**THE SEVEN STAGES OF MEDIATION**

1. **CASE CONVENING**
   - **Case Convening.** The mediation begins with a party requesting mediation of the Ombudsman Director. The Ombudsman Director acknowledges receipt of the request, advises the others involved in the matter and confirms interest in participating in mediation. The Ombudsman Director may conduct one or more Convening Call(s) to ensure that all participants understand the process and have the same expectations. During the call(s), the disputing parties and the mediator agree to the structure of the process, including ground rules for preparation and participation. Either during or after the Convening Call(s), the mediation will be scheduled. Parties and the mediator will identify a time and date that will work for all. The mediation itself will be conducted in a neutral location, most commonly in a conference room.

2. **PREPARATION**
   - **Preparation.** Parties are expected to prepare for mediation to effectively present their respective positions on the matter(s) in dispute. To best prepare, parties will have completed the “Mediation Preparation Worksheet” to think through the background/history of the case, their needs and interests, the various options for agreement, the alternatives to reaching an agreement, objective standards that may be used, communication among the parties, relationships among the parties and commitment to the process. Parties that are most effective in mediation have prepared well for the mediation, are emotionally invested, well focused and expect to work hard in mediation.

3. **OPENING SESSION**
   - **Opening Session.** The mediation begins with the mediator “opening” to describe the process and set the ground rules, which include the parties’ and the mediator’s obligations to confidentiality. At this time, parties and the mediator will sign the Agreement to Mediate. The mediator moderates the discussion, helps set the agenda, smooths out interpersonal conflict, ensures that all parties feel comfortable speaking, and keeps the discussions going to help achieve settlement and closure. Each party will be asked to make a brief statement of the issues in dispute, summarizing relevant facts and/or arguments supporting their positions. Parties are expected to participate directly and assertively. The mediator will ask questions to probe for the parties’ viewpoints and as a result will help the parties focus on the most important issues in dispute.
4. **Private Sessions.** After the opening session, the mediator may meet with each party separately. During these private sessions, each party will have a chance to review and react to the opening session. Parties often share additional information with the mediator in private sessions. The mediator will keep information confidential as specified by the parties.

5. **Joint Session and Follow Up.** Whenever possible, the mediator will keep parties in joint sessions (all together in one room for open dialogue) to discuss issues and resolve problems. Depending on the complexity of the dispute, this process may continue over some time. Occasionally, the mediator may separate the parties in different rooms and carry settlement proposals back and forth between parties. This should happen very rarely, as a primary goal of our mediation program is to open direct communication between parties to repair relationships.

6. **Close.** At this stage of the mediation, the parties and the mediator are attempting to negotiate possible resolution and overcome impasses. In some cases, the mediator plays a more active role in helping to propose settlement options. In other cases, the parties are able to craft their own agreements with little help. Sometimes, the only thing that parties can agree to is to disagree. When this happens, the mediator and the parties will discuss other internal resources to potentially address and resolve the dispute.

7. **Agreement.** Recognizing that oral agreements can lose their clarity over time, mediations typically end with an agreement in writing. Once the parties come to an agreement to resolve the dispute, they will capture the terms of their agreement in writing and sign it. It is important to include the specifics about who will do what, when, how and why. It is helpful to indicate what the parties will do in the event one of the parties does not live up to the agreement. The parties are responsible for and maintain copies of their agreement. As the mediator is not a party to the matter, the mediator will not sign the agreement. The parties are responsible to hold themselves and each other accountable to the agreement and will share the agreement with others in the organization only when necessary, such as when someone must be informed in order for a specific action to be taken. The agreement will never become part of someone’s work record.