



# EFFECTIVE ONLINE MEDIATION TRAINING FOR PUBLIC POLICY AND LARGE GROUP MEDIATORS

## An Initial Inquiry and Recommendations

### Abstract

At the request of Mediate.com, a small group of US-based public policy and large group mediators/mediation trainers met online during the winter/spring of 2021 to consider best practices and ideas to enhance online training and practice. All of us had moved our practices to the online setting as a result of the Covid-19 pandemic. Some of us had moved our trainings online before Covid (if not completely through university-based online programs, then as a hybrid tool as practitioners). All of us had found the online transition to have benefits AND limitations both in practice and in training. None of us have yet found a way to completely mirror hallway conversations, the 'breaking of bread', or the before/after small-talk time during which so much rapport is built that supports creative resolution of public policy and large group conflicts.

As a result, we identified areas for which additional understanding and support could enhance both the training and practice of online public policy and large group mediation. This report summarizes our ideas and recommendations for ourselves, our colleagues, and Mediate.com. We look forward to sharing this with others in order to build upon the tools we have identified that can support the processes we and our trainees run...so we can all better serve the public.

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# Effective Online Mediation Training for Public Policy and Large Group Mediators

## Introduction

### The Context of Public Policy and Large Group Mediation

During our discussions we realized that, before we answer questions about what is effective for online training of public policy and large group mediators, it is important to note a few unique aspects of our practice area. For example, we identify different phases or stages of mediation in this area:

1. Conflict Assessment and Process Design
2. Convening the Group
3. Communication, Information Sharing & Negotiation
4. Agreement & Ratification
5. Implementation (yes, we help the parties to implement when needed!)

We have a variety of 'other issues' to consider in addition to those considered in basic mediation training. These include:

- The numbers of parties and issues (and degree of technicality) are different than other forms of mediation.
- At the outset, we help parties assess whether the conflict is formed enough and appropriate for "mediation" or are whether the issues are upstream of the conflict (and, therefore, should be engaged via a facilitated dialogue to avoid what might otherwise turn into a full blown dispute) or are too far downstream (and therefore should proceed through more traditional public processes).
- Mediators must be aware of, have a baseline understanding about, and be capable of managing parties and conflicts which are impacted by 'parallel public processes'.
- Culture is ALWAYS a part of public policy and large group mediation work and multi-cultural aspects need to be considered as we design/adapt our approach and processes whether online or in person.
- Confidentiality and questions of open public versus closed private sessions must be discussed and decided with participants in these cases. In the online environment, we must consider: if meetings are open, how and when might we want to allow different levels of participants to be engaged? What is most effective and when? When might online be a detriment to resolving these types of cases?
- In addition to the basic psychology all mediators must understand, mediators in this arena must also understand the nuances of group psychology and its impact on individuals facing stress and conflict.
- Finally, three other proficiencies are needed for mediators of public policy and large group conflicts:
  - Process tools and design ideas that enhance resolution of large group conflicts,
  - An understanding of 'who else needs to be included' for an agreement to conflict resolution plan to be ratified. It is rare to have the final decision-makers (city or tribal councils, legislators, boards of directors, etc.) at the table. Mediators of these cases must understand this well enough to help the participants clarify these processes and build time for ratification to occur, and
  - The online savvy that can support all or part of the mediation process.

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### Other differences to consider:

Much of our work/time is spent designing, coaching, and preparing multiple groups for joint sessions in a larger group setting. We help parties name the PURPOSE of the effort so we can all head toward that goal. Who is present, what is discussed, and how we do this work are much less clear at the outset than in other mediation work. Public conflicts often have trauma at their stem and must be handled sensitively (for and with the parties AND for and with the mediators). In all we do, because of the public component, equity shows up as a matter of course and, often, in challenging ways to which mediators must attend and assist:

- How do we assure that impacted voices have a seat at the table, have capacity to make decisions about the issues and questions in front of the entire group, and have/gain power to be meaningful participants at the table?

### Who Attends our Trainings?

Those who attend our trainings tend to fall into two primary categories. People who:

- 1) have already had an intro mediation training and need to learn more about the way public processes work (and, therefore, want to learn how to mediate disputes that come from or run parallel to those public processes); or
- 2) are already working in the public sector environment and want to learn how better to manage public disputes, either as a mediator or with added mediator-like skills (and, therefore, want to learn additional skills to support that work).

