

# RES LUTION

The Ohio Commission on Dispute Resolution & Conflict Management  
Fall 2008

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Welcome to **Resolution** the Commission's electronic newsletter. **Resolution** is published semi-annually by the Commission on Dispute Resolution & Conflict Management, 77 South High Street, 24<sup>th</sup> Floor, Columbus, Ohio 43215-6108. It is available online through the Commission's Web site at: [www.DisputeResolution.Ohio.gov](http://www.DisputeResolution.Ohio.gov).

The Commission welcomes your comments, news, calendar events, and suggestions for future issues.

Information about training in mediation, conflict management, and related subjects is available at: [www.DisputeResolution.ohio.gov/trainings.htm](http://www.DisputeResolution.ohio.gov/trainings.htm).

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## [Schools and Higher Education](#)

### **Dayton City Schools Benefit from Unique Community Collaborative**

*“Never doubt that a small concerned group of citizens can change the world...”  
- Margaret Mead*

In January of 2007, Dayton residents Richard and Susan Chema initiated a district-wide program to establish comprehensive school conflict management programs in Dayton public schools. To assist with this effort, the Chemas approached the Dayton Public Schools Central Office, the Ohio Commission on Dispute Resolution (the Commission), and the City of Dayton. A community-based collaboration soon developed between the Dayton Public Schools, the City of Dayton, the Commission, the Dayton Mediation Center, the University of Dayton Law School, and the National Council for Community and Justice (NCCJ). In the fall of 2007, a pilot program in conflict management was launched in three middle schools in the Dayton Public School District.

The program is modeled after Ohio’s School Conflict Management Grant Program administered by the Commission, but has some significant features that evolved as a result of the collaboration. The new model consists of two primary components: training a school-based site team, and providing follow-up training throughout the year. In addition, the program provides technical support, expertise, and guidance on implementing an action plan using *Ohio’s School Conflict Management Resource Guides*, a collection of student-oriented conflict management activities developed jointly by the Commission and the Ohio Department of Education (ODE).

This model for building conflict management capacity has been implemented in over 800 schools throughout Ohio. Research has shown that after each student in the building receives 25 lessons on conflict management concepts (understanding conflict, understanding emotions, communication skills and problem solving), the climate of the school shifts in a positive direction with a significant reduction in fights and office referrals.

The Dayton Collaborative adopted this structure but includes the Dayton Mediation Center as a partner to assist with general conflict management expertise and peer mediation training. Each school team also has two law students from the University of Dayton who have volunteered to become integral members of the school site team.

One of the three pilot schools implemented a peer mediation program, taught a variety of conflict management lessons, had the law students explain the court system through a series of activities and lessons, and implemented a system of incentives for positive behavior. As a result of these initiatives, data from this school demonstrate a significant drop in office referrals.

During the 2008-09 school year the number of schools participating in this initiative will double. Three additional schools have been added and efforts are underway to combine the conflict management program with a pilot program focusing on positive behavior interventions and supports (individual and school-wide interventions). Both programs share a common goal -- to create safe and effective learning communities. By combining these efforts the District will be able to offer training and resources to as many as 14 schools.

***For further information please contact Sarah Wallis, Director of Education Programs for the Ohio Commission on Dispute Resolution and Conflict Management. Sarah may be reached at 614 644 9275 or [Sarah.Wallis@cdr.state.oh.us](mailto:Sarah.Wallis@cdr.state.oh.us).***

## **Resolving School-Related Conflicts For Divorced Parents**

The summer of 2008 saw a dramatic increase in the number of people seeking mediation at Beech Acres Parenting Center in Cincinnati for help with school-related issues. During the summer months, parents usually begin making plans for the next school year, including after-school care, school expenses, sports and extracurricular activities. They may even change the type of school or school district their child attends. For separated, divorced or never-married parents, these issues can often be complicated by differences in parenting schedules or parenting styles.

### ***A recent example:***

A father concerned about excessive truancies his son had last school year requested mediation to work out an agreement with his ex-wife about getting their son to school on time. He looked to mediation as a last resort before returning to court to seek custody. Both mother and father were blaming each other for their child's tardiness. The father chose to see the truancy as the mother's lack of concern for their child's education. The mother was frustrated because in her view, the father took no responsibility for his part in their "shared-parenting" plan.

