

Bridge Builder Roles

Treat everyone with respect

Establish trust and maintain confidentiality

Facilitate communication

Ask clarifying questions

Rephrase, reframe and summarize

Develop and Evaluate option(s)

Negotiate solution(s)

Write an agreement

Acknowledge each person's participation

Starting The Bridge Builder Process

Employee sends a request via e-mail with name(s) of other person(s) and a description of the problem(s).

A co-ordinator responds and contacts other co-worker(s) to obtain their willingness to participate.

If all parties agree, co-ordinator contacts a Bridge Builder who schedules a meeting.

All parties (including supervisor and/or time keeper) are advised of the meeting date, time , location as well as a brief explanation of the program including the ground rules.

Bridge Builder requests additional information from the parties about the issue(s).

Opening the meeting

Welcome the parties.

State the purpose.

Explain the process.

Discuss confidentiality.

Review ground rules and add more if requested.

Answer any questions.

Obtain agreement to begin the process.

Step one: Sharing Information

If the parties cannot agree who should speak first, the Bridge Builder makes the decision.

The first party explains the problem(s) in their own words using as much time as needed.

The other party listens without interrupting.

Bridge Builder asks question(s) to clarify what is said or get more information.

When the person completes his/her statements, the Bridge Builder summarizes each of the problems and asks if the summary expresses the issue(s) accurately.

The same process is repeated with the second party speaking and the first party listening.

The Bridge Builder identifies the issues which are shared by the parties. If possible, the issue should be described using neutral language.

Step Two: Discussing The Issues

The Bridge Builder uses all of the issues which have been expressed to form an agenda. If both parties have expressed the same issue, then this issue can be discussed first.

Through the discussion, each party expresses their interest and explains why that issue is important. As the dialogue proceeds, the various interests of the parties are shared.

Each of the issues should be discussed (even if only one party expressed it).

The parties may decide not to discuss an issue.

A possible resolution to an issue may be expressed. The Bridge Builder may choose to consider it either at that moment or come back to it later in the process.

Step Three: Generating and Evaluating Options

The Bridge Builder explains that the goal is to list as many possible solutions without any discussion. Each possible solution will be evaluated later.

The Bridge Builder explains how brainstorming is done and encourages the parties to share every possible solution which comes to mind. Brainstorming is done.

A possible solution is evaluated with each party expressing whether or not the solution meets their interest(s). If a solution is not acceptable, the person explains why that solution will not work.

All of the possible solutions are evaluated with the strength and weakness of each possible solution being considered.

As the dialogue continues, one or more additional possible solution(s) may be shared and each one can be evaluated by the parties.

Step Four: Seeking Resolution

If the parties develop a solution for an issue, the Bridge Builder assists the parties with the wording of the resolution.

The parties should anticipate the possibility of a problem with each solution and agree how the problem will be resolved (if it arises).

The parties may not reach a solution for each issue.

When one or more resolution is reached, an agreement can be written and signed by each of the parties and the Bridge Builder.

If no solution is reached, the Bridge Builder should thank each of the parties for the work which was done throughout the process.

After The Meeting

The written agreement is provided to all of the parties including a copy for the program co-ordinator.

Co-ordinator requests feedback from everyone.

Feedback is reviewed.

Changes are made to improve the program.

Skills for a Bridge Builder

Hold the meeting in a private, quiet location.

Review basic ground rules and add more if requested.

Listen actively and with empathy.

Ask clarifying and open ended questions.

Validate statements.

Paraphrase and reframe interests.

Generate possible solutions.

Evaluate each possible solution.

Write an agreement if a problem is resolved.

Acknowledge the parties's participation in the process.

THE IMPORTANCE OF LISTENING SKILLS FOR MEDIATORS

If we think of conflict as the “natural tension arising from differences,” we might begin to welcome it! Few people would want to eliminate differences in the world; losing the richness and variety would be too high a price to pay.

So *conflict* is not necessarily the problem. Conflicts are resolved successfully and with gratifying results every day. The problems, when they occur, are in *how* we try to resolve them. When we see ourselves as adversaries, we believe that in order to win what we want, the other side must lose. Faced with those choices, and depending on how we size up the power balance, we feel threatened with the loss of something we care about. Most people also feel some hopelessness: about being able to get what they want in a way that feels good to them; about being able to keep the relationship with the “adversary;” and about the inevitability of conflict (“Here we go again”).

All too often we attempt to deal with conflict by trying to “make it go away.” We try to do this in an amazing and endless variety of ways: avoidance, physically or psychically; dominating, or convincing by talking; appeasing; and capitulating.

In the end, these are not really as interesting or rich with possibility as the process of embracing the conflict and embarking on the risky, powerful journey of discovery. What we risk is that we will be changed—often in unexpected ways, and often in ways we thought we needed to resist. What we discover is what we (the people in conflict) can create together when we put our mutual energies into resolving our mutual concerns.

What’s all this got to do with listening skills? While the skills and attitudes involved in changing our view of conflict and its possibilities are not easy, they are simple. They start with listening well. Listening well requires both *willingness* and *skill*. The skills can be learned. The willingness is a decision that only the listener can make, about how we view the other person and the relationship between us. To listen well requires that we accept our connectedness with the person we’re listening to; respect him or her; decide to set aside our own “stuff” so we can attend to them. When we listen well, we:

- Are attentive to the speaker;
- Listen for emotions expressed along with the words;
- Stay aware of nonverbal messages, ours as well as his/hers;
- Ask questions designed to help the speaker tell us *his/her* story; and
- Acknowledge the speaker’s situation, its meaning, and his/her feelings about it.

ACTIVE LISTENING -- VECS

Listening is an art—that can be learned. Active listening involves more than passively hearing what is being said. As a mediator you model active listening techniques as well as help the parties to actively listen to each other.