### To what extent has Public Policy and large group mediation training moved online? How well has this worked? Benefits? Challenges?

In the university setting, all classes moved online during the pandemic. Only a few public policy or large group courses were created specifically to be online. Pepperdine University's Straus Institute for Dispute Resolution has offered Environmental and Public Policy Mediation for a number of years now and Portland State University offers an online Collaborative Governance class and certificate. Still other large group and public policy mediation courses were adapted to be taught online and, as such, lack some of the finer nuances of good online classes (e.g. not as much asynchronous lectures or exercises built into the online format). We anticipate that more online classes will emerge as both professors and students can be 'at distance', enabling universities to 'bring in the best' for their students, while allowing everyone to avoid travel costs. Students report that they have been satisfied with these trainings and the method of teaching. However, many note that, until they are able to see this work done or trained in person, they will feel as though they have more to learn and experience about the full breadth of mediating complex public policy and large group processes.

Public Policy and large group-focused ADR firms have reported that they too began revamping their trainings and offering them online during Covid-19. To do this, they adapted their original 2-5 full-day, in-person training sessions by breaking them into more days, with a shorter duration for each session. Below we have outlined our suggested effective practices regarding online training time and particular needs.

As noted by many other groups in this inquiry, there ARE benefits that we have noted regarding online training in this arena:

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- Online training can reach more diverse individuals and communities who are more able to attend due to access and time commitments of participation, without travel costs.
- Online training is enhanced when asynchronous modules are created and integrated for viewing 'out of class' time. Not only does this support students' ability to learn at their own speed, but this also maximizes the time together as a group for discussion and live simulation work. That said, the link between what is taught and questions raised via those lectures can get lost and trainers need to do all they can to account for this in some way.

That said, there also are some big challenges for training public policy and large group mediation online:

- The more people there are to manage on the screen adds to an already complex training and mediation process. It is difficult to read facial and body cues in an online setting. That, combined with the physical inertia online that is different from in-person with respect to changing places in a room, moving from room to room, having conversations in a corner creates challenges both for the trainer and the participants.
- Multi-party simulations online are cumbersome, more so than two or three party exercises. Our recommendations at the end of this report provide suggestions on how simulations/skills development can be improved through a variety of approaches that technology facilitates. These same online approaches for varying the design of simulations: fish bowl, world café, self-selecting breakout rooms, use of immersive view in Zoom, are also approaches that enhance actual online multi-party negotiations.
- Multi-party mediation training simulations require more time than the average mediation training, even in person. That time pressure becomes more challenging in the online environment because people lose focus, get interrupted by family, pets and other at-home distractions, and can develop the Zoom Fatigue.
- For multi-party/public policy training simulations:
  - 'interest groups' need time to negotiate how they will act in the role play,
  - mediators need to juggle multiple online caucus rooms, and
  - role plays need to be developed and used that provide opportunities for all trainees to have time in the mediator role, unless they are attending the training/class to learn more about the field and have no intention of mediating such cases.

### What are the most effective ways to train public policy/large group mediators online, generally?

Our group agreed that there were some tools that need to be included in the online training setting. These include:

- Provide trainees with templates for online discussion protocols for large groups/public policy settings and use them throughout the course as an added layer of integrated learning;
- Make sure everyone is familiar and comfortable with the training platform being utilized by telling/showing and using graphics to help;
- Provide real-world examples and stories of the types of cases we do;
- SHOW an example (by serving as the mediator in a simulation with all the trainees in role or using a video) of an effective large group mediation session
  - Do NOT rely on trainees teaching themselves in this arena—they may never have seen a public or large group conflict handled well!;

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- Teach them how to place their camera to maximize engagement with each other and, thereby, their future parties.

