

Mediation Theory into Ombuds Practice

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Ombuds**

IOA Annual Meeting -

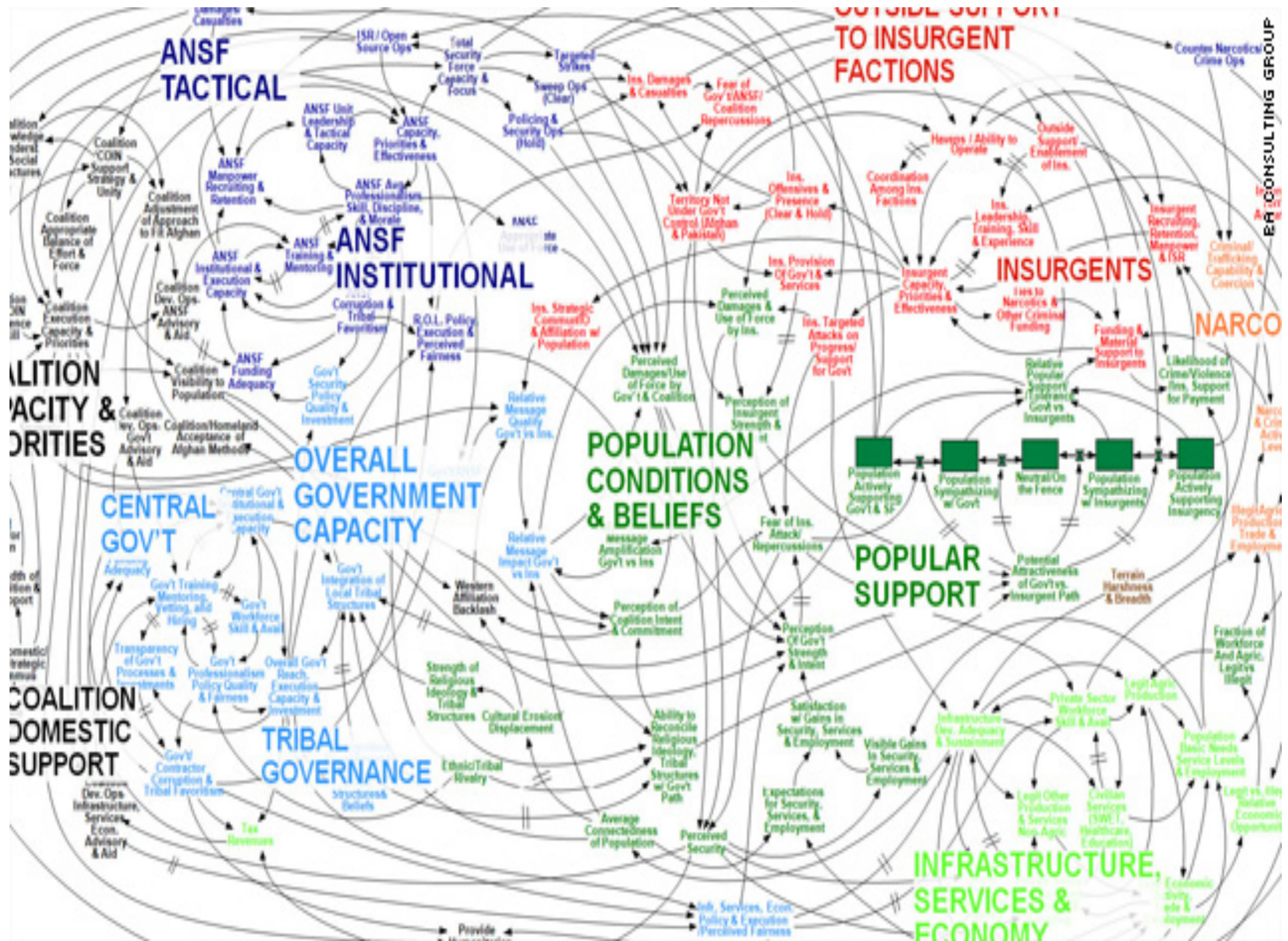
April 24, 2018

Concurrent Session _____



AGENDA

- **Agenda Review**
- **Intro to NC State Faculty & Staff Ombuds Office**
- **Warm Up**
- **Mediation Theory**
 - **Overall Conceptualization and structural considerations**
 - **Facilitative**
 - **Transformative**
 - **Narrative**
- **Putting it all together into ombuds practice**
 - **Mediation / Facilitation**
 - **Structural Model**
 - **How do you set these up?**
- **Other stuff and dinner plans !**



Other Topics of Interest?

