

## Mediation is an effective tool for resolving conflict

Larry A. Dunn, Ph.D.

SIA Conflict Resolutions Specialist

**October 15-21 is recognized by the American Bar Association (ABA) as Mediation Week and in this issue of Risk Review we begin a series of articles on conflict management, starting with mediation.**

People are more aware of mediation now than when I began my work as a mediator more than three decades ago. Back then, someone was more likely to think I was talking about meditation rather than mediation. Today we hear about mediation well beyond the typical labor-management context, with mediation offered as a form of alternative dispute resolution (ADR) in schools, courts and communities around the world.



Most of us resolve our daily conflicts in one way or another on our own. Big and small, we manage to turn our disagreements into agreements through direct, informal problem-solving, bargaining and negotiation. At times, these conflicts are “resolved” when one person loses and another wins, with negative consequences felt by both parties in some future conflict. Even compromise—often hard to find these days—can make us feel like we’ve given up what’s most important, leaving everyone dissatisfied.

(continued on page 3)

## SIA’s Leadership Academy begins

SIA’s Leadership Academy kicked off its sixth year with a day-long program called Emotional Response-Ability. In this session, participants learned how the emotions of frustration, anger and resentment are typically responses to personal goals, rights and considerations that are being perceived as not being met. Understanding those needs and how to meet them creates a more productive approach to those legitimate emotions.

Charles M. Jones and Michelle Filicicchia facilitated the workshop. Jones is the co-author of Emotional Intelligence for Stress-Free Leadership, which delves deeper into the work that was shared at the training. Filicicchia has a master’s degree in training and organizational development and helped SIA create the Leadership Academy.

The Leadership Academy is a collection of courses offered throughout the year designed to help managers become more competent and confident

### Upcoming Leadership Academy sessions:

**11/03 - Leadership Academy: Time and Task Management - 8:30AM**

**03/22 - Leadership Academy: Conflict Management - 8:30AM**

**04/23 - Leadership Academy: What’s Your Color Personality- 8:30AM**

**More trainings are being scheduled.**

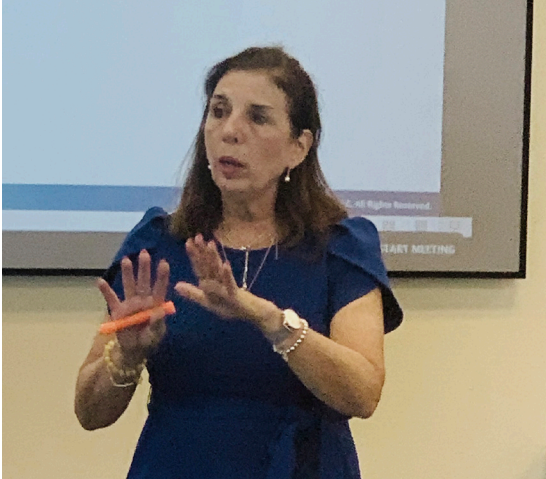
**To join our contact list, visit our website at [www.sia-jpa.org](http://www.sia-jpa.org).**

(continued on page 2)



## Leadership Academy

(continued from page 1)



Michelle Filicchia

in their interactions with their staff and colleagues. Managers are often promoted because of their excellence in the technical skills of the job, but may not have learned how to be leaders of people. SIA believes that successful leaders make successful schools and participants said they benefited from both the presentation and the material.

To learn more about the Leadership Academy and to be added to our contact list, reach out to Lisa Konarski at [lkonarski@sia-jpa.org](mailto:lkonarski@sia-jpa.org).



Charles M. Jones

## How to request a certificate of insurance

A certificate of insurance demonstrates proof of insurance and can be requested through the SIA website. To begin the simple process:

1. Go to the website at [www.sia-jpa.org](http://www.sia-jpa.org).
2. At the top of the page click on **Lines of Coverage**.
3. Scroll to the **Property, Liability, Auto** page.
4. Scroll to **Requesting a Certificate of Insurance**.
5. Click on the **Request Form** link and begin the process.

Attach any signed agreements and documents needed for processing and SIA staff will review the provided information. Once approved, SIA's broker will issue the certificate, which then will be sent to the certificate holder and the district. Allow at least 10 days for certificate processing. Contact Joe Costamagna at [jcostamagna@sia-jpa.org](mailto:jcostamagna@sia-jpa.org) for more information.

