses your organization's culture.

## Learning Outcomes

By the end of the week, you will be better positioned to:

- Analyze and diagnose the causes of conflict
- Use the communication skills of mediators: listening, framing, reframing, and handling strong emotions
- Raise conflict in a constructive way
- Explore issues in depth, generate multiple options, evaluate options, and develop acceptable solutions with the parties
- Deal with difficult behaviour and impasses in conflict
- Recognize and respond to cultural and power issues in conflict

## Organizational Benefits

- Reduced amount of time spent on employee disputes
- Significant savings in grievance arbitration costs
- Identification of new ways to meet organizational challenges
- In-house capacity in conflict resolution
- Better use of the many dispute resolution processes available

### Essentials

#### Date and Location

Five Days

**Kingston:** April 29-May 4, 2012

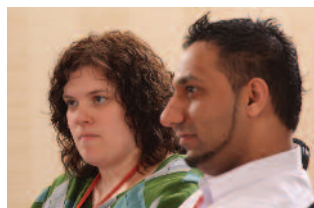
Please refer to our website, [irc.queensu.ca](http://irc.queensu.ca), for the latest information on venues.

#### Fee

\$4,995

### Who Benefits

Human resources and labour relations professionals, managers, lawyers, and mediators who want to gain an in-depth experience in helping parties resolve conflict at the earliest stage



### Takeaways

- Comprehensive Dispute Resolution Skills Manual

Completion of this program will satisfy the educational component of the ADR Institute of Ontario's membership requirements.

# Tour of the

## a) Introduction to Employment Mediation

To set the tone for the week, your trainers will discuss the factors that both support and inhibit mediation: Is there interdependence among the parties? Are there time pressures? Are the right people at the table? Is there the "will to settle"? Begin to develop strategies for dealing with conflict and working through problems in relationships, data collection, structure, and value differences.

Follow a mediation process road map:

- Preparation
- Opening remarks/contracting
- Initial exploration of parties' perspectives
- Summary of issues and development of agenda
- Probing and framing the issues
- Problem solving
- Reaching final agreement

Learn more about:

- Conducting positional bargaining
- Interest-based negotiation, from pre-negotiation planning to the actual negotiation session
- The principles of integrative negotiation
- The foundations of facilitating effective meetings and overcoming challenges such as conflict avoidance

## b) Strategies for Beginning Mediation

Successful mediation begins with thorough preparation and exploration of both sides' perspectives. Learn how to craft opening remarks to start off on the right foot. Develop the skills to facilitate an early discussion to identify the issues and competing interests, and to ultimately move the sides towards a collaborative problem-solving relationship.

Learn to:

- Create an agenda for problem solving
- Clarify the boundaries of topics for discussion
- Get buy-in of the parties to the tasks ahead
- Surface other issues that have not yet been identified

Mediation simulation: Your group will participate in a series of mediation simulations featuring role plays and on-the-spot coaching and debriefing.

## c) Probing, Framing, Listening

Inevitably, as a mediator you will be confronted by strong emotions and threatening statements. You will need finely honed communications skills for framing issues and interests. Your trainers discuss the mechanics of good listening, the three ways of understanding another person's experience, and how to translate toxic statements into claims to which others can productively respond.

## d) Mastering the Problem-Solving Stage

As a mediator, your goal in the middle stage of mediation is to try and move parties to answer: How can we...? or what can we do that will...? Learn how to explore issues in depth, generate and evaluate options, and develop a settlement agreement.

## e) Using Caucuses

A caucus — a private meeting between the mediator and one party — is often used strategically to promote positive communication and to create movement toward settlement.

Learn how to manage:

- Confidentiality issues
- Ethical dilemmas
- High levels of emotion

# Program

## f) Breaking the Logjam

Deadlocks occur: there appear to be incompatible interests, issues are complex, and parties are focused on the past. You will learn strategies to deal with such impasses and be given the opportunity to practice what you learn.

Develop the insight and skill to deal with power issues: How can you, the mediator, recognize and address power inequities in the context of the mediation process?

Take a probing look at the nature of conflict, dealing in particular with:

- Gender issues in negotiation
- Cultural issues that influence problem solving

## g) Using Two Heads Rather Than One

Co-mediation has its benefits and drawbacks. It can offer a balance of knowledge and mentoring to the mediation process, or it can be an additional strain as a result of conflicting styles. What are the ingredients of successful co-mediation? How do effective co-mediators avoid becoming part of the problem they are trying to solve? Practice what you learn in a co-mediation role play, with the help of experienced coaches.



## h) Closing the Deal

Learn how to formalize agreements applying the basic principles of written agreements: clarity, enforceability, balance of concessions, and neutral language.

## i) Preparing for Home

To close the program, you will discuss how to apply your new learnings to your own organization.

Cover topics such as:

- Dispute systems design and change management
- Criteria for recruitment of mediators
- Goals for a positive conflict culture within your organization

### Interactive Learning

You will participate in a five-part mediation simulation featuring role plays, on-the-spot coaching, and debriefing. Interventions will come alive in these stimulating exercises.