### ***How mediation at Beech Acres Parenting Center helped:***

To get this family moving in the best direction for the child, the mediator first normalized the task at hand, and then helped the parents realize that although their perspectives were different, they both wanted what was best for their son. The mediator then suggested that the parents think about whether the tension between the parents was as detrimental to their son as being late for school.

The mediator asked how they could work together to resolve their issues, instead of having the perspective of "me against you." As long as they were stuck in that mode, it was impossible for them to identify issues and brainstorm solutions they could both be responsible for.

First, both parents listed what was most important for their son, what they could individually do to accomplish those goals, and where they needed help from the other parent.

The parents then developed a plan that included agreements to speak together with school officials about how tardiness impacts their son. Both parents identified the obstacles as transportation and time management. Their solution was that the father would offer to help with morning transportation, and the mother would help with pickup from after-school care.

The parents also agreed that they would communicate with one another about any transportation conflict, and both would meet with school officials for a progress report. Lastly, they chose to include their son in the plan by discussing the issue of tardiness with him and asking him to take on more responsibility each day in getting himself ready for school.

It can be challenging for one household -- not to mention two (or more) -- to resolve school-related disagreements. The good news is that parents see the value in using mediation as a resource to resolve those issues now more than ever before.

***Beech Acres Parenting Center has been serving the Greater Cincinnati area since 1849. Programs include Mediation, Consultation, Counseling, School-and Community-Based Services, Parenting Classes, Parent Coaching and Mentoring, Treatment Foster Care, Building Strong Marriages and Relationships, and the annual For the Love of Kids® Parenting Conference. To schedule mediation services at Beech Acres Parenting Center, please contact Mediation Intake at 513-233-4803 or visit [www.BeechAcres.org](http://www.BeechAcres.org) for more information.***

## **Ohio Juvenile Corrections Officers Trained in Conflict Management**

For seven days in August the Commission and its program partners – Global Issues resource Center, Mahoning, Medina, and Lake County Juvenile Courts – conducted a training academy, open to all juvenile detention facility staff throughout Ohio. This pilot academy is part of an ongoing project funded by a grant from the Ohio Office of Criminal Justice Services. The project’s goal is to develop and deliver training for current and future employees working in Ohio’s county juvenile detention facilities to teach effective conflict management skills. The training emphasizes practical skill building to assist staff in dealing with conflicts that arise in their work environments. The academy attracted administrators and officers from Mahoning, Medina, and Lake counties as well as Portage, Summit, and Geauga. *For further information please contact Sarah Wallis, Director of Education Programs for the Ohio Commission on Dispute Resolution and Conflict Management. Sarah may be reached at 614 644 9275 or [Sarah.Wallis@cdr.state.oh.us](mailto:Sarah.Wallis@cdr.state.oh.us).*

## **Pre-Service Teacher Education Project (CRETE) Expands to Southwest Ohio**

The Conflict Resolution Education in Teacher Education (CRETE) project is a collaborative effort with the Commission, Temple University, and Cleveland State University (CSU). The goal of the project is to educate pre-service teachers in conflict education and social and emotional learning to increase teacher satisfaction and teacher retention. University faculty, pre-service teachers, and mentor teachers are being trained in the following topics: the skills of conflict management, classroom management techniques, mediation, cultural competency, bullying prevention, and curriculum integration. During the 2008-2009 academic year, Wilmington College will sponsor training for pre-service teachers in January 2009.

This past spring, Temple University received a grant of \$300,000 from the JAMS foundation to expand the CRETE model to cities across the U.S. The Commission’s School Resource Guides will be used in all trainings and Ohio school conflict management trainers are uniquely positioned to participate in the trainer cadre. *For further information please contact Sarah Wallis, Director of Education Programs for the Ohio Commission on Dispute Resolution and Conflict Management. Sarah may be reached at 614 644 9275 or [Sarah.Wallis@cdr.state.oh.us](mailto:Sarah.Wallis@cdr.state.oh.us).*

## **Truancy Prevention Through Mediation Program: Outlook for 2008-2009 School Year**

The Truancy Prevention Through Mediation Program, commonly known throughout Ohio as truancy mediation, has grown in just over six years from 7 counties with 58 schools to 31 counties with over 515 schools in about 135 school districts. It has grown at this rate because it works, a fact supported by program research and evaluations currently available for review online at <http://disputeresolution.ohio.gov/courtcommunity.htm>.