NC State University

Land grant university - founded 1887

34,000 students

2,400 faculty

6,600 staff

10 Colleges

**Agriculture & Life Sciences, Design, Education,
Engineering, Natural Resources, Humanities & Social
Sciences, Sciences, Textiles, Management, Vet Medicine**

Chancellor - Randy Woodson

Provost - Warwick Arden

Student Ombuds Services - September 2014

35,000 students

Faculty Ombuds Office - February 2015

2,400 faculty

Staff Ombuds Office - January 2017

6,500 staff



Roy Baroff - Conflict Engagement Specialist



Program Outcomes and Who's here?



Warm Up - Find the People

Find people in the room who can answer the following questions - you may not use your own name and can only use the same person for up to two answers.

1. Who was born in the same month as you?
2. Who has conducted a mediation with no joint session?
3. Who has done a wilderness hike involving multiple overnights camping?
4. Who has traveled farther than you to the conference?
5. Who has facilitated a large meeting (20 or more people) as ombuds?
6. Who has the same color eyes as you?



Theories of Mediation

Facilitative - from Fisher & Ury - Getting to Yes - conflicts are about individual needs not being met

Transformative - from Busch & Folger - Transformative Mediation - conflicts are about relationships to self and others - not about individual needs

Narrative - from Winslade & Monk - Narrative Mediation - Conflict is understood from the outside rather than from individual needs and interests. social/cultural

