

RESTORATIVE MEDIATION: A DIFFERENT APPROACH TO CONFLICT

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AGENDA

- What are Restorative Practices?
- Restorative Mediation – Why
- Restorative Mediation – How
- Restorative Mediation – In Action
- Summary

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WHAT ARE RESTORATIVE PRACTICES?

“**Restorative Practice**” is an emerging social science that studies how to strengthen relationships between individuals as well as social connections within communities or organizations.

These strategies help us to proactively build or rebuild relationships and manage conflict and tensions in ways that treat humans with dignity and respect.

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WHAT ARE RESTORATIVE PRACTICES?

Restorative Practices seek to create safe and supportive spaces where we learn to bravely engage in and learn from crucial, honest, sometimes difficult, conversations.

Rooted in Indigenous traditions and thinking, Restorative Practice helps us recognize our inherent connections to one another and within a community.

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RESTORATIVE MEDIATION – WHY



Restorative principles into the mediation process



Acknowledge wrongs & focus on the future



Rebuilding trust as objective



Reconcile the interests & underlying issues

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RESTORATIVE SEEMS A BIT LIKE...

FACILITATIVE

In facilitative mediation, the mediator structures a process to assist the parties in reaching a mutually agreeable resolution. The mediator asks questions; validates and normalizes parties' points of view; searches for interests underneath the positions taken by parties; and assists the parties in finding and analyzing options for resolution. The mediator is in charge of the process, while the parties are in charge of the outcome.

TRANSFORMATIVE

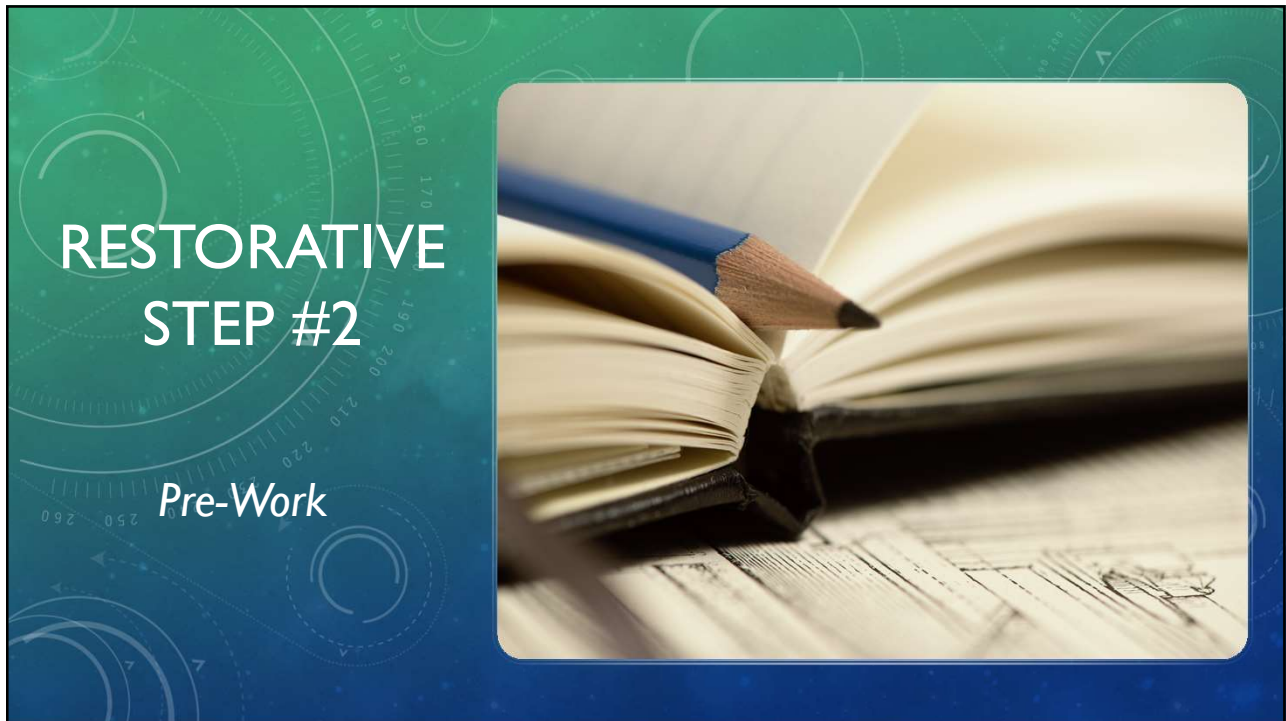
An essential component of transformative mediation is parties' empowerment. Essentially when we are in conflict, we feel disempowered. The mediator, through curiosity, through reflection, through questioning, gets to explore with the parties what power they do have. A settlement may or may not be reached using the transformative model – however, an improved understanding of one's inherent power and an improved relationship is possible, in lieu of resolution.

