

## Facilitated Conversations

### What is the purpose of a facilitated conversation with the Ombuds Office, and how might it help?

The purpose of a facilitated conversation is to help people (with their explicit permission) engage in a problem-solving conversation with the assistance of a neutral facilitator. A facilitated conversation can help people communicate effectively where they are locked into their own positions/narratives or unable to hear others' perspectives.

### What are the advantages of a facilitated conversation?

Unlike other forms of dispute resolution (e.g., filing a grievance, going to court, formal mediation, or even asking an expert to decide how a dispute will be resolved) a facilitated conversation is:

- Informal,
- Confidential,
- A way for the people involved to gain control over finding a workable solution, and
- A way to promote greater understanding between the people engaged in the situation, which increases the probability of finding an acceptable outcome.

### How confidential is a facilitated conversation?

The Ombuds Office commits to keeping the facilitated conversation confidential, except under very limited circumstances, like if an ombuds learns of the intent of an individual to harm him / her / themselves or another person. The Ombuds Office does not keep a record of who has visited us or used our services in any identifiable manner.

Note: When there is a legal subpoena requiring that the Ombuds Office testify or turn over records, the office will immediately ask legal counsel to seek to “quash” the subpoena and prevent any Ombuds testimony. (There is no guarantee that a subpoena will be quashed.)

### What happens in a facilitated conversation?

In the beginning of a facilitated conversation, participants often interact with the ombuds directly, as the other participant listens. Each person talks about the concerns which gave rise to the issue and this conversation. They may share their goals for the process. The ombuds may ask questions to help the participants identify underlying concerns/interests of all involved and to identify the specific issues that need to be resolved for a successful outcome to be attained. The ombuds may “re-frame” the concerns helping visitors to focus on the concerns of everyone involved. The visitors may work with the ombuds to generate many options in hopes of resolving the issues for all participants. They then “fine-tune” their agreement(s) until they are satisfied that the agreement resolves their concerns. Finally, the ombuds may encourage the visitors to draft their own agreement in language generated by those involved as a reminder of the agreements they reached in this informal process. **Any agreements reached are not formal agreements, and if there is a breakdown after the conversation ends, the parties will be encouraged to discuss it first among themselves and then consider returning to the Ombuds Office.**

### **What can you do to help make the conversation successful?**

Your goal is to gain the cooperation of the other person(s) in resolving this matter. Consider acting in a manner that will result in a desire to cooperate with you, rather than react negatively toward you. Talk honestly about your concerns while at the same time treating the other person with respect. Honesty and respect can help people avoid feeling triggered and defensive, or becoming deadlocked in a discussion that may escalate and lead to everyone feeling attacked or misunderstood.

Listen carefully to the concerns of the other person so that you can demonstrate that you understand them. Listen to understand, not to respond to the statements being made that you may or may not agree with. Ask questions to gain information and better understanding.

Consider following some guiding principles: “No interrupting” and “No deliberate name calling or abusive comments.” Let the other individual(s) share completely and make notes if you need to retain your thoughts. All participants will be offered equal time to discuss their interests and desires.

Keep the content of the discussions confidential unless you and the other participant(s) agree to share its contents with specific individuals.

Stay self-focused, rather than talking about other concerns or about other people who are not a part of the conversation.

### **When does a facilitated conversation work best?**

- When the participants are concerned about both the content of their dispute and preserving their relationship,
- When everyone involved talks honestly and respectfully about the dispute which led them to this conversation,
- Disputes or issues have been present for a shorter, rather than a longer, period of time,
- The parties believe a negotiated agreement will provide a more acceptable outcome than their next best alternative,
- Neither party insists that the other should be punished,
- When hostilities are moderate or low, and
- It is voluntary and all participants desire to find a way to resolve their differences.

### **Usually, facilitated conversations are not appropriate when:**

- There is physical violence (or the imminent threat of physical violence),
- Abusive/harassing behavior is present and the person engaging in these behaviors refuses to stop,
- Neither party cares about preserving the relationship,
- There is no ongoing relationship between the parties (usually),
- One or both parties insist/s on punishment as the only appropriate resolution,
- The parties want to resolve a “values” dispute by persuading the other person to change his/her academic, work-related, or personal values,
- One or both parties lacks the authority to make agreements,
- One or more participants are under the influence of alcohol, drugs or otherwise impaired, or
- A criminal law or a code of professional conduct has been violated (usually).