Active listening in a mediation session accomplishes the following:

- Lets the parties know they are being heard and understood;
- Accurately assesses the situation as it is;
- Helps clarify what is being said;
- Communicates acceptance of feelings without agreeing with or approving of them; and
- Reduces emotions that block problem solving.

An easy-to-remember formula for active listening is **VECS**ing:

VALIDATE
EMPATHIZE
CLARIFY
SUMMARIZE

Validate

- Acknowledge the validity of each person's point of view.

"Our goal here is not to agree with each other, but to recognize that the concerns and feelings you both have are real for each of you."

- Name the parties' feelings without judging.

"I can see you're really angry with _____."

- Reframe the parties' concerns in neutral terms.

"You believe that _____ is not really interested in working this out because she confronted you angrily."

- Validate the parties' attempts to listen and to understand each other.

"I'd like to point out the progress you've made: before the session you weren't sure you could be in the same room together, and now you're both listening carefully to what the other has to say."

- Acknowledge new understandings and progressive movement of the parties.

"Is that new information for you? How does it change your understanding of the situation?"

To become more aware of the speaker's feelings, listeners can focus on four things:

1. feeling words—when the speaker puts his/her feelings directly into words
2. overall general content of the message—may provide clues
3. body language
4. “What would I be feeling?” Listener checks in with him/herself as guide, and offers a tentative guess at the speaker's emotions.

Empathize

- Help the parties put themselves in each other's shoes so they can understand what the other person is trying to communicate and why it matters to her or him.

"Can you explain, in your own words, what you just heard _____ say?"

- As questions that make the parties seem more real as people.

"Could you tell me a little bit more about yourself? . . . How long have you lived in the neighborhood? . . . What does this neighborhood mean to you? . . . Tell me about your work."

- Recognize the difficulty of the process.

"I realize that this is hard work . . . "

Clarify

- Use open-ended questions that encourage the speaker to elaborate, rather than questions that ask for a "yes" or "no" answer.

"Would you please describe what led up to that incident?"

- Use questions beginning with what, how, please explain, describe, and tell me more . . . Avoid questions that begin with why, or don't you think . . .

"Tell me more about how it affects you when your coworker ignores you."

- Avoid questions that are judgmental or accusatory, which seek to confirm a conclusion you have already reached.

Avoid: "You did throw the rake at him, didn't you?" or "Why did you..."

Summarize

- Your understanding of the parties' concerns and issues.

"Let me make sure I've heard you right . . . Have I left anything out?"

- Shared concerns, values, or needs of the parties.

"It sounds like both of you are concerned about . . . "

"Both of you have expressed the need for security: you, Mr. Jones, need the security of knowing that your rent is coming in every month and you, Mr. Smith, needs the security of knowing that you will have a habitable apartment to live in."

- Using neutral terms, leaving out irrelevancies.

LEVELS OF LISTENING

Use active listening skills (**VECSing**) to gather information at the following levels of experience:

OBSERVATIONS
REACTIONS
ASSUMPTIONS
VALUES
NEEDS

Listen for the parties':

- **Observations** about the conflict: what they objectively saw and heard.
 - "What specifically did you see or hear that led to your reaction/conclusion?"
 - "How loud and how frequent is the noise you hear? . . . Is the noise louder during certain hours of the day? . . . Have you observed any pattern?"
- **Reactions** to the conflict, on an emotional level as well as how the conflict has impacted them.
 - "How do you react when that happens?"
 - "What are you feeling right now?"
 - "What was that experience like for you? How did it affect you?"
 - "Could you tell _____ how it affected you when . . . ?"
- **Assumptions**, interpretations, and suspicions about what they observed about each other.
 - "What do you know about _____ (other party)?"
 - "It sounds like you have some suspicions about what's really going on here. You think . . . , is that right? What specifically has s/he said or done that makes you think that?"
- **Values** that contributed to their reactions.
 - "I'm hearing that . . . is very important to you."
- **Needs** that must be met for a satisfactory solution.

Common Roadblocks Distort Listening

Which ones get in your way?

ROADBLOCKS	Always	Often	Some-times	Never
1. Mental Rehearsing – We are so busy planning our response and impatiently waiting to speak that we block our ability to listen.				
2. Criticizing – We focus on what's wrong with what the person is saying and so we miss brilliance or merit in their ideas. We divert our energy by categorizing, analyzing, and judging instead of listening.				
3. Filtering – When we're sure we know what's true, and/or are determined not to hear things that force us to reconsider our own viewpoints because we're so attached to our own positions, we may block out ideas and information that challenge our thinking.				
4. Prejudiced Listening – We all make judgments about individuals – he's boring, she's a chatterbox, he's too full of himself, she's doesn't know what she's talking about – and these disable our listening. We also have prejudices about groups of people – engineers have their heads in the sky, Union reps always criticize –this can make it hard for us to openly listen to what they have to say.				
5. Fact Gathering – When we listen only to the words and details someone is saying, and fail to tune into emotion, voice qualities or body language, we often miss the <i>point</i> of the other person's message. We have to ask, "Why are they telling me this?" "What do they want me to understand?"				
6. Bored Listening – G.K. Chesterton said, "There is no such thing as an uninteresting subject, only uninterested listeners." If we believe speakers or their topic is boring, we will fail to focus our attention and make ourselves unable to fully hear what they are saying.				
7. Difficult Material Blocking – We all have decided that we are not "smart" about certain topics, and often don't even attempt to listen well enough to gain understanding. So we listen poorly, and reinforce our belief in our own shortcoming.				
8. Impatience – Everyone has a different pace of thinking and listening. If we can't wait for people to get points across at their own pace, we will not hear or understand their viewpoints.				
9. Distraction – When we are distracted the person's looks, the surrounding environment (noise, activities), or tasks we might also be doing, we aren't focusing on their words and can lose much of the meaning.				