### What new issues exist in the online public policy mediation and training environment?

In addition to issues others have noted, we want to underscore the following for public policy and large group work done on line, whether it is training or practice:

- Mediator/trainer fluency in the platform being used (zoom, webex, GoTo etc.) and being able to help all participants get on the modality, use the platform, and be seen by others as they want to be seen (in picture and name);
- Camera positioning for trainer/mediator AND helping participants do the same so they are looking at each other, not at a separate screen away from the participants.
- Understanding the complexity of facilitating engaged and engaging discussions online amongst multi-parties, including the effective use of graphics, digital whiteboards, and online group brainstorm. Trainers must be proficient in order to provide tips for how to use various online platforms and tools that maximize engagement for multiple participants;
- The need to verbalize the steps you are taking to move parties through the online ecosystem of tools that help them to be/stay engaged (because they will need to do this themselves);
- Understanding and mastering effective use of breakout rooms for caucus AND “in the hallway/bathroom/breaks” discussions (where we all know so much gets accomplished!);
- Effective use of zoom for individual caucuses and for developing group agreements online (such as group-supported ground rules or discussion protocols, draft- and final-agreements);
- Mediators need to develop enhanced capacity reading faces and micro-expressions because, online, that is all we’ve got!

### To what extent do we think that mastering online mediation will be needed even once the pandemic passes?

Our small group anticipates that moving between face-to-face to online will be needed for many years to come. None of us were optimistic that the pandemic nor people’s desire to meet online will end soon. As a result, the need to learn mastery in these skills will be vital...for trainers and mediators.

In addition, online training provides an opportunity to have more people attend these trainings than before, especially people who couldn’t access face-to-face trainings for a variety of reasons (e.g. child care, distance, ability, diminished capacity to travel, etc.). Our Environmental and Public Policy sector has long engaged in discussions about the desire to expand the diversity of mediators in the field. All of us have seen more different ‘faces’ showing up in our online trainings and our open, public policy sessions than when held in person. Because of this, we need to be proficient at utilizing online mediation tools and techniques in order to have the greatest impact on all of the communities that are served through public policy and large group mediation work.

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### Recommendations:

- 1) Survey students from the past several years of online public policy mediation courses to learn whether or not they are able to successfully move from their online training to doing public policy and large group mediation, either online OR in person.
  - a. What helped them feel prepared to do the work?
  - b. What additional training have they sought to raise their level of understanding and proficiency?
  - c. If they sought training, what more was needed from what they got in the online setting?
  
- 2) Offer hybrid trainings that integrate 1-2 full days of in-person training with online training to provide trainees/students with the full spectrum of large group mediation experience.
  - a. All who discussed these issues agree: one cannot gain an understanding of the complexities a large group/public policy mediator faces without including a portion of face-to-face training. Seeing faces-only online limits the numbers of distractions and challenges a mediator faces when managing a large group conflict in person.
  - b. Large group mediators need to be proficient both in person AND online because their clients want to integrate the two mediums. We have been surprised to see how many private organizations have sought to hold their internal strategic planning and conflict resolution discussions face-to-face as the Covid numbers have begun to decline.
  - c. Mediators who have not had any large group, face-to-face training will be unprepared for the types of issues that arise in large group and public policy settings and, therefore, will provide less-than-acceptable levels of practice for these types of cases.
  
- 3) Develop and share a library of public policy and large group mediation simulations that have been found to work well in the online training environment. By well we mean simulations that:
  - a. allow many trainees the opportunity to experience both the role of mediator and stakeholder/interest group member;
  - b. provide opportunities to use multiple functions of the online environment (such as breakout rooms, shared documents, whiteboards, and other tools to support online brainstorming and consensus building);
  - c. are appropriately timed to allow exploration, closure, and debrief of each phase/stage of the public policy mediation.
  
- 4) Analyze and develop a set of 'best practices' that will enable public policy mediators to determine when it is best to do work face-to-face, when a hybrid is appropriate, and when a case can or should be done completely online (e.g. safety, travel, or accessibility issues).
  
- 5) Hold a series of online Expos that demonstrate and give an opportunity for public policy mediators and mediation trainers to try different tools and techniques in a "safe" setting.

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- 6) Set up a registry that will enable public policy and large group mediation trainees to find seasoned mentors and apprenticeship opportunities that will support ongoing learning.

### Conclusion

Our group appreciated the request and opportunity to come together to discuss what this brave new world of online mediation and mediation training looks like, especially as it pertains to the successful management of multi-party and public policy conflicts. We believe that online mediation, training, and others services will be a part of our lives for the foreseeable future. We also believe that this is an opportune time to learn from our experiences and begin to create a series of best practices to help mediators be most capable of handling multi-party public disputes on the platform and with the tools most appropriate for the individual case.

