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The Role of Facilitators and Mediators

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Introduction

The terms *facilitator* and *mediator* are used to describe a wide variety of problem-solving professions. But a facilitator and mediator who works within a consensus-building process plays a much different role than one who specializes in other forms of dispute resolution.

In a typical public involvement process, a facilitator is often seen as an impartial person that coordinates meetings to seek the input and advice of citizens. In dispute resolution, the mediator is a third party brought in to help settle a dispute between two (or sometimes more) deadlocked opponents. A dispute typically focuses on a specific concern such as a labor contract or divorce settlement.

In a consensus building process, a facilitator, mediator, or "*process manager*" works to bring people to the table before a dispute arises, or after other methods of public involvement and dispute resolution have failed. The topic at hand may be specific, but consensus building also works well when dealing with broad public policies, complex issues, or several issues at once. Rather than limiting the discussion to the most vocal or concerned parties, a facilitator seeks to include all stakeholders and ensures them an equal chance to participate.

The process manager is an impartial servant of the stakeholders. He or she is responsible for maintaining the integrity and effectiveness of the consensus-building process. The roles and responsibilities of a facilitator in a consensus process are described in detail below.

This module is designed to help people understand the role of process managers, and to select the right facilitators or mediators for consensus-building efforts.

Why Use a Facilitator or Mediator?

- Because existing institutional arrangements or public arenas do not provide adequate “space” to build agreement and resolve disputes.
- Because a forum is needed to supplement existing institutional processes for shaping and implementing public policy.
- Because the participants have little experience or trust in working with one another.
- Because the numbers of issues under consideration are so great or complex that the participants are having trouble either organizing them or focusing upon one or two at a time.
- Because there are so many participants that conversation is cumbersome and a moderator is required.
- Because a deadlock in negotiations has occurred due to inflexibility of positions on substantive issues or problems such as false perceptions, poor communication, or intense feelings.
- Because there are no laws, rules, or regulations explaining how the issues should be handled.

In sum, a process manager can help organize your efforts, offer advice on how to proceed, create an atmosphere of fairness and respect, ensure that everyone has an opportunity to participate, and keep your group moving toward a successful and action-oriented agreement.

Common Tasks

Assessing, with the participants, the situation and determining an appropriate conflict management strategy.

- Meet with stakeholders to assess interests
- Evaluate BATNAs
- Explain the necessary conditions for a consensus process
- Handle logistics
- Convene initial meeting

Designing, with the participants, a process to match the situation (including ground rules to guide the process).

- Caucus with stakeholders to choose representatives
- Identify missing groups and strategies for representing diffuse interests
- Draft ground rules based on past experience and concerns of parties
- Help the participants develop a work plan and agenda
- Develop a method for joint fact-finding
- Identify technical consultants
- Raise and administer funds

Managing relationships and communication among the participants.

Training in negotiation and consensus-building skills.

Facilitating meetings, assisting in preparation for meetings, and preparing summaries of meetings.

Mediating specific issues, including shuttling back-and-forth among the participants clarifying interests and positions.

Crafting agreements or outcomes, with the participants:

- Invent options via brainstorming
- Coordinate subcommittees
- Identify and test possible trades (packaging)
- Prepare draft agreement using single-text procedure
- Work with people outside the process
- Ratify agreement with constituents

Fact finding in relation to a specific issue in circumstances where the participants are comfortable with that arrangement and the mediator has the expertise to conduct the research.

Implementing agreements or outcomes, with the participants:

- Work to link informal agreements to formal decision making processes
- Help participants monitor implementation -- convene a monitoring group
- Reassemble parties if subsequent disagreements emerge; remind group of intentions

Monitoring implementation and revision of an agreement.

Evaluating the results of collaborative problem solving processes and documenting the lessons learned.

Selecting a Facilitator or Mediator

Once a collaborative problem-solving group has decided that it needs the assistance of a facilitator or mediator, the challenge is to select the right person or organization. In deciding on potential candidates, the group should consider their:

- Experience with different processes
- Knowledge of issues, players, and institutional arena
- Education, training, and professional affiliation
- References and reputation
- Personality and style

General Skills to Look for in a Competent Facilitator or Mediator ¹

Anyone can offer their services as a facilitator or mediator. You must determine whether a person has the necessary skills and aptitude to do the job.

With or without formal training, a good facilitator or mediator should

¹ For more information on qualifications, see *Qualifying Neutrals: The Basic Principles* (Report of the SPIDR Commission on Qualifications, April 1989). For more on the issues of qualifications and competencies, see *Ensuring Competence and Quality in Dispute Resolution Practice* (Report No. 2 of the SPIDR Commission on Qualifications); and *Performance-Based Assessment: A Methodology for use in selecting, training, and evaluating mediators*. (National Institute for Dispute Resolution, 1995).

exhibit the following qualities.

- Ability to listen.
- Ability to analyze problems, identify and separate the issues involved, and frame them for resolution or decision making.
- Ability to use clear, neutral language in speaking and writing.
- Sensitivity to strongly felt values of the participants.
- Ability to deal with complex facts and research materials.
- Presence and persistence. An overt commitment to honesty, dignified behavior, and respect for the participants.
- Ability to create and maintain order with a diverse group of participants.
- Ability to separate the facilitator or mediator=s personal values from the issues under discussion.
- Ability to see and understand power imbalances.

