Preventing Conflict through Facilitation: A Comparison of Mediation and Facilitation

By Janice M. Fleischer and Zena D. Zumeta

Friends and family members often ask us, "So, tell us what you do again? It has to do with big meetings, right?"

The question is also a good one for dispute resolution professionals today, as more and more mediators are being asked to do facilitations, and there are important differences between mediation and facilitation (see Comparing Facilitation and Mediation, below).

So, what is facilitation? According to Webster's New Collegiate Dictionary, "facilitate" means "to make easier."

That is what facilitators do: We make it easier for people to accomplish whatever goal their meeting may have been called for. More specifically, we help people think in terms of interests, not positions. According to common definitions, by statute or otherwise, "facilitation" is: The use of a third party neutral to help multi-party work groups accomplish the content of their work by providing process leadership and process expertise.

A Pre-Conflict Process

This emphasis on "process" is probably the most defining difference in mediation and facilitation. In many ways, facilitation and mediation are similar, but in the most elementary way, they are drastically different: Facilitation is primarily used pre-conflict or at least pre-crystallized conflict.

Think of facilitators as holistic physicians. We encourage people to call us in before any conflict has crystallized, to help avoid the conflict and have people work collaboratively toward their common goal. That doesn't mean there isn't the potential for conflict, or that pockets of conflict haven't already erupted. Although facilitation can be used in conflict situations, and therefore belongs on the conflict continuum, an important characteristic of facilitation is its use as a preventative measure.

Facilitators oversee the organization and progress of meetings to alleviate as much tension as possible so that people can get past their individual agendas and get on with the group work that needs to be done. Facilitation is a transformative experience, both for the facilitator and the facilitated. We have watched stakeholders entrenched in their positions change from obstinate advocates to cooperative collaborators in a matter of months. It is as gratifying and exciting as mediation, and has an extra benefit, the fact that you, as the facilitator, have the ability to assist folks in avoiding any conflict and just getting their work done.

One essential element of facilitation is its involvement with groups, small or large, and their processes, whether they are public in nature, such as a government agency, or strictly private concerns, such as a corporate board of directors. In this regard, facilitations can range from a one-time board retreat to a public policy gathering of governmental, civic, advocacy, business and geographic or ethnic parties that meet over several months or years to accomplish its task.

Similarly, the size of groups can range from as small as five people up to several hundred. That a facilitator is working with groups, and not individuals, creates distinctive dynamics, in that each type of group must be handled differently, and the convener(s) of each group may have different expectations of the facilitator. This in turn calls for unique skills and tools in consensus building.

In describing the facilitation as a process, we think of a story: It has a beginning, a middle and an end. Facilitation is a story in collaboration and consensus. To facilitate, you must pay attention to the beginning (pre-meeting agenda, surveys, protocols); the middle (meeting guidelines for participants, using your skills to keep the meeting moving and on track, keeping the group memory) and the end (preparing a meeting report and follow up duties).

In the beginning, the facilitator needs to meet with the convener(s) of the meeting to establish exactly what is being asked of the facilitator. Is she more of a moderator, or a leader of the group? Is he expected to run the meeting, or simply to keep a record and be a watchdog to make sure the group does not go too far afield. The possibilities are varied and should be defined immediately. This will help you as a facilitator decide if this is the type of situation you are comfortable being involved in, and how to shape the next steps, designing the agenda for the meeting and other "housekeeping" duties.

It is during this part of the beginning chapter that the facilitator will discuss where the group will meet, how often, who will handle administrative functions (meeting notices, survey preparation, mail-outs, typing of group memory flip chart notes, etc.), how participation is to be determined, who will represent different stakeholder groups, decision-making protocols, whether the media should be involved, deadlines and resources for work to be done (i.e., money and time).

The beginning chapter ends with the setting of the agenda, which is developed with input from the conveners as well as possible input from participants. Participant input can be obtained through mail-out surveys, telephone or personal interviews or meetings. The facilitator must know the group and the work to be accomplished before attempting to design a preliminary overall agenda for the total of the meetings as well as specific agendas for each meeting.

The middle of the facilitation consists of the facilitated meetings themselves. The facilitator must structure the participation of the group by helping everyone feel included and encouraging participation. This may involve helping the group identify common denominators goals, calling on those who have not spoken, reducing the speaking time of those who would dominate, and helping to identify who may be missing from the table as the meeting progresses.