Programs are run locally, with technical support, training, mentoring, and grant writing assistance provided by the Ohio Commission on Dispute Resolution and Conflict Management and training assistance provided by the Supreme Court of Ohio’s Dispute Resolution Section. Counties that will be participating during this new school year include Adams, Ashtabula, Butler, Clark, Clinton, Columbiana, Cuyahoga, Delaware, Fayette, Franklin, Greene, Hamilton, Henry, Lake, Licking, Lorain, Lucas, Mahoning, Marion, Morrow, Ottawa, Portage, Preble, Putnam, Ross, Sandusky, Seneca, Stark, Union, Wayne, and Wood. At present the only large urban districts in Ohio that have yet to establish their own truancy mediation programs are Akron, Dayton, and Youngstown.

Of special note is that the use of truancy mediation in Lucas County, which previously had two charter schools using the truancy mediation model, is increasing by six more schools, all elementary schools in the Toledo

Public Schools District. The program startup is the result of an effective collaboration between the Lucas County Juvenile Court and the District. To help the program begin, the Supreme Court of Ohio Dispute Resolution Section funded a two-day training in the model of the Truancy Prevention Through Mediation Program in early August for mediators, court staff, school staff, non-profit agencies and other supporting organizations.

The Ohio model for truancy mediation is also being followed by school districts in Texas, New York, Maryland, and Michigan. The number of Detroit public schools using the model will be increasing from six to 11 schools this school year. In the four participating elementary schools the average improvement in attendance has been recorded as 62 percent.

Although it is common when districts first approach the Commission to ask about help with high school truancy and drop-outs, research and experience clearly show that a school district benefits most by building a program from the early years up. The Commission advocates having the program only in K-6 for two to four years, then adding the middle schools that those elementary schools feed, then in a year or two adding the high schools. If a district starts at the high school level they usually are dealing with students who have been missing days for many years, who are under-achieving, and who are close to dropping out – thus using time and resources but not addressing the systemic problem. If a district wants to permanently reduce truancy and tardiness it needs to be addressed in Kindergarten and the other early years, building the program upward. Every year there are thousands of K-6 truancy mediations, leading to a change in the way a neighborhood, eventually community, views the school district and the importance of regular attendance.

*For information contact Ed Krauss at [ed.krauss@cdr.state.oh.us](mailto:ed.krauss@cdr.state.oh.us), or (614) 444-5872.*

## **Truancy Reduction in Stark County**

One of the strongest truancy mediation programs in Ohio is in Stark County. Mr. Jim Aquilo recently retired as Director of Student Services from the county's Plain Local School District. He provided comments on their Truancy Prevention Through Mediation Program, a mediation service provided by the mediation center, noting that the improvement from their previous attendance record for any student was at least 5.6 percent; with some students showing a 31% increase in their attendance from their pre-mediation record.

Commenting on the 2007-2008 school year, Jim said:

“The results of the truancy mediations done district-wide this year were a positive gain in school attendance. Thank you for targeting attendance as a goal to improve student achievement... This has been an excellent tool to increase the attendance rate, with the help of the mediation center. It has also allowed us to improve our relationship with the juvenile court.”

Susan Ross, Canton City Schools, and Teresa Cusma, Executive Director of the Community Mediation Center of Stark County jointly coordinate the Stark County program.

## **Crossroads Expands Truancy Mediation Efforts**

Crossroads, an organization serving families and children in Lake County since 1971, is working with two elementary schools to continue and expand a Truancy Prevention Through Mediation Program that began last year. The schools are Huntington Elementary in the Painesville City School District and Royalview Elementary in the Willoughby-Eastlake School district. Both elementary schools had several successful mediations.

Crossroads is also working closely with Harvey High School in the Painesville City School District on the Harvey Attendance Project (HAP). The key to the program is a Crossroads employee designated as a provider. The provider from Crossroads is given referrals of any Harvey High School student who has 5 or more unexcused absences. The provider goes into the community and does a "Walk and Knock" program, which means the provider pays a visit to the family and talks with them about the issues impacting their teen's attendance. In almost all cases, issues are identified and resolved without needing to schedule a mediation. The program was very successful last year and will continue this school year.