Competencies for Mediators of Public Policy Disputes ²

Communication

- Initiate and maintain productive discussions among conflicting parties.
- Handle intense emotions in individual conversations and in multiparty meetings.
- Convey complex or technical information to lay people and across technical disciplines.
- Explain process alternatives to stakeholders and to political and community leaders and obtain their support for a process.

Conflict Analysis (or Situation Assessment)

- Research, investigate, and assimilate extensive complex or technical information quickly.
- Identify what interests need to be represented and by whom.
- Recognize how the relationships among stakeholders and the specific issues being addressed will affect the dynamics of negotiation.
- Weigh incentives/disincentives for settlement and reach honest

² For more information on this topic, see *Competencies for Mediators of Complex Public Disputes* (Environmental and Public Policy Sector, Society of Professionals in Dispute Resolution, 1992).

conclusion that negotiations have a good chance of succeeding (or at least will do no harm).

- Assist parties in assessing resources available, including personnel, finances, time and information.

Process Design

- Define goals for a negotiation with the parties.
- Select an appropriate format(s) for negotiation sessions (roundtables, team negotiations, workshop sessions, task groups).
- Identify, define and get agreement on appropriate roles (negotiator, observer, technical expert, convener, sponsor, chairperson, mediator, facilitator, recorder).
- Recognize when a team of mediators is appropriate and clarify the role each team member will play.

Negotiation

- Help participants to separate short-term from long-term organizational interests.
- Where appropriate, work with a single negotiating document.
- Sequence issues and package alternatives.
- Respond effectively to crisis situations.
- Assist representatives in managing communications with their constituent groups or organizational hierarchy in a way that

maintains the flow of information and facilitates organizational commitment to the decision.

Facilitation

- Determine conditions that make face-to-face group discussion more efficient than one-on-one communication.
- Identify people who need to be present in order to make meeting(s) successful.
- Allocate adequate and realistic timeframes for moving through the agenda.
- Assist participants in establishing behavioral and procedural guidelines, including expectations about confidentiality, press contacts, representation, and other safeguards.
- Establish and maintain a productive tone during a meeting.
- Ensure full participation of all participants, particularly those less vocal.
- Manage conflict within the group by maintaining a healthy balance of tension and motivation.
- Apply appropriate processes for groups to invent alternatives for joint gains and to make decisions.
- Obtain commitment to implement a decision.

Data Management

- Determine the importance of data and technical information to the resolution of issues.
- Organize complex and extensive information in formats and language useful to all parties.
- Help parties reach agreements on data where differences occur.

Administration

- Coordinate activities and communication among players (negotiators, observers, resource people, constituents, public, media) including minutes, reports, correspondence, caucuses, and press contacts.
- Determine and arrange for and manage financial resources, including administrative costs, mediator fees, technical expert fees, and participant compensation, if needed.

Questions for Interviewing a Candidate ³

When interviewing each candidate, don't hesitate to ask direct questions. The following list is a good start.

Experience

- What is your general experience?
- What is your experience with situations like this?
- With participants like ours?
- How long did those processes take?
- What types of outcomes were achieved?

Process

- Do you specialize in one approach?
- Describe what type of process you usually use in these situations.
- What are some things that would not work here? Why?
- Do you subscribe to a particular code of conduct or ethics?

Roles

- What role will you play and what impact do you want to have on the outcomes here?
- Do you think we have the necessary groups involved?
- If not, what do you suggest?

³ Adapted with permission from the Ohio Commission on Dispute Resolution and Conflict Management, *A Consumer's Guide to Selecting Third Parties to Help Resolve Public Disputes* (1991).

Substance

- What kind of knowledge do you have about the issues to be discussed?
- If you do not have specific knowledge, how will you get it?

Logistics

- How can the parties get in touch with you?
- What kind of staff will be assisting you?
- Will you always be available?
- Will you handle logistical arrangements for meetings?
- What kind of help will you need?

Costs

- How do you charge for your services?
- How would you estimate the costs for this project?
- How could costs be kept to a minimum?

Evaluating the Candidates ⁴

After each interview, evaluate the candidate=s responses and overall performance. How well did he or she respond to your specific situation and needs? Consider the following:

- What approach would they take to managing this type of situation?
- Did they describe how they would tailor their approach to fit your circumstances?
- Could they discuss the advantages and disadvantages of different approaches?
- What knowledge did they seem to have of the context, the politics, the relationships?
- Are there any conflicts of interest?
- How did they interact, or how do you think they will interact with the different constituencies that are going to be part of the process?
- Will they be able to gain the confidence of the participants?
- What kind of listeners are they?
- Will their styles be compatible?
- How neutral do you think they will remain on the issues?

⁴ Adapted with permission from the Ohio Commission on Dispute Resolution and Conflict Management, *A Consumer=s Guide to Selecting Third Parties to Help Resolve Public Disputes* (1991).

- Do you think they will be good at encouraging participants to come up with their own solutions?
- Are they going to be available when you need them?
- Did they ask good questions?
- Were they able to grasp the situation?
- What type of personality did they project?
- Did they have a sense of humor?
- Did they seem patient? Flexible?

Logistics

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- Will you handle logistical arrangements for meetings?
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Costs

- How do you charge for your services?
- How would you estimate the costs for this project?
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Hiring

Once you've selected a facilitator or mediator for the task at hand, make sure the terms and scope of the job are spelled out in a written contract. Most facilitators or mediators will provide a contract and a written cost estimate upon request.