...BUT THERE ARE SOME DIFFERENCES

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A	B
To me, a better version of the future between the City & the Union would look like...	Name one or two things you commit to do to work towards a better future.
Management & Union discussing issues or potential issues and trying to effectively iron them out without going past step 3. If it gets to step 3, an effective discussion or outcome needs to be given by HR and needs to be respected and followed by the Union & Management.	I commit to trying to move forward in a positive manner to resolve issues at the lowest level possible.
Human Resources following the CBA and actually acting as liaison between the parties instead of following directives from management/3rd floor.	Work toward implementation of plan and communication
Collaboration resulting in better public service	Communicate more about required programmatic changes and move more slowly when afforded that possibility
With this training, we have made a tremendous step towards communicating and working together. As long as we continue with communicating, we will forever have this better version.	I will continue to communicate and treat others with respect as I always have.
Parties discussing and resolving issues at the lowest level possible. Respecting and being flexible to other parties' concerns.	Timely communication.
There would be mutual respect for the leadership of the other side. Unfortunately, compromise and discussion have taken a secondary position to the issues at hand and winning is the ultimate goal with no regard or vision on the ultimate goal of win-win! Additionally, HR also needs to fulfill their role of oversight and assist in the communication between management and labor instead of merely being an entity that causes separation between labor and management.	I have committed to making changes within the department at the lowest level and I am encouraging others to do the same. I will also continue to work collaboratively on anything that impacts employees, the procedures or the working conditions in the workplace while keeping an open mind to changes that are for the betterment of the employees and those who reside, work or have other business interest throughout the [REDACTED]
Application of the things we have learned through the training. Thoughtful discussions with a mutual desire to resolve issues.	Improve sharing of information. Be less inclined to go directly to a grievance, provided there is real discussion and agreements to reasonable extensions of filing deadlines.

Journaling in Restorative Mediation: An Example



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RESTORATIVE STEP #3

Set the Space

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*Sample
Facilitated
Dialogue
Questions*

Tier II: Restorative Conversation Questions	
Phase I: Review	<ul style="list-style-type: none"> • What Happened? • Are you alright? • How are you feeling now? • What do you need now/What will make it better? • How can I help? • Thanks for.../I noticed that..../(acknowledge the special skills that the student evidences in the conversation or in daily life)
Phase II: Reflect	<ul style="list-style-type: none"> • What Happened? • What led up to this? • What were you thinking at the time? • Whom did this affect and how? • What do you think about it now? • What do you need to do to make it right? • How can we make sure this doesn't happen again? • Thanks for.../I noticed that..../(acknowledge the special skills that the student evidences in the conversation or in daily life)
Phase III: Restore	<ul style="list-style-type: none"> • How did you feel when that happened? • What do you need to see happen now? • What can you do in such situations? • Thanks for.../I noticed that..../(acknowledge the special skills that the student evidences in the conversation or in daily life)

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RESTORATIVE MEDIATION: IN SUMMARY

The Restorative Mediation can be delivered effectively in the presence of the following essential elements:

- There must be an identifiable dispute between the parties.
- The parties to the dispute must be able to talk about the damages caused.
- The parties should be able to decide how to make things right.
- The parties must be committed to rebuilding the trust and preventing future disputes.

Restorative mediation promotes a restorative outcome i.e., the mediator tries to create a space where a wrong is acknowledged and promotes a settlement on a mutual agreement based on making things right for both sides and a commitment to the prevention of a future dispute. Restorative grievance mediation is concerned with restorative outcomes, which are reached by mutual consent as a result of a restorative process.

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RESTORATIVE PRACTICES IN ACTION

School District & Teachers Union

Restorative Mediation in an elementary school setting – contract violation with a race & gender component.

1. Held 3 assessment meetings: one joint, two separate.
2. Assigned pre-work based on communication and self reflection/accountability.
3. Held 4 sessions with parties:
 - Joint session, with advocates present – discussed grievance and possible responses. Formal grievance was settled with an agreement on process changes.
 - 3 additional sessions with only grievant & supervisor present – additional dialogue on how past relationship led to conditions that caused grievance, and how to move forward with rebuilding trust, ability to communicate, and future engagement.
 - Additional sessions had pre & post work centered on topics that emerged during the sessions. At the conclusion of the process, both grievant & supervisor agreed that they were better equipped to move forward in their working relationship with one another.

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Restorative Mediation Role Play Demonstration

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