

# CONFLICT MANAGEMENT IN HIGHER EDUCATION REPORT

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## Intake Hints

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Those who engage in community mediation have undergone at least some mediation training. Additional skills are required to perform intake and scheduling of mediation sessions. It requires an understanding of mediation, and more. However, not much information is available on how to perform intake and the possible pitfalls. The following are some general hints on what has been found useful by the Neighborhood Dispute Settlement Program of Dauphin County (Harrisburg, Pennsylvania). It is a community mediation program which receives referrals from criminal justice entities.

### Intake

The basic goals of intake are to obtain enough information to tell if the dispute is appropriate for mediation; if appropriate, to get agreement of both sides to participate in mediation and to elicit sufficient information to contact those directly involved on both sides.

### Obtaining Agreement to Participate

What makes intake most difficult is the pent up frustration individuals possess at first contact. Most have already been somewhere or everywhere else and have not obtained any satisfaction. To convince both parties that mediation can work often requires some acknowledgment that they have been victimized and that someone cares enough to hear what is being done to them. It is not unusual for someone to vent for 10-15 minutes before you will be able to make a determination as to the appropriateness, explain mediation, obtain their assent and get enough contact information to arrange a meeting.

The following strategies may be helpful:

- I. Let the individual vent anger, if necessary. Interrupt gently by stating you need some additional information. Once they start giving you contact information, keep them going that way until you have what you need. If they keep venting excessively, tell them you have all you need to know for now. It is better to raise these matters at mediation where they can be dealt with.

II. Try to obtain as much necessary information as possible in the first contact. This is critical and saves much time. Get the individual's name, address, phone number, times and days available for mediation, as well as other family members and individuals with direct involvement on their side of the dispute. Then seek, if they know, the same information for other individuals involved.

III. Try to find out whether any positive relationship existed between the disputants in the past and just where it went wrong. If the mediators want to know beforehand, I relay this.

IV. If the dispute involves two equally antagonistic individuals from two households, try to learn if there are cooler heads from each that have been involved previous attempts to resolve problems. Reinvolve them in mediation. If it involves someone with mental health problems, it can be useful to find someone who has influence with the individual and have them in the mediation.

V. Disputants will often seek information about the other from you, such as "What did they say?" Do not pass on information. State that they will be meeting directly with the other party and each one will have time to express concerns.

VI. Avoid becoming a conduit for the disputants' attempt to ping-pong their communications through you (variation of the previous item). Disputants often try to have you contact the other side and tell them something, making you a third point in a "triangle." I address this by stating I do not relay messages but if they choose to mediate, they will have an opportunity to state their concerns directly to the other party. And the other party will also have the opportunity to state his or her concerns.

VII. The phrase most frequently heard during intake is, "You can't talk with them, I tried that and it didn't do any good." The usual reply to this is to state that the other party has agreed to meet and talk within our regulated process. Once they are informed that the other side has agreed to mediate, it usually overcomes the initial reluctance some may have toward meeting with the other disputants.

VIII. When in contact with a reluctant alleged offending party, emphasize that mediation will not be a one-sided dump session. They will meet on neutral ground, on equal terms in good faith, and have the same opportunity to tell their side.

IX. Do not judge the disputants! You will be surprised how often after talking with the first party that you are convinced the other is a total jerk; then on contacting the other become equally convinced the first really is the jerk.

X. Do not promise anything that mediation cannot or will not deliver. Mediators often tell disputants that we cannot solve their problems, that we cannot promise that they will walk out of the mediation and

everyone will be in peace and joy forever. However, maybe an arrangement can be found that works for everyone involved.

## **Scheduling the Mediation**

**A**s much as possible, try to match disputants' backgrounds with that of the mediators -- taking ethnicity, race/color, gender, socioeconomic status, residence and personality styles into consideration. If a community mediation involves legal issues, assigning an aspiring attorney with another mediator can be useful.

Keep in mind that response time is often critical when the parties decide whether to make an attempt to settle it at the table, or take it to court or settle it out in the street. Usually it is easiest to schedule the parties, the mediators and then the site (if you have multiple sites available), in that order.

The closer a mediation can occur to the parties' residence and/or worksite, and the wider range in hours it can start, the easier it will be for the parties to participate. This takes away a lot of barriers and excuses not to participate. Churches are usually willing to donate space for community needs, can be available beyond usual office hours, are community institutions and recognized as such. Many disputants are reluctant to be disrespectful or fight in them. The tradeoffs are that the facilities may be beyond your control to some degree (the janitor may not show up to unlock) or the facilities are not as suitable as you would prefer.

Confirm all details (a second time if time allows) before mailing the scheduling notice.

Reminder calls should be made to the parties (and the mediators) either the day before or the day of scheduled mediations. This reduces no shows. No shows really anger those who do appear whether they are parties or mediators.

Obtain as much contact information from the parties as possible. Having ways to contact someone at literally the last moment can save a mediation.

## **Potential Violence at Mediation**

**M**ediators do assume some risk of violence in community mediation. It is a small risk but needs mentioning just the same. Out of 140+ mediations over the first two years of our operation, only one resulted in an individual attacking another at the mediation. No serious injury occurred. Where potential violence is indicated, the police department with jurisdiction is usually glad to station an officer nearby, usually just outside the room, subject to being called away.

## Referral Sources

Referring sources usually like to hear about the results in a timely manner. Keeping police informed is crucial in this respect. Feedback is a very good practice if you value the referrals. Keeping the comments to facts already known outside the mediation or limiting it to what the referral source generally needs to know protects the disputants' confidentiality. For example, you may want to reply that "the parties were cooperative, they reached an agreement to resolve the pending charges."

## Finally

Mediators will not always obtain agreements. Support your mediators who may feel frustrated when this occurs. Often just providing space for letting off steam is enough to prevent violence. If tension reduction is all that results from mediation, we think the mediators should be regarded as having succeeded.

## About the Authors

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