# Facilitators and Speakers

## **Julie Macfarlane**

Julie Macfarlane Ph.D. is a full professor at the Faculty of Law, University of Windsor. For more than 15 years she has been a mediator of workplace, organizational, community, contract, and personal injury matters. She has a special expertise in dispute resolution program evaluation and conducts qualitative research on various aspects of the impact of conflict resolution on professional and community practices.

In 2005 she was the first Canadian recipient of the International Academy of Mediators' Award of Excellence, presented annually to an individual mediation practitioner.

Over the past 15 years, Julie has provided mediation training for legal practitioners, law students, civil servants, union and management groups, aboriginal council members, legal aid workers, and health care professionals. She has been appointed on three occasions to report to the Canadian government (both federal and provincial levels) on dispute resolution policies and programs, and her work has been relied upon in the formulation of dispute resolution policy including legislation and rules of civil procedure. As Virtual Scholar in Residence at the Law Commission of Canada Julie authored a major policy paper "Transforming Relationships Through Participatory Justice" which was presented to the Minister of Justice.

Her most recent book is *The New Lawyer: How Settlement is Transforming the Practice of Law* (UBC Press). She is also the author of *Dispute Resolution: Readings and Case Studies*, 2nd Ed. (2003).

Julie earned her Ph.D. in 1988 from the University of South Bank and her LL.M. in 1984 from London University.

## **Bernard Mayer**

Bernard is a professor at the Werner Institute for Negotiation and Dispute Resolution at Creighton University in Omaha, Nebraska, and a partner at CDR Associates, based in Boulder, Colorado. Since the late 1970s, Bernie has mediated or facilitated the resolution of labour management, public policy, ethnic, business, family, community, and intergovernmental conflicts.

Bernie is internationally recognized as a trainer and an innovative leader in applying mediation and conflict resolution to human service arenas, particularly disputes between public agencies and involuntary clients. He has consulted on conflict management procedures and trained mediators, negotiators, and conflict interveners throughout the United States, Canada, Bulgaria, Bosnia, Moldova, Poland, Hungary, Australia and New Zealand.

He is the author of many books and articles, including *The Dynamics of Conflict Resolution: A Practitioner's Guide* (Jossey-Bass, 2000), *Beyond Neutrality: Confronting the Crisis in Conflict Resolution* (Jossey-Bass, 2004) and, more recently, *Staying with Conflict: A Strategic Approach to Ongoing Dispute* (Jossey-Bass, 2009).

Bernie received his M.S.W. degree in psychiatric social work from Columbia University, and his Ph.D. in social work, with an emphasis on conflict resolution, from the University of Denver.

*The roster of speakers may change. We will do our best to keep you informed of program changes.*

# Registration Kiosk

## Dispute Resolution Skills

■ **Kingston:** April 29-May 4, 2012: \$4,995

### We offer four easy ways to register:

**Web:** Complete the online form at: [irc.queensu.ca](http://irc.queensu.ca)

**Telephone:** Reserve by calling toll-free: 1-888-858-7838

**Fax:** (613) 533-6812

**E-mail:** [irc@queensu.ca](mailto:irc@queensu.ca)

Confirmation and information on program location, check-in time, and agenda will follow.

### Registration and Fees

Program fees include tuition, workbook materials, lunches, and some dinners. For all programs, payment in full is required one month before the program begins.

Register and pay two months before the start of a program and save \$300 on the tuition of four- and five-day programs, and \$150 on two- and three-day programs.

Register three people **from the same organization in the same program at the same time**, and receive a **10% discount** on program fees. Register five or more people **in the same program at the same time**, and receive a **20% discount**.

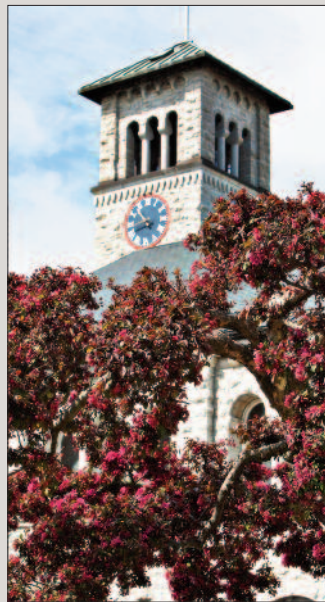
If you know you will be pursuing a Queen's Certificate and would like to remit tuition in one payment before your first program, we offer a special fee with a considerable saving. Contact our Program Administration office for details.

**Note:** Only *one* discount may be applied.

**Cancellations and No-Shows:** Substitutions are permitted with no penalty at any time. Transfers and cancellations are permitted with no penalty **up to 3 weeks prior to the program start date**. There will be a \$500 fee charged for cancellations, transfers, and no-shows **within 3 weeks of the program start date**.

### Location and Accommodation

Please refer to our website, [irc.queensu.ca](http://irc.queensu.ca), for the latest information on venues.



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