Crossroads is hoping to add a mentoring component to this effort, and is currently seeking funds to do so. *For further information on Crossroads please see <http://www.crossroads-lake.org/>*

## **New Chair Revamps Graduate Program at Antioch University McGregor**

Richard McGuigan, PhD, was recently named the new Chair of the Graduate Conflict Department at Antioch University McGregor, Yellow Springs. Dr. McGuigan relocated to Yellow Springs from Victoria British Columbia where he has been a conflict resolution scholar and practitioner for over 20 years.

As Chair of the Department, Dr. McGuigan has completely redesigned the graduate conflict program. While still maintaining a strong commitment to developing practitioners, the new program promotes learning strategies that support the growth of consciousness, contemplative practices, authentic conversation skills, social competencies, and emotional intelligence. The program design draws on the work of many pioneers in a wide array of disciplines including: John Burton; Johan Galtung; Morton Deutsch; Bill Ury; Vamik Volkan; Jack Mezirow; Robert Kegan; Ken Wilber; and Daniel Goleman. Three pillars support this design:

1. an integral approach to understanding conflict;
2. transformational reflective practice; and
3. a developmental curriculum.

The new program is 48-quarter credits and can be finished in either 18 months (full time - 8 credits per quarter), or 26 months (half time - 4 credits per quarter). *More information is available on the program Web site at [www.mcgregor.edu/cam](http://www.mcgregor.edu/cam) or by contacting Dr. Richard McGuigan at (937) 769-1809 or [rmcguigan@mcgregor.edu](mailto:rmcguigan@mcgregor.edu).*

## **[Community & Court-Connected Dispute Resolution](#)**

### **Mediation Helps Keep Homes Out of Foreclosure**

Ohio has created a model program to assist courts in using mediation in home foreclosure cases. At present, 67 out of Ohio's 88 counties are offering foreclosure mediation services. For more information on Ohio's model and local contacts by county, please visit: [http://www.sconet.state.oh.us/dispute\\_resolution/foreclosure/default.asp](http://www.sconet.state.oh.us/dispute_resolution/foreclosure/default.asp)

The following article, reprinted with permission of *The Canton Repository*, appeared June 27, 2008, and serves as an example of one successful program.

### **Stark County Program Averts Home Foreclosures**

Stark County's Common Pleas judges are pleased with the number of homes that their new mediation program has kept out of foreclosure since April. So are we. We're convinced that with more publicity, the program can do an even better job. Homeowners in 43 of the 84 mediations that were concluded between April 1<sup>st</sup> and June 30<sup>th</sup> were able to keep their homes.

The five Common Pleas General Division judges, who visited with The Repository's editorial board Thursday, believe that one big key to the success of the program is this: A representative of the lender — a representative with the authority to make decisions about settlements — must attend the mediation.

Mediation is open to homeowners who have been named as defendants in foreclosure cases. They receive a letter from the court that urges them to take advantage of the opportunity to meet with the lender and a mediator. This program broke new ground not only in Stark County but also across the state. Its success is of obvious importance to homeowners who don't want to lose their dream and to lenders who expect to be paid. It also reduces the need to use the resources of the court and the sheriff's office. And no one should underestimate the value of keeping people in their homes to whole neighborhoods and communities that can't afford the crime and decay that vacant homes invite. All of us have a stake in the success of the mediation program, so we are happy to continue to spread the word.

*To see the Spring 2008 issue of RESOLUTION that mentioned the Community Mediation Center of Stark County, please see <http://disputeresolution.ohio.gov/pubs/Resolution%20Spring%2008.pdf>.*

### **Franklin County Establishes Foreclosure Mediation Project**

Homeowners in Franklin County, Ohio now have additional tools to help them resolve mortgage problems. The Franklin County Foreclosure Mediation Project (FCFMP) mediates among homeowners, lenders, and their attorneys. Disputes can come to mediation before or after a foreclosure case is filed and even after there has been a foreclosure judgment. These multiple points of entry to mediation make the Project unique in Ohio.