BLOCKS TO LISTENING

There are many blocks to listening. You will find that some are old favorites that you use over and over. Others are held in reserve for certain types of people or situations. Everyone uses listening blocks, so you shouldn't worry if a lot of blocks are familiar. This is an opportunity to become more aware of your blocks at the time you actually use them.

1. Comparing

Comparing makes it hard to listen because you're always trying to assess who is smarter, more competent, more emotionally healthy—you or the other. Some people focus on who has suffered more, who's a bigger victim. While someone's talking, you think to yourself, "Could I do it that well? . . . I've had it harder, he doesn't know what hard is . . . I earn more than that . . . My kids are so much brighter." You can't let much in because you're too busy seeing if you measure up.

2. Mind Reading

The mind reader doesn't pay much attention to what people say. In fact, he often distrusts it. He's trying to figure out what the other person is **really** thinking and feeling. "She says she wants to go to the show, but I'll bet she's tired and wants to relax. She might be resentful if I pushed her when she doesn't want to go." The mind reader pays less attention to words than to intonations and subtle cues in an effort to see through to the truth.

If you are a mind reader, you probably make assumptions about how people react to you. "I bet he's looking at my lousy skin . . . She thinks I'm stupid . . . She's turned off by my shyness." These notions are born of intuition, hunches, and vague misgivings, but have little to do with what the person actually says to you.

3. Rehearsing

You don't have time to listen when you're rehearsing what to say. Your whole attention is on the preparation and crafting of your next comment. You have to **look** interested, but your mind is going a mile a minute because you've got a story to tell, or a point to make. Some people rehearse whole chains of responses: "I'll say, then he'll say, then I'll say," and so on.

4. Filtering

When you filter, you listen to some things and not to others. You pay only enough attention to see if somebody's angry, or unhappy, or if you're in emotional danger. Once assured that the communication contains none of those things, you let your mind wander. One woman listens just enough to her son to learn whether he is fighting again at school. Relieved to hear he isn't, she begins thinking about her

shopping list. A young man quickly ascertains what kind of mood his girlfriend is in. If she seems happy as she describes her day, his thoughts begin wandering.

Another way people filter is simply to avoid hearing certain things—particularly anything threatening, negative, critical, or unpleasant. It's as if the words were never said; you simply have no memory of them.

5. Judging

Negative labels have enormous power. If you prejudge someone as stupid or nuts or unqualified, you don't pay much attention to what they say. You've already written them off. Hastily judging a statement as immoral, hypocritical, fascist, pinko, or crazy means you've ceased to listen and have begun a "knee-jerk" reaction. A basic rule of listening is that judgments should only be made **after** you have heard and evaluated the content of the message.

6. Dreaming

You're half-listening, and something the person says suddenly triggers a chain of private associations. Your neighbor says she's been laid off, and in a flash you're back to the scene where you got fired for playing hearts on those long coffee breaks. Hearts is a great game, there were the great nights of hearts years ago on Sutter Street. And you're gone—only to return a few minutes later as your neighbor says, "I knew you'd understand, but don't tell my husband."

You are more prone to dreaming when you feel bored or anxious. Everybody dreams, and you sometimes need to make herculean efforts to stay tuned in. But if you dream a lot with certain people, it may indicate a lack of commitment to knowing or appreciating them. At the very least, it's a statement that you don't value what they have to say very much.

7. Identifying

In this block, you take everything a person tells you and refer it back to your own experience. They want to tell you about a toothache, but that reminds you of the time you had oral surgery for receding gums. You launch into your story before they can finish theirs. Everything you hear reminds you of something that you've felt, done, or suffered. You're so busy with these exciting tales of your life that there's no time to really hear or get to know the other person.

8. Advising

You are the great problem-solver, ready with help and suggestions. You don't have to hear more than a few sentences before you begin searching for right advice. However, while you are cooking up suggestions and convincing someone to "just try it," you may miss what's most important. You didn't hear the feelings, and you didn't acknowledge the person's pain. He or she still feels basically alone because you couldn't listen and **just be** there.

9. Sparring

This block has you arguing and debating with people. The other person never feels heard because you're so quick to disagree. In fact, a lot of your focus is on finding things to disagree with. You take strong stands, and are very clear about your beliefs and preferences. The way to avoid sparring is to repeat back and acknowledge what you've heard. Look for one thing you might agree with.

One subtype of sparring is the **put-down**. You use acerbic or sarcastic remarks to dismiss the other person's point of view. For example, Helen starts telling Arthur about

her problems in a biology class. Arthur says, "When are you going to have brains enough to drop that class?" Al is feeling overwhelmed with the noise from the TV. When he tells Rebecca, she says "Oh god, not the TV routine again." The put-down is the standard block to listening in many marriages. It quickly pushes the communication into stereotyped patterns where each person repeats a familiar hostile litany.

A second type of sparring is discounting. Discounting is for people who can't stand compliments. "Oh, I didn't do anything . . . What do you mean? I was totally lame . . . It's nice of you to say, but it's really a very poor attempt." The basic technique of discounting is to run yourself down when you get a compliment. The other person never feels satisfied that you really heard his appreciation. And he's right—you didn't.

10. Being Right

Being right means you will go to any lengths (twist the facts, start shouting, make excuses or accusations, call up past sins) to avoid being wrong. You can't listen to criticism, you can't be corrected, and you can't take suggestions to change. Your convictions are unshakable. And since you won't acknowledge that your mistakes are mistakes, you just keep making them.

11. Derailing

This listening block is accomplished by suddenly changing the subject. You derail the train of conversation when you get bored or uncomfortable with a topic. Another way of derailing is by **joking it off**. This means that you continually respond to whatever is said with a joke or quip in order to avoid the discomfort or anxiety in seriously listening to the other person.

