

Private Meetings and Confidentiality

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WHAT'S COVERED

In this lesson, we'll discuss the role of private meetings in the conflict resolution process. In particular, we'll focus on:

1. Initiating a Private Meeting
2. Using Information Learned in a Private Meeting

1. Initiating a Private Meeting

As you've learned, conflicting parties meet with an intervener upon entering the conflict resolution process. Together, they sit down to discuss their conflict and reach a resolution.

In more formal conflict resolution settings, an intervener will often meet separately with one or both of the parties in order to ask questions or gather information that might be difficult to get when both parties are there.

Yet even in a more informal setting, the intervener may still call a **private meeting**. This is a meeting in which the intervener meets with the parties separately.

As a conflict-resolver, there are two main reasons why you might call a private meeting:

- To have an overall process check
- To allow a party to disclose sensitive information

The overall process check is an opportunity for a party to give suggestions, ask questions, or comment on the process itself.

If you are calling a private meeting for the second reason, the party has a chance to disclose information that they may be uncomfortable disclosing with the other party present.

It's important for the intervener to tell the parties in the beginning that there is a possibility of having this private meeting, or caucus as it's sometimes called. Letting the parties know up front helps them feel more comfortable with the process.

You don't want them to view this meeting as secretive, but rather as an opportunity for not only the intervener to check in with the parties, but for each of the parties to check in with the intervener.



BIG IDEA

The intervener can choose to call a private meeting with a party, or a party can choose to call a private meeting with the intervener. As an intervener, if you meet with one party, it's a good idea to also meet with the other party so that you will have checked in with both.



TERM TO KNOW

Private Meeting

Part of a mediation process in which the mediator meets with each party alone (e.g. without the other party present).

2. Using Information Learned in a Private Meeting

You may find that there are times when somebody in the mediation is not expressing something, and you sense that maybe the person is uncomfortable expressing this in the room with the other party present.

This is an excellent reason to call a private meeting or caucus, in which you can ask the party if there's something they would like to say.

When you do this, it's important to let the party know that these private meetings are **confidential**, which means that what the party tells you in the meeting stays in the meeting. You're not going to go back and tell the other party what you just heard.

However, you may hear something that is vital to the outcome of the conflict. You can then use the meeting as a time to talk with the party about an acceptable way to bring this up in mediation.

You can discuss possible ways that this information might be introduced into the room with the other party, or, if this information seems like it really needs to be shared, you can discuss the possibility of introducing the information in a private meeting between you and the other party.

Of course, if the party doesn't agree on a way to bring this information to the attention of the other party, it must remain confidential.



BIG IDEA

These private meetings, or caucuses, are another opportunity to allow the parties to feel comfortable with the process.

Not only will they be meeting together in the room with the intervener, but they will have an opportunity to step out and speak with the intervener privately in order to share things that they may be uncomfortable sharing in the meeting, and to check in on the process. As the intervener, you can do the same with them; that's the concept of the private meeting.



TERM TO KNOW

Confidential

In conflict resolution, the treating of information shared between two people as not to be shared with any other person without the expressed consent of the first person.



SUMMARY

In this lesson, you learned that **initiating a private meeting** in the conflict resolution process can be very helpful if you as an intervener want to check in with a party, or if you sense a party wants to share something without the other party present. You now understand that the **information learned in a private meeting** is confidential. If you feel the information is important to the resolution, you and the party can discuss possible ways of bringing it up during mediation. However, it's important for the parties to feel comfortable with this confidentiality. If a party doesn't agree on a way to share this information, you cannot bring it up to the other party. Good luck!



TERMS TO KNOW

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