The Franklin County Municipal Court Dispute Resolution Department partnered with local mediators, several local and state agencies and organizations to develop the project proposal for the Franklin County Court of Common Pleas. The Project Workgroup included mediators, representatives from five local HUD-approved counseling agencies, legal aid, local lenders, and law firms. State level workgroup representatives came from the Supreme Court of Ohio, State Treasurer's office, Department of Commerce and the Save the Dream Project.

Franklin County Treasurer Ed Leonard and County Prosecutor Ron O'Brien will provide financial support for two years. Funding for the Project comes from legislative authorization for the Prosecutor and Treasurer to use delinquent tax and assessment collection (DTAC) funds for foreclosure prevention. Additional partners will help implement FCFMP. They include the Franklin County Court of Common Pleas, General Division and the Franklin County Clerk of Court. FirstLink, the County's information line, is also assisting with the Project. Contract mediators will provide mediation services, while a project coordinator will have primary responsibility for implementing and managing the project.

Citizens will work with a HUD Approved Housing Counseling Agency to prepare for mediation. The HUD Approved Counseling Agencies will also be able to refer cases to mediation.

Regarding this benefit to the citizens of Franklin County, Eileen Pruett, Project Administrator said, "more than twenty-five cases came to mediation before the Project began! There is clearly a need to help the parties communicate in what are often catastrophic situations."

*Please direct questions to Eileen Pruett at [foreclosuremediation@fcmclerk.com](mailto:foreclosuremediation@fcmclerk.com) or 614-645-8500.*

*For information about resources for foreclosure mediation, or general questions about mediation services, please see <http://disputeresolution.ohio.gov/pdfs/Foreclosure%20Info%2008.pdf>.*

## Better Business Bureau Uses Mediation to Settle Ohio Complaints

Better Business Bureaus, popularly known as BBBs, offer mediation services relating to business complaints. In 2008 the number of mediations conducted by the BBB of central Ohio has more than quadrupled. The bureau mediated 52 disputes between businesses and consumers through May of 2008, compared with 11 mediations in all of 2007. It attributes this increase to the fact that consumers are looking for a speedy solution and businesses want to keep consumers happy and maintain control over the final outcome. The settlement rate for these cases is 79% up from 75% last year. The BBB of central Ohio has about 4,500 members.

October 6<sup>th</sup> the BBB of central Ohio won an award at a national assembly of Better Business Bureaus for its ADR/Mediation Program. The program was presented under the title BBB Mediation is a Must in the Modern Marketplace. Other Ohio BBBs are interested in modeling their mediation efforts after the successful Columbus model.

In a recent interview Kristi R. Ferguson, Vice President of Operations, Central Ohio Better Business Bureau provided the following information. More information and links are provided at the end of this article.

### When did the Columbus BBB start offering mediation?

In 2006 we made a commitment to grow and better integrate mediation, which had been part of our three-tiers of dispute resolution services since 1972 but was rarely offered. We've conciliated complaints since 1921 and most disputes are still resolved at that level, though now those that need advanced dispute resolution are more likely mediated than arbitrated.

### Why did the Columbus BBB start offering mediation?

Without mediation as an active option, some complaints lingered too long in conciliation with no progress, and this risked consumers and businesses losing interest in resolution. And some consumers and businesses feared moving on to legally binding arbitration.

BBB mediation can bring consumers and business back to a "good place," as one participant summed up in a survey response earlier this year. Experience shows consumers continue to shop with the businesses and buy the products they complain about – if they believe their dispute was resolved fairly. Mediation is one tool BBB uses to fulfill its mission to be a leader in advancing marketplace trust.

With mediation no one gives up their right to court, as they do with legally binding arbitration. And in mediation consumers and businesses can also more easily deal with extenuating real life baggage underlying most complaints and collaborate on a resolution, than when bound by narrower rules and remedies of arbitration and someone else deciding the outcome.

### Do all BBBs offer mediation?

Of the 128 local BBBs serving communities across the U.S. and Canada, about 30 offered or conducted 10 or more mediations in 2006 for which the most recent national statistics are available. In Ohio, 7 out of the 9 local BBBs offer mediation, and **mediations have increased from 52 held in 2007 to 94 held in 2008 through July**. BBB Columbus is leading the way this year in Ohio with 71 mediations held through July 2008. (More Ohio BBB mediation details provided separately).

