

Different Styles of Mediation

by Sophia Tutorial



WHAT'S COVERED

In this lesson, we will discuss further options for conflict resolution by looking at:

1. The Four Types of Mediation
 - a. Facilitative Mediation
 - b. Transformative Mediation
 - c. Evaluative Mediation
 - d. Mediation-Arbitration

1. The Four Types of Mediation

As you learned in a previous lesson, mediation is a conflict resolution method in which a neutral third party brings the conflicting parties together to talk about and hopefully resolve the conflict.

The neutral party, or mediator, manages the conversation in order to help the parties collaborate and communicate their needs.

There are four different types of mediation:

- Facilitative mediation
- Transformative mediation
- Evaluative mediation
- Mediation-arbitration

Which type is best for a given situation depends on the nature of the conflict.

1a. Facilitative Mediation

Facilitative mediation is the most common form of mediation. In this method, the mediator does not offer suggestions or opinions but rather guides the process toward an agreement between parties.

The mediator thus does not have any investment in the outcome; they are simply there to create a safe space and atmosphere in which the parties can:

- Identify their needs.
- Talk about the issues.

- Reach an agreement they are both comfortable with.

The mediator's role is to manage and facilitate that process.



TERM TO KNOW

Facilitative Mediation

A style of mediation in which the mediator does not offer suggestions or opinions and guides the process towards an agreement between parties.

1b. Transformative Mediation

Transformative mediation is a style of mediation focused on changing the relationship between disputing parties, regardless of whether or not an agreement is reached.

Like facilitative mediation, the mediator is definitively neutral; they are not sharing opinions or coming up with resolutions.

The idea behind transformative mediation is that the conflict is really a crisis in communication; the mediator is helping the conflicting parties to:

- Look at their interactions.
- Consider their communication style.
- Improve the way they're relating.

If these things happen, then the process is considered a success even though it may not end in an actual settlement or agreement.



TERM TO KNOW

Transformative Mediation

A style of mediation focused on changing the relationship between disputing parties, whether or not an agreement is reached or written.

1c. Evaluative Mediation

Evaluative mediation is a style of mediation in which the mediator is allowed to offer suggestions or opinions for consideration or inclusion in an agreement.

This style differs quite a bit from facilitative and transformative mediation because the evaluative mediator's opinions can contribute to the resolution.

However, the mediator can only offer these opinions if the parties agree that they would like this to happen.



EXAMPLE Evaluative mediation could be appropriate in a situation where the mediator has some particular expertise or informational resources that the parties don't have. In this case, the parties might like to hear about these resources from the mediator.



TERM TO KNOW

Evaluative Mediation

A style of mediation in which the mediator is allowed to offer suggestions or opinions for consideration or inclusion in an agreement.

1d. Mediation-Arbitration

Lastly, **mediation-arbitration** (sometimes referred to as med-arb) is a style of mediation in which the mediator has the authority to switch roles to that of an arbiter in order to decide on an outcome if parties are unable to reach an agreement.

Because this style enables the mediator to actually step out of the neutral role and make a decision for the two parties if they can't come to that decision on their own, mediation-arbitration goes a little beyond the scope of evaluative mediation.



TERM TO KNOW

Mediation-Arbitration

A style of mediation in which the mediator has the authority to switch roles to that of an arbiter and decide an outcome if parties are unable to reach an agreement.



THINK ABOUT IT

Consider the most recent conflict you encountered:

- Did you use any of the four mediation processes to resolve this conflict?
- If so, which one did you use, and why?
- If not, which do you think would have been best for this particular conflict, and why?



SUMMARY

In this lesson, you learned about the **four different styles of mediation: facilitative mediation, transformative mediation, evaluative mediation, mediation-arbitration**. You now understand that while the mediator in the facilitative and transformative processes is simply there to manage the conversation between parties, they have the ability to become more involved in the conversation if the parties are using the evaluative or mediation-arbitration style. Good luck!

Source: Adapted from Sophia tutorial by Marlene Johnson.



TERMS TO KNOW

Evaluative Mediation

A style of mediation in which the mediator is allowed to offer suggestions or opinions for consideration or inclusion in an agreement.

Facilitative Mediation

A style of mediation in which the mediator does not offer suggestions or opinions and guides the process towards an agreement between parties.

Mediation-Arbitration

A style of mediation in which the mediator has the authority to switch roles to that of an arbiter and decide an outcome if parties are unable to reach an agreement.

Transformative Mediation

A style of mediation focused on changing the relationship between disputing parties, whether or not an agreement is reached or written.