We look forward to continued dialogue, to enhancing research, and to helping develop best practices with our colleagues and Mediate.com.

*NOTE: The Public Policy and Large Group Subgroup was convened and reported on by Donna Silverberg. The following mediators/trainers were engaged for one or more sessions sharing ideas, approaches, and thoughtful discussion:*

*Alana Knaster, Annie Kilburg Smith, Betsy Daniels, Janet Chance, Ken Cloke, Kristen Wright, Laurel Singer, Tahnee Robertson, Toby Berkman, and Winter Wheeler.*

*In addition to posting at the Mediate.com Friday Forum and website, we shared a prior draft of this report with the University Network for Collaborative Governance, the Environment and Public Policy Section of ACR, and LEO (Leaders of Environmental conflict resolution Organizations) for their input and ideas.*

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## Specific Training-Related Advice

How do we best accomplish public policy/large group role play exercises online?

- Synchronous simulations are most effective for ‘training’ mediators how to do the work in real time (moving parties from room-to-room, using different tools such as whiteboard, etc.);
  - Extra time is needed for these trainings to do realistic simulated activities/practice: Public policy and large group mediation cases take a long time in real life; simulations need to be extended to get a realistic sense of how they might actually progress.
- Use Asynch lecturables to cover foundational issues
  - And longer synchronous sessions for simulations/application/demonstration
  - Recognize that opportunities for clearly linking questions and discussion to asynch lectures are lost and need to be accounted for in the training.
- Use different approaches/tools for allowing all trainees to ‘facilitate’ or be engaged. Combine micro and macro skills such as:
  - Fishbowl – allows all to watch/learn together;
  - Facilitate “challenging moments” (in fishbowl, triad or dyad) – use chat to send secret instructions which create a tougher dynamic for the facilitators;
  - Dyads: all sorts of active listening possibilities such as:
    - Actively listen to challenging moments one-on-one - one person shares a challenge in their life, other only asks questions to let them know they have been heard;
    - Pet Peeve Rant - one person rants, the other reframes to interests.
    - Yes, and...exercise which starts with ‘no, because’, moves to ‘yes, but...’, then yes, and... to let everyone really experience the difference of those three modes of thinking/experiencing.
  - Trainer - send Chat notes that support the mediator/facilitator when they do something well;
  - Use one role-play that extends through the entire training, but focuses on different phases with different mediators for each; this gets everyone in front of the group without having to learn multiple new fact patterns.
  - Use one 4-hour role play of a group that is ‘self-facilitating’: rotate mediators for each stage of a single meeting agenda;
  - Use every breakout room discussion as a practice session: remind them to assign a facilitator, scribe, timekeeper; and reporter;
  - Public Policy Improve: give 3-4 sentences of the ‘conflict’...send off to create a skit and bring back to do in the group;
  - Different shorter sims (specific purpose of learning for each simulation), to support rotating mediators frequently;
  - Process Analysis: here’s the case, here are the parties, here’s some background for consideration: what process would you advise your client to use? Why? (share and group debrief)

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How can we best accomplish interactivity in online mediation training?

How can we best train new online mediation technical capacities?

- Use the tech capacities and say what and how you are using them as a 'skill teaching moment';
- Add more time to the training to specifically focus on the tools available for online PP/LG work
  - Whiteboard
  - Polls
  - Google docs
  - Breakout rooms
  - Chat
  - Moving the participants/spotlighting
  - Other apps noted below
- Use the breakout room prompts to give instructions instead of calling the group back.
- Bring the group back quickly for whole group quick debrief, then send back to rooms...

What are useful approaches and apps to use in online mediation training?

- See above AND...
- Session protocols/etiquette
- Close Caption
- MURAL
- MentiMeter
- Flipboard
- Mind Node
- Idea Flip
- Miro (sticky notes)
- Mapping: Google maps, Maptionnaire
- <https://procreate.art/>
- <https://www.interprefy.com/>

How can mediation trainees be best assisted to get mediation practice experience online?

- Establish another searchable list (such as the USIECR roster created many moons ago) for apprenticing and mentorship opportunities with senior practitioners.

Given all that we have learned and now anticipate, what changes and developments do we recommend for future training of public policy and large group mediators?

- Ask zoom to create a thumbs down and thumb sideways icon (not just thumbs up)!