In this regard, the facilitator also ensures that group procedures are adopted and adhered to. Decision-making guidelines and protocols are developed with the group, group etiquette is discussed and accepted, discussion guidelines are agreed upon, the method of presenting theories, ideas, positions, etc., must be outlined by the group and the facilitator must obtain a "buy in" by the group. If the group has a specific "charge" - such as drafting a written recommendation to some governmental entity on a specific subject - the group will have to decide how consensus will be defined and what the priorities will be.

Group 'Memory'

One extremely important aspect of this chapter of the facilitation is the keeping of the group "memory." This generally consists of keeping notes of the group's activity on a flip chart, which is important both during and after the meeting. During the meeting, it provides a visual confirmation that the views of each speaker are being heard and considered by the group. After the meeting, it provides the basis for the meeting report.

The flip chart can be maintained by the facilitator or a second person, which can be especially useful if the group is large. If the recording is done by a second person, though, it is important that the facilitator and recorder think similarly enough that the record-keeping is in sync with the focus of the group process.

Using a flip chart is an art in itself that must be learned and practiced. At minimum, though, it must be:

- visible to all members of the group;
- maintained simultaneously with the group's thought process;
- accurately reflect the language of the group members, and
- typed and copied for the members by the next meeting as the flip charts appeared.

Group Maintenance

The facilitator must facilitate group maintenance. Several techniques and skills come into play here.

One is "gatekeeping," that is inviting people to speak, keeping others at bay, etc. Another is "harmonizing," or calming the group, reducing tension and emotions, and pointing out the feelings of the group or of a participant.

Facilitators bring attention to how a group is working, a task that must be done delicately, usually with suggestions for a different process, or for opening the discussion to suggestions for a different process. This could also just be a "heads up" that the group has moved away from its stated discussion item and a discussion of whether it wants to continue forward or go back.

These techniques require several additional skills. For one, a facilitator must pay attention to the body language of the members of the group: Are they paying attention? Do they need a break? Are there separate (and distracting) conversations going on? Is there outside noise that is interfering with the members' ability to hear what is being said?

The facilitator must help and encourage the group through frustrating times. This can be done by complimenting the group, putting frustration into perspective, recalling other times the group was stalled and succeeded in moving forward, and talking about the benefits of staying with the process.

Finally, the facilitator should "debrief" the group before it adjourns. This is done for 5-to-10 minutes, but allows each group member to reflect upon and state how they are feeling about the group, the group process or the result of the meeting. Like flipchart management and other aspects of facilitation, debriefing is a skill that must be learned and practiced.

Tips For Debriefing a Facilitation

- Start anywhere in the group and go around to each person from there
- Each person can say whatever they want without censorship of any kind
- No one should reply to anything that is said
- A time limit should be set for each person (we suggest l-to-1.5 minutes) which should be announced and enforced by the facilitator
- Anyone can "pass," or decline to say anything
- At the end of the debriefing, those who passed should again be asked if they want to say something
- People can have more than one turn to speak, but only with the permission of the group
- At the end of the debriefing, the group can decide on when to address the issues raised
- Points raised in the debriefing should not be put on the flip charts unless the group so instructs the facilitator

The Report

The last chapter of the facilitation story is the report recording the items covered at the meeting. It typically includes a table of contents, introduction, background, explanation of procedure, process and guidelines, as well as the transcription of all the flip-chart notes put into the context of the meeting. This is an important aspect of the process because it provides either a basis for what work will be included at the next meeting or a guide for what work must now be done by group members and by when.

Some facilitated meetings do not require reports. For example, the purpose of the meetings may have been to accomplish the writing of a document as a group, and the document itself serves as the report.

Like mediation, facilitation can be an important part of a dispute resolution professional's repertoire of skills and services. But it is worth taking the time to learn the differences between the two, and to master facilitation as a unique process that can be used to help clients.

A Comparison of Facilitation and Mediation Shows Some Similarities, But Also Some Important Differences

Facilitation and mediation may be compared along several dimensions, beginning with the two main differences: goals and process.

Goals: In mediation, the goal is to get an agreement. In facilitation, it is to assist a group in accomplishing the "content of their work," whatever that may be. Familiar examples include a vision statement and plan for

implementation of a depressed area of a city, a strategic plan with action items for an organization, the preparation of recommendations to a decision making body, an effective retreat, solving a particular problem and writing regulatory rules.