12. Placating

"Right . . . right . . . absolutely . . . I know . . . of course you are . . . incredible . . . yes . . . really?" You want to be nice, pleasant, supportive. You want people to like you. So you agree with everything. You may half-listen, just enough to get the

drift, but you're not really involved. You are placating rather than tuning in and examining what's being said.

Adapted from *Messages: The Communication Book*, McKay, Davis & Fanning. New Harbinger Publications (1983)

THE ART OF INTERVIEWING*

In investigating problems or concerns brought to you by your members, a steward relies heavily on good interviewing skills. Here are a few pointers on how to conduct a successful interview.

1. Find the right place and time for the interview.

Distractions such as noise, a crowded office or shop setting make good communication difficult. A steward needs to know convenient places in or near his or her workplace where the steward and member can talk in privacy. Sometimes this means taking time at lunch to listen to a member's concern.

Try to gauge how much time you will need to spend with the member. If you feel rushed because of time pressures it is likely that you will not have a very productive interview.

2. Encourage the interviewee to talk.

Your primary objective is to get the member to talk freely, not to talk yourself. The best way to find out what the other person wants to say is to listen, and the best interview is usually the one in which the interviewer talks least.

But listening is not easy, for our natural impulse is to talk. This is particularly true when we feel threatened by what is being said to us, for instance, when we are being criticized. Under these circumstances our normal impulse is to defend ourselves rather than to listen.

Listening is more than just not talking, however. It requires an active effort to convey that you understand and are interested in what the other person is saying--almost that you are helping him/her to say it. A friendly facial expression and an attentive but relaxed attitude are important. A good interviewer also makes use of phrases such as "Uh-huh," "I understand," "That explains, it," or "Could you tell me more?"

Even silence can be used to keep a person talking. When people pause in their discourse, they are either being polite and giving you a chance to talk, or else they want you to comment, to evaluate what they are saying. Merely by not taking up their challenge, by waiting through their pause, you indicate that you have nothing to say at the moment, that you want them to continue talking.

*Source: AFSCME D.C. 57. For classroom use only.

can indicate that you would like the person to talk more about this particular area. This device is called a "probe." For example, in explaining how a fight started between himself and another employee, the member says, "Joe was always riding me. When he picked up my lunch bucket, that was the last straw." Now if the steward wants to find out more about what Joe has done to arouse this man, she has a good chance to insert a probe: "You say Joe was always riding you?" then she stops and waits for the man to go on. Notice that the steward does not say, "What did Joe do to make you so sore?" Rather, she simply repeats the employees own words. Chances are this approach will encourage the member to tell more about the "riding" than he would if he had been asked a direct question.

Less subtle probes include "Could you tell me more about...?" or "I am interested in what you said about..."

5. Weighing Alternatives

Sometimes it is enough if the interview helps you find out how the person feels about the situation and what the essential facts are as he or she sees them. In other instances, however, you may wish to help him or her devise a solution. How can you do this without seeming to impose your own ideas on the person?

Let us assume one of your managers wishes to discipline severely one of the employees whom he sees as a troublemaker. The manager's first suggestion, for example, may be that he should go right out to the shop and fire the troublemaker. If you keep asking for additional suggestions, he may suggest lesser penalties. Finally, he may even come around to suggesting certain changes in his own behavior.

Now, after the manager has offered all these suggestions, you would attempt to get him to examine each one:

- What would its probable effect be?
- How would the employees react?
- How would it help him solve the problem?

By helping the interviewee think through his problem, you may succeed in having him come to a conclusion that it is his, not yours. And if it is his, the member will be much more likely to act on it with enthusiasm.

6. Direct Questions

One of the most frequent errors made by inexperienced interviewers is transforming the interview into a game of "twenty questions." A man has fallen into the habit of coming to work late and his steward is anxious to help him out before possible disciplinary action is started. Having had some training in human relations, the steward suspects that a home problem is involved. Her end of the conversation may run something like this:

they say something that is obviously wrong. Moreover, if the interviewer is attacked personally, she must exercise tremendous restraint not to answer back.

3. Advice Giving.

When you finally get the complete picture as the member sees it, you may be able to provide advice or information that has not previously been available. But again, it is often better to help the member work through his or her own problems. In any event, you should hold off giving advice until *after* the interviewee has told the entire story--until you have all the facts.

SUMMARY

Interviewing is a form of communication and like other forms of communication it is most effective when it is two-way. a good interview is more than a one-way process in which the interviewee tells his or her story to the interviewer; the interviewer must in turn be constantly communicating his or her interest in the interviewee as a person and what that person has to say.

It is not enough for the steward to understand their members; the steward must also give them the feeling that he or she is sincerely trying to help them. The steward must not only listen, but must communicate the feeling to the members that they are being listened to.

A well done interview is a critical element in solidarity building.

Interviewing techniques

You'll be doing basically two kinds of interviews as a steward. You will be interviewing the grievance and you will be interviewing the grievance witnesses. On occasion you may also be interviewing some of management's witnesses.

The key to a good interview is preparation. This doesn't mean that you have to exhaustively researched everything about the grievance before you meet with the witnesses. But you should know what the interview will be about and you should know what questions you intend to ask at least as a starting off point.

If you're new at doing interviews it doesn't hurt to jot down some of the questions you want to be sure to ask so you don't overlook anything.

What kinds of questions should you ask at virtually every grievance interview?

Get basic identifying information,

ask for a straightforward narrative from the employee's point of view of the events in question,

Find out who the other witnesses are and get their contact information if the employee has it,

get the names and contact information of any involved managers or any other witnesses,

get all the basics of date Time location

Ask what documentation is available if any,

You should take questions like these and jot them on a legal pad leaving five to 10 lines between each question for you to make notes. If you have specific information about the case already you should make note of any questions you wish to ask about that information.