Facilitative

**Guide the process not the outcome
content/process distinction**

**Principled – not soft or hard
(not necessarily friend or enemy - someone to solve the problem)**

Problem solving focus

Facilitative Mediation Considerations

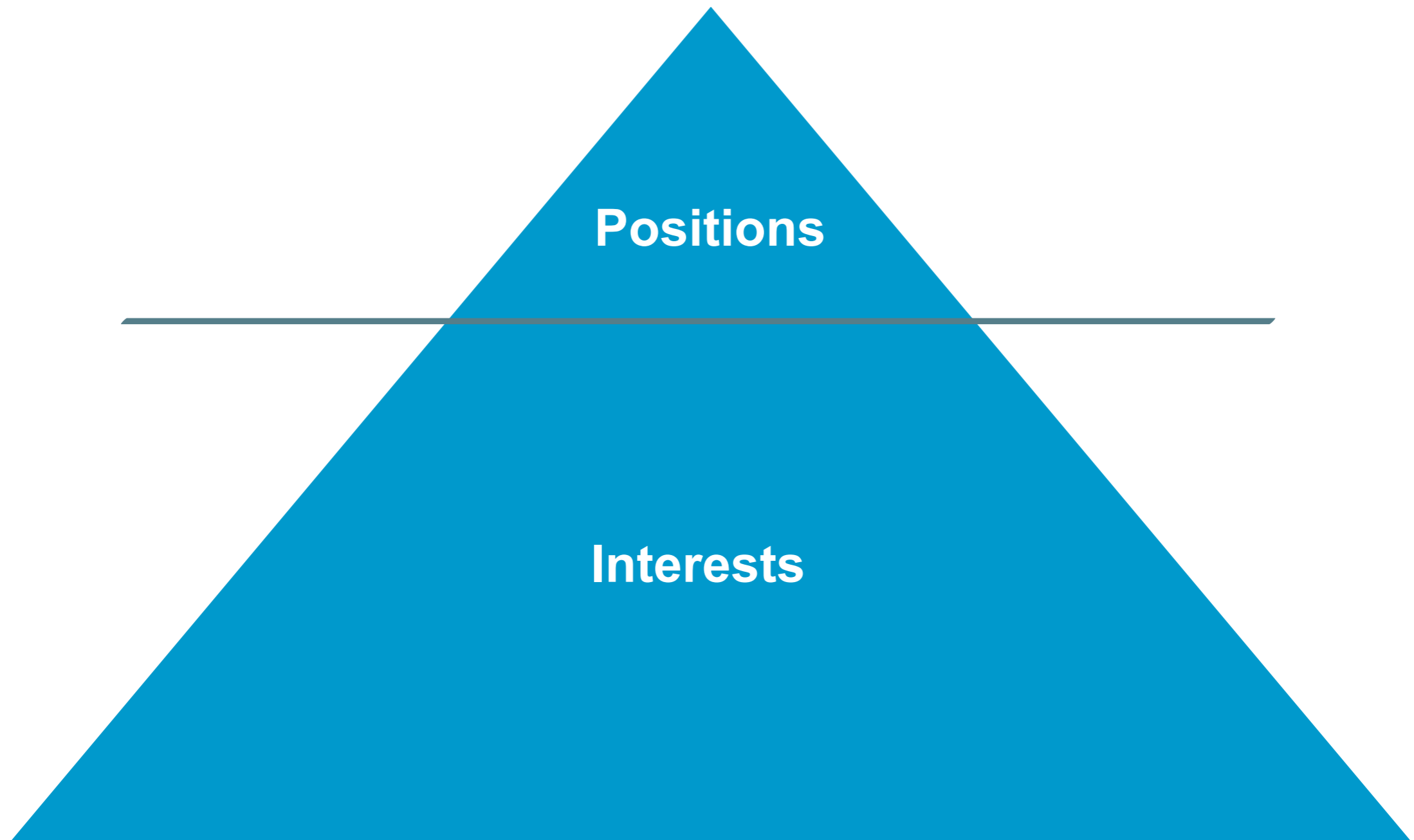
Separate people from the problem

Focus on Interests not only positions

Create options for mutual gain

Establish criteria for evaluation

Uncover interests to seek an all win solution



Facilitative Tools

BATNA

MLATNA

WATNA

Facilitative Practice

Find a partner and use the following scenario with one person being a visitor and the other the ombuds - use a facilitative approach -
(assume you've already explained the ombuds role)

A recently tenured faculty member has come to your office with concerns about potential changes to her/his teaching load. The department head sent them an email stating that starting in the fall, one additional course will be added to her/his load. The faculty member is mad.

What are the interests?

Separate people from the problem?

Options for mutual gain?



Transformative Mediation Considerations

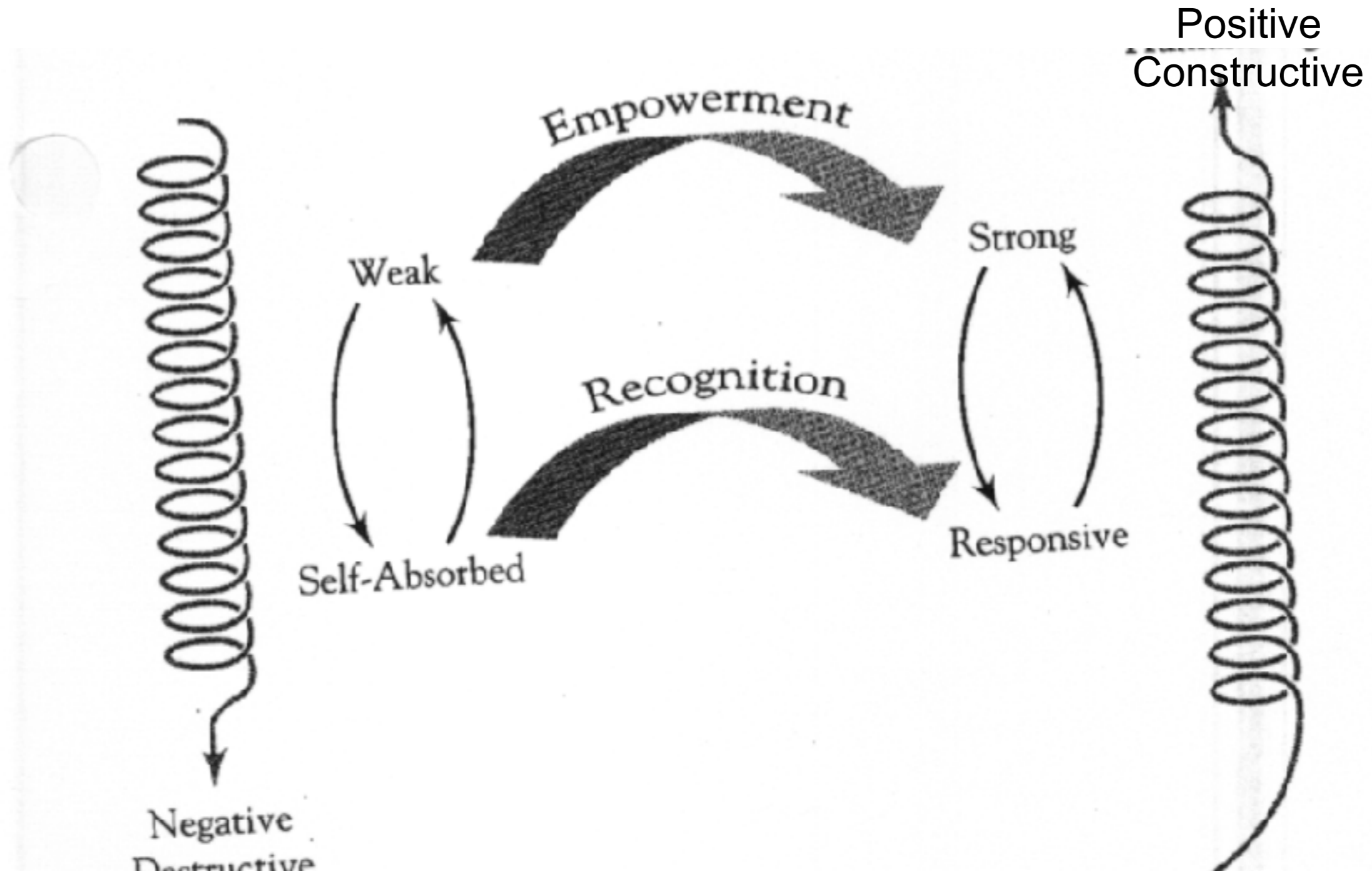
Focus on the quality of the conflict interaction - don't distinguish between content and process