### **Are mediations only offered for BBB members?**

Mediation is offered to BBB Accredited Businesses (formerly known as BBB Members) as well as Non-Accredited Businesses. It is a misconception that BBB reliability reports and dispute resolution services only involve one or the other.

### **What are typical disputes?**

The most typical disputes concern dissatisfaction with home improvement projects related to roofing, windows, decks and patio construction, waterproofing, room additions, heating and cooling systems and numerous other aspects related to single family dwellings. Banking and Mortgage Company disputes have been particularly heavy this year perhaps reflecting the significant economic downturn the nation has experienced recently. Automotive repair and service disputes are and continue to be a very active group of Complaints.

### **Is there a fee? If yes, how much, and who pays?**

BBB Columbus doesn't currently charge a fee to consumers or businesses for conciliation or mediation. However, we are evaluating expenses with the growth of our program this year and reviewing fees charged to consumers, businesses or shared by the parties under other Ohio BBB, local court and private mediation programs.

### **Are most mediations one session? How long on average?**

Nearly all Mediations are conducted and concluded in one session. The number of mediations that go beyond one session are less than one percent of the total. The average length of the one-session mediations is between 2 to 3 hours. With respect to the one-session mediations, the shortest on record took 15 minutes, and the longest took 6.5 hours.

### **Who are the mediators? (staff, contract, volunteers?)**

BBB Columbus mediators are our Mediation and Arbitration Coordinator on staff, Richard Appleton, as well as three outside volunteers, Sandy DeBlanc, Sandra Furman and Chris Scott. Our staff mediator is salaried. Our volunteer mediators are paid a \$100 honorarium per mediation.

### **Any success stories, concepts, you'd care to share?**

Every Mediation that results in an agreed upon resolution of the underlying dispute is a success story. On one occasion a complaint had progressed to the arbitration phase. At the last minute BBB was informed that the designated arbitrator could not appear for the arbitration. The parties had already arrived and were waiting for the hearing to begin. The Coordinator of Arbitration/Mediation informed the disputants of the problem and offered them the opportunity to give Mediation a try. The parties immediately agreed to mediate indicating they were most eager to resolve the dispute.

Initially the mediation was very contentious. However, as time passed and the discussions were assisted with the mediator's input, attitudes changed and understanding of potential solutions grew. Eventually the disputing parties came to an agreeable resolution. In addition, the disputing parties left the session with huge smiles and were last heard discussing a new possible business venture.

On another occasion a homeowner was very upset with the quality of newly installed hardwood floors. At the outset of the mediation the consumer was asked by the mediator to explain the nature of her complaint and began to do so in a calm and deliberate manner. One could see that the consumer was releasing a lot of pent up

emotions. A little more than 30 minutes later the consumer concluded "...and that is why I am so displeased." The two representatives from the floor installer business followed and gave their views on the issues. The mediator, at this point, held a caucus with the homeowner. His initial question asked what the consumer wished to obtain from the business. Without the slightest bit of hesitation the consumer blurted out, "I have already achieved most of what I wanted." The mediator asked, "And, what was that?" To which the consumer responded, "The chance to tell those two fellows how unhappy I am with their work." Thereafter, the mediation went quickly forward and an agreed upon resolution was achieved in less than an hour.

Most recently a dispute between a homeowner and a heating and cooling business was successfully resolved through a BBB mediation, and the reaction of both parties to the process was very rewarding. The homeowner was quoted as saying, "I was totally satisfied with the process, it took less time and hassle, and there was no cost to me. I don't know that I would have gotten any better result if we had gone to court." The representative of the business was noted to have said, "My experience with the mediator was very pleasant in trying to come to terms that would benefit us as well as the customer."

These three success stories exemplify the advantages of mediation:

- A chance to be heard.
- A chance to develop new ways of thinking about a problem.
- A chance for the parties to develop their own solutions.