The reason for doing that is that you will all occasionally become nervous during an interview and forget to ask vital questions or the employee or witness may produce some rather startling information which will take you off the track you had originally headed down and you really need to remember to circle back and close the loop on all the information you intend to get. Especially the beginning it's easy to get sidetracked and walk away from an interview and immediately realize that you left some important question I'm asked.

The first step in actually conducting an interview is to establish some rapport with the person you're interviewing. There are many ways to do that in the way that works best for you will depend on a degree to your personality. What rapport really means is that the person you're interviewing is relating to you in an authentic manner. In order for that to happen you have to be open and to a degree emotionally unavailable to the person you're interviewing. That does not mean mustering artificial sympathy or feigned outrage. It means being real with the employee

and honest with yourself about what is going on in the interview.

This can be very difficult at times. Most of your interviews will be fairly routine in terms of subject matter. However it won't be at all uncommon to conduct interviews which are about subjects that could make us very uncomfortable. You may have to ask very direct questions about serious misconduct or allegations involving racism, sexual misconduct or deal with the fallout from alcohol or drug dependency or depression or victims of violence.

I find it best not to beat around the bush when it comes to directly talking about the subject matter of the interview. Your ability to handle difficult questions and subjects directly, calmly and rationally will give the person you're interviewing confidence in the quality of your representation. If you use euphemisms or vague allusions to uncomfortable subjects the employee will eventually begin to lose trust in you.

It's also important to be nonjudgmental in your interactions with the employee. Sometimes distancing yourself in the way you ask questions can be helpful. For example, instead of asking "did you touch Betty Lou on the breast?" You can ask "why do you think they are saying you touched Betty Lou on the breast?" This technique shouldn't be overused but it can reduce discomfort in some situations. Distancing in this way may reduce rapport slightly, but not as much as if you were displaying obvious this convert or embarrassment with the subject matter.

Another essential ingredient in establishing rapport is to give the employee a preview of the interview process. Explain to him or her that your job at the interview is to learn the truth of the events that you can only do your job as an advocate with full and complete information. You can briefly explain the process that the employee can expect in the interview and immediately following the interview. Make sure that the employee has your contact information and is clearly who you are and what your role is before you start asking questions.

You will begin the interview by working from your prepared list of questions. But don't be a robot about it. If you come across interesting and useful information, pursue it. You can turn to a later page in your legal pad and make notes and then come back to your prepared questions.

At times you will ask questions which requires simple yes or no answers or very short explanations as a response. But in general trying to get in the habit of framing your questions as open ended questions.

Let's see if some folks can give examples of open-ended questions that they might ask an interview.

Let's give some examples of questions that are not open-ended.

As you get to the heart of the issue in question you should get in the habit of paraphrasing

employs answers and giving them back to him or her so that you know and he knows that you have a shared understanding of what was said. While I advocate taking notes during an interview, I do not advocate a slavish attention to verbatim notetaking which distracts you from listening to the employee. If you're not attending to the employee when he is answering your going to miss important cues as to whether or not to ask follow-up questions. Rather than continue to take notes while the employees talking I will occasionally just tell the employee "let me finish my notes before we go on" that tells the employee that your diligent about doing your job but that when he talks to you he will have your undivided attention.

As you interact with the employee during the interview is important to be cordial but direct. At this particular point you are not there to be a cheerleader to the employee sense of outrage or injustice. Part of being a professional is to remain objective while you're gathering data.

The role of the advocate is to interpret data, to present data, to build a record which bolsters the employee's case and diminishes managements case; but that comes later. Right now your goal is just to get the information.

When you have completed the interview after the employee if they have anything to add. Make sure once again that the employee has your contact information and ask him or her to get in touch with you if they think of anything else important.

Witness interviews

Basically witness interviews are conducted very similarly to grievance interviews however there are some other things to be aware of. In the case of a grievance remember that he or she called the union he wants you there. This may not be true of a witness. A witness may be fearful of retaliation, they may resent being drawn into another person's problems, they may not be a supporter of the Union at all, they may see you as being there to protect what they perceive as a bad employee.

That is why it's always important to witness interviews to explain to the witness that you are there to get the truth. I was told a witness that I do not expect them to take sides and if there's bad news I want to hear it just like I want to hear good news. Tell them that neither the university nor the union condone any form of retaliation for what witness says. You can put this in your own words of course but the idea is to let the witness know that by being interviewed by you hear she is not being asked to choose sides. This is important. As much as we would like all of our members to support the union at all times to reality as every workplace has complex dynamics and frequently we need to present ourselves an interview situations as neutral fact gatherers and not union advocates.

I believe that notetaking is more important than witness interviews than even in the grievance interview. Here's why, the grievant has already decided to cooperate with you. The witness may not have make up his or her mind yet. If the witness knows that you are faithfully recording their statements they will be less inclined to either change their story or refuse to testify later.

In the early stages of an investigation witnesses who are supportive of the grievant may voluntarily come forward. It has been my experience that these witnesses are the most likely to be initially helpful and then withdraw their cooperation later when it appears that they may have to stand up and publicly support their statements at either a grievance meeting or an arbitration hearing. That's why when the grievant supplies a list of witnesses, or when those witnesses come forward voluntarily I will often ask them to give me a written statement about what they know. Now, if you just say could you put that in writing? That'll scare some of them off. But if you could casually asked them to send you an e-mail of what they just told you so that you have a copy of it for the file you may be likely to get that information in writing. I think this is especially vital in cases involving accusations of discrimination due to protected status or workplace hostility. Witnesses have a tendency to disappear. That's why excellent notetaking and taking any opportunity you can find to get a written statement from a witness will be valuable later on.