Explore relational connections - don't focus on solving the "problem"

Support empowerment and recognition

Follow the lead of the people - don't guide the process

The conflict spiral



Transformative considerations

Empowerment = individual support (empathy, etc.) to shift from weakness to strength, people then able to deliberate and decide

Recognition = individual and group support from self absorption, then with acknowledgement leads to better understanding of self and other, able to think about other perspectives

People can address conflict when feeling empowered and recognized.

Transformative Tools

Reflection – individual level - content with emotion

Summary – group level

Check-in – process and content

Translation - reframe what you've heard

Transformative Practice

Find a new partner (switch role) and use the following scenario with one person being a visitor and the other the ombuds - use a transformative approach -
(assume you've already explained the ombuds role)

A recently tenured faculty member has come to your office with concerns about potential changes to her/his teaching load. The department head sent them an email stating that starting in the fall, one additional course will be added to her/his load. The faculty member is mad.

How do you get started with a transformative approach?

Try reflection and summary.



Narrative Mediation Considerations

Conflict is understood from the outside, from considering the social, cultural and not individual needs, wants, interests.

Conflict is often the result of differing perspectives and cultural positions.

Our discourse (language) creates the event.

Conflict is itself a story with a plot, actors, dramatic features, timelines, etc.

Narrative Mediation Tools

Explore the conflict story – how did it begin, who are the actors, what role is one in, what’s the plot so far?

Externalize the conflict as something “other” than the people involved.

Map the effect of the conflict and determine if people want to continue the effects or change.

Re-story the future without the conflict present.

Narrative Practice

Find a new partner (switch role) and use the following scenario with one person being a visitor and the other the ombuds - use a transformative approach -

(assume you've already explained the ombuds role)

A recently tenured faculty member has come to your office with concerns about potential changes to her/his teaching load. The department head sent them an email stating that starting in the fall, one additional course will be added to her/his load. The faculty member is mad.

How did it start?

Can you externalize the conflict?

What's the effect?

Ombuds as mediator / facilitator

What's the difference?