To learn more about BBB Please visit [www.bbb.org](http://www.bbb.org). For more information about the Dispute Resolution and Mediation Program follow the links to:

[For Consumers](#)  
[Programs and Services](#)  
[Dispute Resolution Services](#)  
[Dispute Resolution Rules and Brochures](#)

## **State and Local Government Programs**

### **10<sup>th</sup> Anniversary of Ohio's Workplace Mediation Program Offers Opportunity for Evaluation and Reflection**

A recent evaluation of the Ohio Workplace Mediation Program (WMP) reflects national trends concerning the frequency of workplace conflict and increasing knowledge about conflict management techniques such as mediation. Ohio State University College of Law student Nate Witkin compiled evaluation data from five years (2002-2007) of self-reported surveys completed by mediation parties and mediators participating in the Ohio Workplace Mediation Program.

Witkin found that party reluctance to participate in mediation decreased from 39 percent to 31 percent in the last five years. The evaluation also revealed that parties' overall satisfaction with the mediation experience has increased by more than 10 percentage points, from 42 percent during the first five years of the program, to 56 percent in the last five years. While mediation parties' reluctance to participate in mediation has decreased, the reason for individuals seeking mediation remains the same: personality conflicts in the workplace. However, it should also be noted that the frequency of personality conflicts reported by parties as the reason for a mediation request rose from 43 percent to 65 percent.

## **Mediators Participate in Innovative Skills Training**

Ohio Workplace Mediation Program mediators observed *Conflict Management Week 2008* by working to improve their skills as third party practitioners in this important program. Mediators from around the state participated in *Somatic Skills for Mediators*, an advanced mediation training to address high conflict situations. While most mediation training is focused on the development of verbal skills, it often neglects the effects of physical stress upon the mediator. In contrast, this workshop focused on the development of skills necessary to more effectively manage physiological stress. *Somatic Skills for Mediators* filled this training gap by sharing techniques mediators can use to dramatically improve their performance in stressful situations.

Disputants can often display aggressive, hostile behavior or profound sadness that can evoke strong emotional and physiological responses. While mediators must often be the calm in the midst of the storm during these stressful encounters, they are not often taught how to effectively manage their own stress and emotions when high conflict occurs. An increased heart rate, excessive or shallow breathing, constriction of blood vessels and major muscle groups and an inability to focus are common physiological responses to stress. These responses can drastically affect the performance of even the most experienced mediator. Mediators must be able to project and model the proper non-verbal body language necessary to instill confidence in their abilities. If unable to effectively manage their own emotions and stress, the mediators' performance can be diminished.

The program was developed and delivered by Stephen Kotev who currently serves as Deputy Program Manager for the Dispute Resolution Section of the American Bar Association and previously served as staff with the Association for Conflict Resolution and the Ohio Commission on Dispute Resolution. He is a graduate of the Institute for Conflict Analysis and Resolution at George Mason University and has earned a black belt in the Japanese martial art of Aikido. In addition to working with workplace mediators in Ohio, Kotev has worked with participants in a variety of settings such as Northern Ireland, The Harvard Negotiation Insight Initiative, The Institute for Conflict Analysis and Resolution at George Mason University and numerous community mediation centers. ***For further information on this topic, please contact Stephen at [kotev@hotmail.com](mailto:kotev@hotmail.com).***

## **About the Ohio Workplace Mediation Program**

The Ohio Workplace Mediation Program (WMP) offers confidential, free mediation services to all state employees to address non-contract workplace disputes. Disputes commonly referred to the Program include issues such as poor communication, work style conflicts and interpersonal behavior problems. The WMP is not intended to replace or to modify the current dispute resolution procedures established through collective bargaining agreements and/or other employee plans. The Ohio Commission on Dispute Resolution and Conflict Management administers the Program in coordination with OCSEA and SEIU 1199.

*For more information about the Workplace Mediation Program, please contact the Ohio Commission on Dispute Resolution 614/752-9598 or see the web site, [www.disputeresolution.ohio.gov](http://www.disputeresolution.ohio.gov).*

## **Conflict Resolution Services for Government Officials**

The Conflict Resolution Services for Government Officials Program is a joint effort of the Supreme Court of Ohio, the Ohio Judicial Conference, the County Commissioners Association of Ohio, the Ohio Municipal League, and the Ohio Township Association. It is designed to provide mediation and facilitation services to government officials. One case is now in progress and two new referrals are pending. Planning is underway for the 2009 program, scheduled for March 26-27, 2009, at Mohican State Park.