Finishing up

After the interview is concluded as soon as he reasonably can you show over your notes and make sure they are legible if they are not you should make corrections were needed, or rewrite them, or type them. I recommend typing them. The reason for this is that the ezone within the next couple of weeks will have a feature which will allow you to upload electronic documents and attach them to the case you are working on. You could also scan your handwritten notes and attach them to the case but if you have trouble reading your handwriting it will be far worse for other people.

Hopefully people will be either using typed notes or scanners so that we'll have an entirely electronic file in the future that can be easily transferred to any other person that needs to case related information. In the meantime you should keep the manila file of every case you work on. In that file should be the original copies of your notes. Your notes should have the date and time the interview was conducted in the pages should be numbered. Remember, that while it rarely happens your notes are discoverable by management in an arbitration hearing just as we can discover their notes. In addition your notes as uploaded to the ezone will be available to the grievant. They should be written in a professional manner, they shouldn't contain any characterizations or conclusions that would embarrass you if made public, they shouldn't be covered with doodles and miscellaneous information and coffee spills and peanut butter and jelly smears.

If you're new grievance steward this would be a good time to call your grievance lead or assigned staff person and debrief on the interview.

QUESTIONING

Questioning is a basic mediator tool. It is used in two ways. Open-ended questions open the door so that the disputant is invited to provide more information, explore an issue or interest, or expand options for settlement.

Client: "I can't trust her."

Question: "could you tell us more about that distrust?"

Client: "She doesn't understand my bottom line."

Question: "Would you talk more about that? How do you see her not understanding you?"

Close-ended questions

Closed-ended questions help the mediator focus on a specific item. They require a "yes" or "no" response. They tend to keep the content of the conversation in the helper's ballpark. This is why courtroom cross-questioners use it so much. Use it wisely because people could easily become defensive. It closes options for the party instead of opening them.

Open-ended questions

An open-ended question has many possible answers, and that invites the person to think and say what's really on his or her mind. A closed question (Did you block their driveway?) really has only one or two possible answers ("NO!!") and the person feels boxed in, trapped, accused, and senses that you're not really interested in them as a person.

Open-ended questions expand the boundaries of trust. They help parties feel safe to talk about what's affecting them. The person can risk and share as much or as little as he or she wants in responding.

Mediators try to ask open-ended question to help parties share their stories.

Examples of open-ended questions:

- "What brought you here to a mediation session?"
- "Tell me about...."
- "How was it for you when...?"
- "How did that affect you?"
- "Can you say more about what concerns you have?"
- "What's most important to you here today?"
- "Oh, your dog is a hunting dog. How does that work?"

OPEN-ENDED QUESTIONS

Early Clarification Questions

- What happened from your perspective?
- How has the problem been affecting you?
- Could you tell me more about ____?
- What led you to that conclusion?
- What bothers you most about this situation?
- Is part of the problem for you that ____?
- What led up to that incident?
- What did you think he/she meant when ____?
- What was the experience like for you?
- It sounds like this might be new information for you.
- You haven't said this directly but I think I hear you saying ____.
- If you did know, what would it look like?

Ending Clarification Questions

- Have you talked with your neighbor? How did it go?
- What would you like to see happen? Why?
- How would you like to proceed?
- What have you done or thought about doing to resolve this?
- How would you have done this if you were ____?
- What would make you feel secure in this situation?
- If you could do it again, how would you like it to be?

Summarizing Questions

- So far, what I have heard you say is _____. Is that right? Have I missed anything?
- Let me see if I understand exactly what is bothering you?
- Let me review what I have heard. Please correct me if I leave anything out.
- I hear you saying _____. Is that correct?

Responses to position statements

- What is important about this for You?
- Why do you want this?
- How would that affect you?
- Tell me more about why you want this to happen?
- What would that mean to you?
- What will happen if ____?
- What is the value of this to you?

Validation Statements and Questions

- I am interested in hearing more about this situation from your perspective.
- I hear that you are very frustrated (aggravated, disconcerted, disturbed, annoyed, discouraged, irritated, upset, etc) with _____. Is that right?
- I understand that you feel _____. Is that right?

Transition Questions

- Can you explain, in your own words, what _____ has just said?
- Have you ever been in a situation similar to the one _____ has just described? Tell me about it.
- Is there something that you want _____ to understand that you think he/she hasn't understood?
- What did you hear _____ say and how does it make you feel?

Outcome Exploration and Brainstorming Questions

- What is a solution that you could live with?
- What would help you?
- What would you like to see happen?
- What would resolve this for you?
- What would you like your ongoing relationship with your neighbor to be?
- What does that relationship look like to you?
- What would improved communication with your neighbor look like to you?
- Describe what improved communication with your neighbor would look like.
- How would you like to proceed?

Negotiating Questions

- How would you know if _____?
- How would that work?
- Are you saying that would be okay?
- Is that an idea you would like to talk more about?
- If you can't resolve _____ what would happen?
- If it were working well, what would be the difference?
- What do you think about what was just said?

Handling Strong Emotions

- I can see that you feel strongly about this. Tell me more about how you feel.
- If you are able, tell _____ how his/her actions affected you.
- Is there anything more that you want me to know?

OPEN-ENDED QUESTIONS ABOUT BULLYING OR HARASSING BEHAVIOR

What did they do that you disliked?
What would you have liked them to have done?
What would you like them to do now?
How would they start?
What should they say?
How would you respond?