## Confronting passive-aggressive behavior has its challenges

People who express their anger directly can present communication challenges. But people who convey their displeasure in passive-aggressive ways also can cause problems. Sometimes passive-aggressive people send mixed messages, such as using tones of voice that contradict their words' literal meanings or employing sarcasm to reveal their true feelings. And because they don't address their concerns directly, issues take longer to resolve and anger lingers.

In most cases, uncertainty is at the root of passive-aggressive behavior. People who are passive-aggressive either don't feel safe expressing themselves honestly or don't know how to do so. In either case, the following statements can be effective:

- "Is something bothering you that we should discuss? I care about our relationship and if we need to resolve something, let's do it."
- "I'm confused. Your words tell me that everything is fine, but your tone of voice implies that it's not. What's going on?"
- "That remark sounded sarcastic. Did you mean it that way?"

If the person claims that a sarcastic comment was "a joke", offer this response: "If you intended that to be funny, you should know that I was offended and not amused by your comment."

Source: *Communication Briefings*



## Mediation

(continued from page 1)

But sometimes when conflict has escalated it can be difficult to advocate for our own interests and listen carefully enough to the other person to find a mutually satisfactory outcome. Without the help of a third party for our more difficult disputes, we risk not coming to any agreement, and possibly worse, damaging the relationship. Whether personal or professional, this is a high price to pay for unresolved conflict and a good reason to seek the help of a mediator.

Fortunately, mediation is provided in many settings and training is widely available for anyone who might want to learn these valuable skills. So, what is mediation? How can it help in resolving our conflicts? And when should we utilize it or try something else? Let's look at each of these briefly.

As a former professor, I'm familiar with lengthy and complex academic definitions of mediation. But as is often the case, I think the simplest one is best: Mediation is facilitated negotiation. That's right, mediation can simply be thought of as negotiation with the help of a third party whose primary role is to facilitate the process. That process typically involves listening to disputants' stories, identifying key issues of disagreement, and problem-solving to find common ground in developing mutually satisfactory solutions. (In a future article I'll say more about some key principles of collaborative bargaining that make a difference for any form of dispute resolution, including mediation.)

In some cases, especially difficult ones, a third party can be an effective presence for making constructive dialogue possible, helping disputants feel recognized and heard, empowering people to take responsibility for and ownership of solutions, and opening the door to the possibility of reconciliation where a personal or professional relationship may have been injured by the conflict.

One question that often comes up about mediation is who can best help in such situations. It's important that the right person takes on this critical role. Of the many ideas about what makes someone an effective mediator (including objectivity and special training or experience), the most important factor is trust. And we trust people for a variety of reasons—sometimes even opposite ones! For example, we might trust a trained professional mediator because, as an outsider to the conflict, there's no prior relationship with either disputant or a personal investment in its outcome. Or, we might trust a mutual colleague or friend, an insider who knows both of us and is committed to preserving our relationship. Either way, trust is key.

(continued on page 4)



## Every field trip requires an advance plan

Each school year teachers plan field trips to enhance their students' education experiences. These excursions, while usually a lot of fun, require advance planning and specific arrangements. Follow these guidelines when organizing a trip:

- Use the most current field trip forms. SIA has forms available at [www.sia-jpa.org/forms](http://www.sia-jpa.org/forms).
- Keep all completed field trip forms for a minimum of one year after the school year ends.
- Check with the risk management or business office for assistance and to ensure that all district field trip approvals are in place and that requirements are met.
- Consult with the district's transportation department, even if it isn't providing the buses, as it may need to be aware of all off-campus excursions.
- Obtain a certificate of insurance; some venues require this.

Field trips are privileges, and all necessary steps must be completed before students can participate.





## Mediation

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As a form of dispute resolution, mediation can be effective up to 75 percent or more of the time in resolving disputes and repairing relationships. Once settled, mediated agreements also are kept at a higher rate than litigated outcomes. That's mainly because people take greater ownership in solutions they have a primary role in shaping, and mediation often can lead to less antagonism and even cooperation in the future.

As effective as mediation can be, however, there are some precautions to be aware of as well. First, mediation is not a panacea for all conflicts. Abuse of power, victimization and violence need to be stopped before negotiations of any kind are considered. These dynamics make mediation extremely difficult and potentially lead to revictimization and outcomes that don't work. Where such behavior occurs, other approaches may be needed prior to mediation to create a safer, more balanced climate for making successful negotiations possible.

Second, mediation should not be used as a coercive means to an end. This is particularly important when power becomes a factor due to work-related roles. The effectiveness of mediation lies significantly in its voluntary nature. When forced or pressured to participate, the process can result in agreements that either fall apart or are not even reached. People who choose mediation should be fully informed about the alternatives, especially those provided in organizational policies.