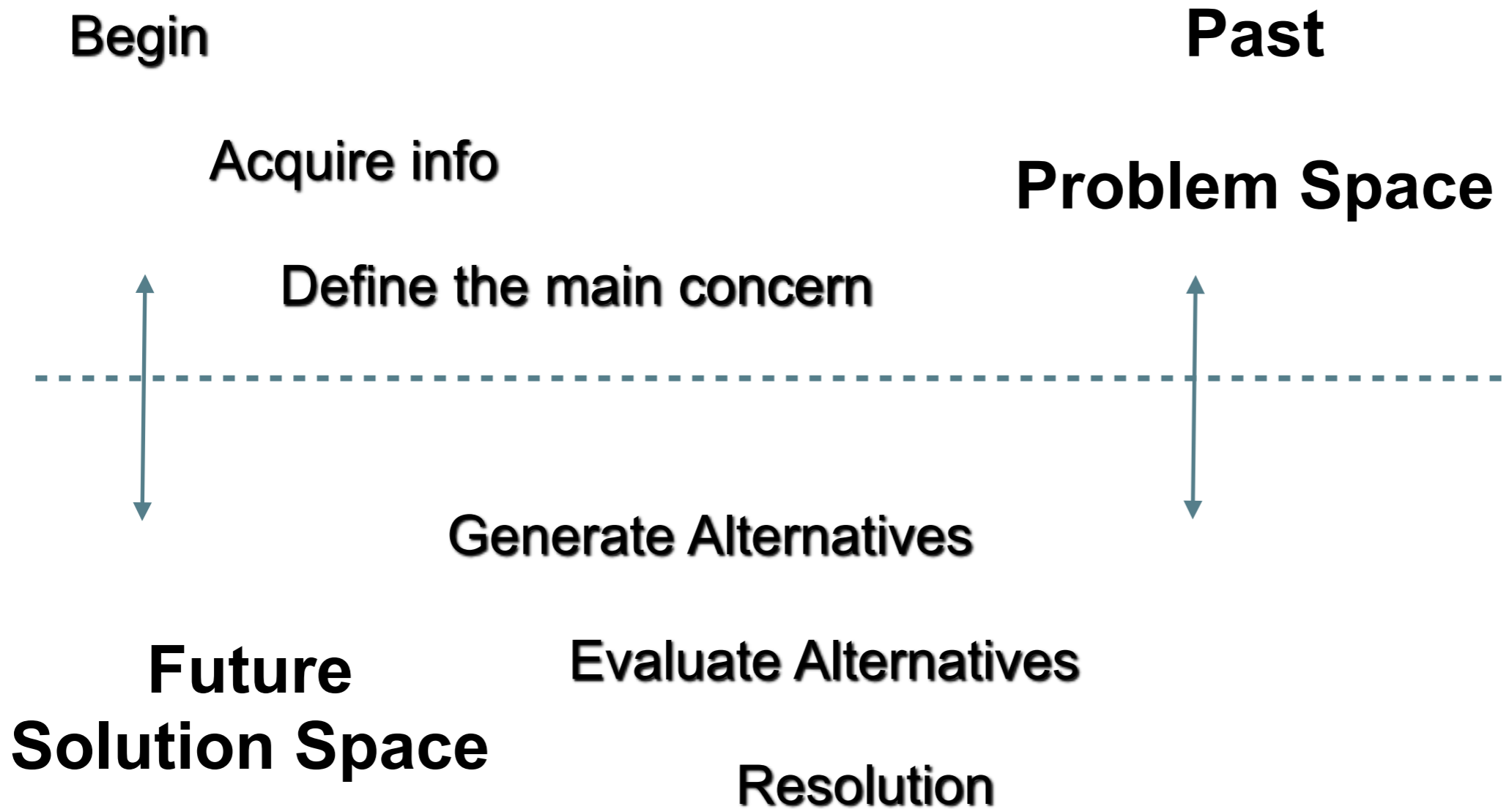
Mediator -

Facilitator -

What's your process as an ombuds?

Structural Models

BADGER



The Mediator's Handbook

Jennifer Beer and Caroline Packard

Exploring the situation

Opening

Listening to each perspective

Exchange

Transition

Reaching resolution

Topic List

Options

Decisions

Agreement

Closing

Resources

Getting to Yes. Fisher & Ury, 2nd edition 1991

The Promise of Mediation. Bush & Folger, revised edition 2005

Narrative Mediation, Winslade & Monk, 2001

Practicing Narrative Mediation, Winslade & Monk, 2008

Frogs into Princes - Neuro Linguistic Programming
Richard Bandler and John Grinder 1979

I hear what you say, but what are you telling me? The strategic use of nonverbal communication in mediation. Barbara Madonik 2001

First Impressions – What you don't know about how others see you. Ann Demarais and Valerie White 2004

Dinner Tonight ?!

If you don't have a plan,
let's make one !!



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