What specifically did A do that you consider to be _____?
What makes this feel like _____ to you?
What does it feel like to be _____ by A? (Angry, ashamed, insulting, humiliating ...?) Say more about how you feel.
What would you have liked A to do instead?
How could A have made the same point but in a way that you would not have experienced as _____?
Has this happened to you before? Tell me more about what happened before.
Why have you allowed yourself to be _____?
Can you think of anything that you did that encouraged A to engage in what you call _____?
What could you do in the future that might encourage A to act differently?
What do you think that A wants to get through what you call _____?
If you talk about those issues do you think a will feel the need to push so hard for what they want?
Did A do anything that led you to feel that he/she consented to or accepted your behavior?
Have you experienced what you call _____ before?
How did you respond to it then?
Would you respond the same way now? Why? Why not?
Can you agree not to act in a way that leaves the other person feeling _____?
How will you let each other know when you are feeling _____?
Can you agree that you will listen to what the other person is saying and not engage in or accept _____ behavior?
How would you like each other to do that?

Why did you yell at A?
Can you understand why A felt intimidated by what you did?
Why do you think A felt afraid of or intimidated by you?
In hindsight, how could you have handled it better?
Was there anything you did that encouraged A to think it was acceptable to yell back at you?

What price have you paid for that behavior?
What would it take for you to give up that behavior?

That sticky middle part: Between the opening statements and agreements

By Ann McBroom and Cathy Goldman
Bellevue Neighborhood Mediation Program

After the structure of opening statements and agenda building, new mediators often take a back seat to their more experienced mediators. Even the most experienced mediators may feel slightly panicked as they enter into the ambiguous and less defined “negotiation phase” of the mediation. Many rely on the intuition which comes from years of practice and are pleasantly surprised when their interventions are successful. There are ways, however, for mediators to integrate their intuition with some added structure.

Searching for pearls. When parties begin to discuss agenda items, the exchange is often heated. During the initial stage of discussion, both mediators and participants are likely to be uncomfortable with the high level of emotion and uncertainty associated with unresolved conflicts. Skilled mediators recognize that wisdom is likely to emerge from delayed resolution of ambivalence and use this opportunity for productive exploration. They consider the painful angry words as indicators of what each participant values and perceives as threatened or lost as a result of the other person’s actions or attitudes. Just as a pearl is the result of the initial irritation, the deeper unaddressed interests of the participants emerge from this emotional period. The mediator’s job is to “search for pearls.” If the mediator is willing to go slowly, they may uncover one pearl; if they continue to look through the layers, they may find a whole necklace.

- Remain patient and curious.
- Follow what is most alive.
- Search for what each participant values and perceives as threatened or lost.
- Listen to the message on many different levels
- Translate the message into feelings, interests and needs.

From conflict to connection. Mediators know the power of acknowledgement. When the mediator is able to identify and name the feelings and interests of each participant, the participants begin to see the conflict in a different light. Skilled mediators also facilitate verbal acknowledgements between the participants. Although participants may not be ready to accept the validity, if they are able to listen and accurately restate the feelings and needs of the other person, fragile strands of connection are likely to replace defensive posturing. Mediators assist the participants in their own process of discovery by asking questions that support a deepening awareness.

- Did you hear anything new?
- What was it you heard the other person say?
- Are there things you would like to understand more?

- What is it like to have the other person hear you?
- What would you like the other person to understand about the situation?
- What are the effects of the situation on you? On the other person?

Shifting from a point of view to a viewing point. Once participants have risked exposing their vulnerabilities and acknowledging the other person's vulnerabilities, they are ready to broaden their perspective and develop a better understanding of their own and the other's point of view. The other person is viewed not so much as an obstacle, but as a human being with needs of his or her own. Together the parties may begin to share a viewing point, which will allow them to visualize a variety of options and solutions. Mediators promote this shared vision by commending the participants for taking risks, gently probing for options and expressions of common ground.

- What could each of you do to create a situation which would address (the interests and needs of both of you)?
- If it were working well, what would be different?
- If you had (that particular solution)...what would it mean to you?
- What could each of you want to do to make (a particular solution) work for you?
- What do you think about what he just said?

Preparing for change. The most dependable quality in the universe is that of change. Resistance to change is based on the uncertainty of what the future will hold. What motivates change is not wanting to repeat a painful past experience. By helping the participants envision the future, mediators allow the participants to move in a new direction. Participants who were initially threatening and demanding are ready to formulate positive, concrete requests.

Mediators help the participants consider the requests and the potential changes that will result.

- Are you willing to try a different approach?
- What have you learned from the present situation?
- What would you do differently next time?
- How will that work for you over a period of time?
- How will you deal with similar situations in the future?
- What would the new approach look like?
- What would you and the other person be doing or saying?

So, when that sticky middle part emerges in a mediation, remember to slow down. Take the time to allow the participants to see the humanness in each other. We all have feelings, desires and interests that need to be expressed and validated. When parties connect at this level, you have helped them pave the way for brainstorming options and creating solutions that work.

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“FEELING WORDS”

When you are summarizing, re-stating, or paraphrasing, it can be difficult to find just the right word to capture the emotion you have heard. Here is a list of words to prime the pump! Remember, don't worry about choosing the “wrong” word. This can be a great opportunity for the parties to refine their ideas, or it can serve as a prompt to explore a new interest.