Third, mediation is not an appropriate substitute for healing emotional trauma. One old adage says, "Mediation is not therapy, but it can be therapeutic." Conflicts are often emotional, sometimes deeply, and feelings of anger and betrayal are present in many mediated disputes. But a good mediator knows when other qualified people might more appropriately come alongside their work of resolving a specific issue or set of issues.

Finally, it's a gift to be able to help others successfully resolve their conflicts. But there's a risk in taking on the role of mediator. A Swahili proverb says, "When two elephants fight, it's the grass that gets trampled." Without having the official role of mediator or workplace ombudsperson, to be asked to help others in resolving their conflicts can be an honor and an affirmation of personal characteristics valued by friends, family and colleagues.

However, if things don't go well—and they sometimes don't—that can put the relationships that a mediator has with both parties at risk and in rare cases make the conflict between them worse. This is particularly important in a work setting where the mediator is a colleague or boss. Conflict management frequently takes up a significant amount of time for many supervisors (some studies estimate up to 50 percent, or more, of their time on the job) and often is part of their job descriptions. Because both the professional and personal costs of negative outcomes are high, using trained and trusted mediators might be the most effective approach to take.

A final proverb comes to mind: "You can make peace or get credit for it, but you can't do both." Most mediators I know don't do this work for the money or the glory. It's personally and professionally fulfilling for them to be able to help others resolve unconstructive conflicts before they damage relationships and negatively affect entire work settings. Taking on the role of informal mediator (with some training) or seeking professional intervention in more serious conflicts can help create positive outcomes where people can be at their professional best without disputes getting the better of them.

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## SIA hosts playground inspector course and exam



SIA is hosting the Certified Playground Safety Inspector (CPSI) course and exam December 11-13, to help member districts meet California's requirements for playground inspections. The course includes 15 hours of training from nationally recognized playground safety experts and reading is required prior to beginning the course. A 120-minute exam is held on the final day of instruction and candidates who pass will receive their CPSI certifications. SIA recommends having CPSI-trained staff when there are playgrounds in the district. For more information, email [PreventionServices@sia-jpa.org](mailto:PreventionServices@sia-jpa.org).

*Designed with school district leaders in mind.*



## EAP offers a range of practical tools for managers

Managers frequently take on the challenges of their staffs' personal lives and the residual effects of those challenges can affect daily work. Simply put, home is often brought to the job and the job is frequently taken home.

To help managers support the people they work with, the Employee Assistance Program (EAP) provides a variety of tools. SIA's new EAP provider, Optum, offers practical resources that include professional guidance for difficult workplace situations and troubled employees. Here are just a few of Optum's resources:

- **Building Workplace Performance** guidebook – Helps managers recognize and document performance problems and offers ways to create a positive work environment.
- **Managing Diverse Work Groups Successfully** – A two-page handout that provides tips and questions to help assess current situations and ways to move forward.
- **Strategies for Managers: Addressing Difficult Workplace Behavior** – This video walks managers through the warning signs of employee behavioral issues, outlines characteristics of red flag performance issues and offers guidance on ways to best handle these situations.

Managers also can promote the other numerous EAP services to their staffs, including counseling on issues involving relationships, grief, mental health, finances, addiction and much more. Managers and those they work with are encouraged to take advantage of Optum's services.

The districts listed below are currently participating in the SIA EAP with Optum. If your district is listed, please reach out to your human resources department for additional information. You can also contact Teresa Franco at [tfranco@sia-jpa.org](mailto:tfranco@sia-jpa.org).



### SIA member districts participating in EAP:

Arcohe Union SD  
El Dorado COE  
Folsom-Cordova USD  
Galt Joint Union Elementary SD  
Galt Joint Union High SD  
Hayward USD  
Latrobe SD  
Natomas USD  
Natomas Charter School  
Placerville Union SD  
Rescue Union SD  
River Delta USD  
Robla SD  
Sacramento City USD  
Sacramento COE



### QUOTE TO NOTE

*"Leadership and learning are indispensable to each other."*

– John F. Kennedy

**The material in this newsletter should be part of your Injury and Illness Prevention Plan (IIPP).**

**Keep a copy of this newsletter in your IIPP binder.**

### Use WeTip For more information

contact Teresa Franco at [tfranco@sia-jpa.org](mailto:tfranco@sia-jpa.org) or 916-364-1281, ext. 1256.



**1-800-78-CRIME**