In a separate development, Commission staff is participating in the *Collaborative Project on Local Budget Processes* sponsored by the Ohio Judicial Conference and the County Commissioners Association of Ohio. The Project was established to: (1) develop best practices for local budgeting, (2) promote opportunities for joint training and to design training materials, and (3) to identify appropriate mechanisms for dispute resolution and encourage funding authorities/courts to use dispute resolution techniques.

Commission staff also co-facilitated the Fairfield County Budget Retreat September 16<sup>th</sup> – 17<sup>th</sup> using the *Interpretive Structural Modeling* (ISM) or collaboration-based budgeting process. This budgeting process has been used successfully by Fairfield County Commissioners to achieve consensus on budgets for many years and may serve as a model for future process improvements.

## Contributions

### **Mediation Training in Central Africa**

By George Brose

*George Brose is Mediation Coordinator for the Clark County Court of Common Pleas, where he mediates a wide range of issues, mostly concerning delinquency, truancy, unruly behavior, parent/child conflicts and permanency concerns. He has taught biology in Africa in 1966, 1967, 1982 through 1985, 1991 through 1993, and mediation in 2007 and 2008. Countries in which he has taught mediation skills include Kenya, Rwanda, Burundi and The Democratic Republic of the Congo.*

For the second summer in a row I was able to travel to central Africa to conduct mediation trainings with citizens of Rwanda, Burundi and the Democratic Republic of the Congo, areas with a recent and ongoing history of serious violence. I was asked by two organizations associated with the Quaker church to conduct trainings using the Transformative model. These organizations were the African Great Lakes Initiative (AGLI) and Change Agents for Peace International (CAPI). My blog describing the two years of training may be found at [www.oonka.com/george-blog/](http://www.oonka.com/george-blog/).

From July 9 to August 19, I was able to conduct five trainings and participate in a regional conference of mediators to discuss the future of mediation in the African Great Lakes Area. In 2007, I also trained mediators in two areas of Kenya, but due to time restrictions this year, that was taken over by another trainer. The new area for me was in the town of Uvira in the province of South Kivu in the Democratic Republic of the Congo, a community that has been devastated by warfare, pillage and rape. Although it does not get the publicity in the media, Uvira has had greater civilian loss of life than Darfur (4 million deaths in the last ten years).

There were 23 people the province who received training, representing a diverse group of men and women, Christians and Muslims, and five tribal groups. One of the challenges I faced was where to start in a training of such multi-ethnic makeup. During introductions, I asked them if we could take something important in our lives that we all share and talk about how each group of people deals with that aspect of life. We decided on marriage and divorce. I asked them to divide up into their tribal groups and develop a presentation to the whole group.

Originally, I thought that half an hour to prepare and fifteen minutes to present would suffice. What an underestimate! They really got into it and kept asking for more time. We eventually reconvened ninety minutes later and each group took an hour to present. They were deeply interested in learning about how each group lived these events. These were people of peace, and yet for the first time they were listening to their neighbors and being listened to. We were all deeply moved by this experience and it became a tremendous starting point for the beginning of the course. ***George Brose can be reached at Clark County Common Pleas Court Mediation Center, 101 E. Columbia Street, Springfield, OH 45502.***

## **Training Opportunities**

- To view statewide training opportunities in dispute resolution and conflict management, please visit the Commission's Web site at: [www.DisputeResolution.ohio.gov/trainings.htm](http://www.DisputeResolution.ohio.gov/trainings.htm).
- Supreme Court of Ohio Training opportunities are available under *Events Calendar* on the Court's Web site: [http://www.sconet.state.oh.us/dispute\\_resolution/](http://www.sconet.state.oh.us/dispute_resolution/)

## **Commissioners and Staff**

[www.DisputeResolution.ohio.gov/commissn.htm#commissioners](http://www.DisputeResolution.ohio.gov/commissn.htm#commissioners)

### **New Program Assistant Joins Commission Staff**

Carly Lane has recently joined the Commission staff as Program Assistant. Carly will be supporting all program areas and has worked for the Commission as a legal clerk for the past two years. She holds a law degree with a Certificate in Alternative Dispute Resolution from The Ohio State University and a Bachelor of Arts in English from The University of Utah. Carly may be reached via email at [Carly.Lane@cdr.state.oh.us](mailto:Carly.Lane@cdr.state.oh.us).

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