Process: Mediation typically follows a fairly set process that is determined primarily by the mediator, but which is dependent on the type of mediation (e.g. family, civil, community) and style of the mediator (e.g. facilitative, evaluative, transformative). The outcome is determined by the clients. In facilitation, however, the group (or representatives of the group) determines the process as well as the outcome.

Neutrality: Neutrality is a central tenet of mediation. While the facilitator certainly cannot be biased, strict neutrality is often an irrelevant issue, since many groups do not have "sides" and are not resolving long-standing conflicts.

Open Sessions: In both mediation and facilitation, the neutral will use me open or plenary session (often called a joint session in mediation) to gain and share information, encourage communication, promote problem-solving between the parties and prioritize issues. In facilitation, the open session may also be used for the actual drafting of documents.

Caucus vs. Small Group Work: In mediation, a private session with one party or parties may be used to develop support and trust, explore settlement options Or communicate privately about the strengths and weaknesses of a party's case. In facilitation, small groups are often used to accomplish a specific task, often for the larger group, but just as often may not be necessary.

Generation of Options/Ideas: In mediation, the parties propose solutions and options with the mediator's guidance and additions. In facilitation, the parties may be led through a series of structured techniques - brainstorming, nominal group technique, etc. - to solicit ideas and generate and prioritize options. The facilitator does not become involved in the creation of options or ideas, but rather is limited to the role "record keeper."

Agenda Design and Ground Rules: As the owner of the process, the mediator will set the agenda and ground rules after the parties have identified the issues. In facilitation, the facilitator assists in designing an agenda with input from the convener(s) and/or the group, which owns the process.

Invoking Ground Rules: In both facilitation and mediation there are difficult parties. In mediation, the mediator might call a caucus or invoke a ground rule to change the behavior of that party. In facilitation, the group invokes the ground rule, or the facilitator might pull the person aside at a break to talk with him/her.

Identifying the Parties: One important difference in the two processes is the identification of the parties. In most mediations, who the parties are is generally fairly obvious. In facilitation, just as in public policy mediations, identification of all stakeholders is an important part of the pre-facilitation process, especially if consensus-based decision making is the method to be used.

Methods of Decision Making: In mediation, the process of decision making is interest-based negotiation and compromise. In facilitation, the group decides the process of decision making and the facilitator helps to lead it.

Role of the Neutral: In mediation, the role of the mediator remains constant, as a catalyst for change in the parties' communication. In facilitation, roles of the facilitator may vary greatly depending on the needs and desires of the group or its conveners.

Prior Contact with Parties: In mediation, contact prior to the actual beginning of mediation with the parties and their attorneys is a matter of the mediator's style. In facilitation, prior contact with the convener(s), stakeholders and others is a necessity to properly plan the meeting and understand the goals of the meeting.

Area	Mediation	Facilitation
Goals	Agreement	Goals of the group
Process	Set by mediator	Set by group
Role	Neutral - fairly standard	Group effectiveness - may vary widely
Format	Joint sessions	Group meeting
	Caucus	Small group work
Idea Generation	Part of mediation process	Structured techniques
Ground Rules	Set by mediator	Agreed to by group
Agenda	Set by mediator	Set by group

Identifying Participants	Disputants	Stakeholders
Method Of Decision Making	Relatively Obvious	Major pre-facilitation issue
Prior Contact With Participants	Interest-based negotiation	Group decides, facilitator leads
	Mediator style	Necessary

Biography

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Zena D. Zumeta, J.D., is president of Mediation Training &Consultation Institute and The Collaborative Workplace in Ann Arbor, Michigan. She has been a mediator and facilitator since 1981. She is a past president of the Academy of Family Mediators and the Michigan Council for Family and Divorce Mediation and a past national board member of SPIDR. She is a nationally known trainer of mediators, and provides training, facilitation and consulting in organizations and workplaces. She has presented on mediation and facilitation at numerous national conferences, and on mediation and collaborative processes at the International Association of Facilitators.

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Ms. Fleischer practiced law until 1990 when she became a Florida Supreme Court certified mediator and joined the Mediation/Arbitration Division of the 11th Judicial circuit. After leaving the Mediation/Arbitration division, she mediated independently for the court system.

She has taught mediation at the University of Miami School of Law and was Chair of the Southern Division of the Florida Mediator Qualifications Board, a board that hears grievances filed against mediators.

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