Anger, Hostility, Cruelty

agitated	antagonistic	bigoted	callous
aggravated	arrogant	biting	cantankerous
aggressive	austere	bloodthirsty	cold-blooded
angry	bad-tempered	blunt	combative
annoyed	belligerent	bullying	contrary
cool	hard-hearted	malicious	rude
corrosive	harsh	mean	ruthless
cranky	hateful	murderous	sadistic
critical	heartless	nasty	savage
cross	hellish	obstinate	severe
cruel	hideous	opposed	spiteful
deadly	hostile	oppressive	stem
dictatorial	hypercritical	outraged	stormy
disagreeable	ill-tempered	perturbed	unfeeling
discontented	impatient	poisonous	unfriendly
dogmatic	inconsiderate	prejudice	unmerciful
enraged	inhuman	pushy	unruly
envious	insensitive	rebellious	vicious
fierce	mad	reckless	vindictive
furious	intolerant	resentful	violent
irritated	revengeful	wrathful	hard

Impotency, Inadequacy

anemic	flimsy	insecure	unable
broken	fragile	insufficient	unarmed
broken down	frail	lame	uncertain
chicken-hearted	harmless	maimed	vulnerable
cowardly	helpless	meek	weak
crippled	impotent	nerveless	weak-hearted
debilitated	inadequate	paralyzed	feeble
defective	incapable	powerless	infirm
deficient	incompetent	puny	trivial
demoralized	indefensible	shaken	exposed
inferior	disabled	ineffective	shaky

"FEELING WORDS" (cont.)

Distress

baffled	foolish	puzzled	touchy
bewildered	futile	ridiculous	ungainly
blameworthy	grief	sickened	unlucky
clumsy	helpless	silly	unpopular
confused	hindered	skeptical	unsatisfied
constrained	impaired	speechless	unsure
disgusted	impatient	strained	suspicious
disliked	imprisoned		

Fear, Anxiety

afraid	anxious	desperate	fearful
agitated	apprehensive	dread	fidgety
alarmed	bashful	embarrassed	frightened
hesitant	jittery	restless	terrified
horrified	jumpy	scared	terror-stricken
timid	shy	worrying	uneasy
ill at ease	nervous	shaky	insecure
uncomfortable	on edge	tense	jealous
intimidated	overwhelmed	strained	panicky

Belittling, Criticism, Scorn

abused	diminished	maligned	roasted
belittled	discredited	minimized	scorned
branded	disdained	mocked	shamed
carped at	disgraced	neglected	slammed
caviled at	disparaged	not taken	slandered
censured	humiliated	seriously	slighted
criticized	ignored	overlooked	scoffed at
defamed	jeered	poked fun at	ridiculed
deflated	lampooned	pooh-poohed	underestimated
deprecated	laughed at	pulled to pieces	underrated
depreciated	libeled	put down	
derided	made light of		

OVERVIEW—GENERATING AND EVALUATING OPTIONS

Generating Options

By the time the parties reach this stage in negotiations, they will have listened to each others' concerns, and, with the help of the mediator, will have begun to identify and understand their own and the other party's issues and interests. The mediator will have helped the parties move from entrenchment in their positions to a problem-solving mode.

Because the parties have begun to identify interests, they will not be stuck with positional bargaining as the only process for generating options. The parties should have an awareness of the need for alternative settlement options. However, there are several obstacles to generating new options.

People are not used to inventing. When we are in a problem-solving mode, our critical judgment seems to be at its sharpest. We automatically find the problems and weaknesses with every idea we have. Judgment must be temporarily suspended, so new ideas can be invented and developed. Fantasy and wild ideas should be encouraged. An idea for an unrealistic solution may prompt an idea for a new practical option that no one had yet considered.

Searching for the one answer to the problem will also severely inhibit creative thinking. Fixing on one possible solution too early in the process will limit possibilities and short-circuit a wiser decision-making process.

Another factor that limits creative thinking is the assumption that a negotiation is a "fixed-sum game" in which one party must win, while the other loses. This win-lose approach is further encouraged by the tendency for each party to focus on a solution that meets her/his own immediate interests. Emotional involvement in the dispute prevents people from looking for options that meet the other party's interests as well as their own. Yet solutions that meet the other party's interests are also the ones that will be easiest to sell to the other party.

This is why focusing on interests is important. Looking at interests, rather than positions, helps the parties "expand the pie." Resolutions can be devised that allow all parties to satisfy their interests.

It is the mediator's responsibility to help the parties agree on a procedure that separates generation and evaluation of options, and then to maintain the atmosphere that allows creative thinking to occur. The mediator needs to help the parties stay focused on the issue at hand, stop them from judging possibilities until the appropriate time, keep the parties focused on interests, and keep the parties future-oriented.

The mediator can help the parties look for options that "dovetail" the differing interests of the parties. The differences that appear to have caused the dispute may provide the basis for the best solution. This point is exemplified by the "Orange Story" (p. 79).

The mediator should also check out the parties' assumptions about available resources. Are they limiting the options because of a perceived lack of resources, lack of information, or the need for involvement of other people?

One way of creating additional options is to help the parties play out different scenarios. What would happen if . . . ?

WIN – WIN PROBLEM – SOLVING

“I’VE NEVER MADE A DEAL WITH ANY LASTING VALUE UNLESS
THE OTHER GUY FELT THAT HE WON, TOO.”

LEE IACocca

- Two elements:**
1. Effective collaboration cannot be made if one party wins at the expense of another;
 2. Each party must have interests and expectations met to an “acceptable” degree.

- Advantages:**
1. Parties explore underlying interests and needs rather than surface positions: More options are generated, real problems are addressed, and effective solutions are obtained;
 2. Parties are more likely to be committed to the solutions since they have actively participated in the process of problem solving and reached consensus.
 3. Focus on meeting each party’s needs helps overcome defensiveness, builds understanding, and strengthens relationships.

EFFECTIVE PROBLEM – SOLVING UNDERSTANDING INTERESTS, ISSUES AND POSITIONS

INTERESTS: The **WHY** of negotiations

Underlying values, beliefs, needs that must be satisfied for the parties to reach a durable agreement (Maslow)

ISSUES: The **WHAT** of negotiations

Agenda items: the tangible things (or problems) that must be addressed in order to resolve the problem.

PROPOSALS The **HOW** of negotiations

Proposed solutions (positions): the options put forward by parties to resolve the issues by addressing underlying interests.

Stan Sitnick / PSU
Negotiation