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Conflict Dynamics: *Perception, Feeling and Action*



CENTRAL MEDIATION CENTER

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Conflict:

- ❖ Is a normal part of life and will never be eliminated; exists in every relationship
- ❖ Does not mean someone is wrong
- ❖ Can result in creative solutions and closer relationships
- ❖ Three dimensions of conflict:
 - **Perception:** One person's interests, needs or values are incompatible with those of another person.
 - **Feeling:** Anger, fear or sadness
 - **Action:** Speech or violence

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The Gift of Conflict

Amy E. Gallo

TEDxBroadway – September 2019

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Resolution:

- ❖ **Effective communication is central to resolving conflict**
 - Caring what others have to say, focusing energy and cooperation on understanding
- ❖ Emotional closure often comes from having one's needs acknowledged and met
- ❖ **Mediation:** An informal but structured process in which a neutral mediator helps people who are in conflict work out a resolution that meets their needs.

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Why Mediate?

- ❖ **Tell your whole story; a chance to be heard**
- ❖ Convenient, private, confidential
- ❖ Cost effective
- ❖ Help maintain/improve relationships
- ❖ Design solution to fit your circumstances (**self-determination/interest-based**)
- ❖ Avoid an adversarial court process that can harm relationships

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Mediator:

- ❖ **Establish an arena or mechanism for communication and negotiation; help parties identify and discuss their needs and options**
- ❖ Descriptive, collaborative, empathetic, and supportive
- ❖ Treat people with personal worth, respect, and human value
- ❖ Manage feelings and defuse anger
- ❖ Control the process
- ❖ Are agents of reality against unrealistic demands
- ❖ Mediators affect the resolution process by supplying skills, values, procedures and a sense of optimism

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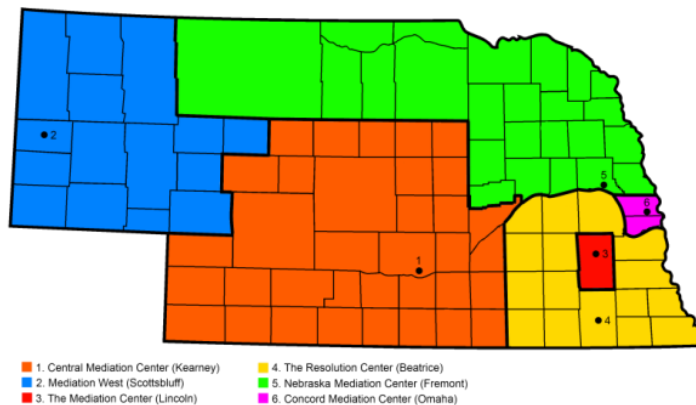
1991 Dispute Resolution Act

- ❖ Made mediation services available to all Nebraskans by creating 6 mediation centers across the state
- ❖ Created to take load off the court system
- ❖ Created so all Nebraskans would have access to litigation alternative
- ❖ Created to reduce conflict and improve relationships among all citizens

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Nebraska Mediation Centers



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Central Mediation Center (CMC)

- ❖ Is a non-profit 501(c)(3) organization
- ❖ Provide dispute resolution services from mediation to facilitation
 - *It is CMC's mission to promote non-adversarial dispute resolution strategies and creative, empowering decision-making processes through interest-based mediation and facilitation services. It is a structured, yet flexible, process that brings parties together voluntarily to resolve differences through collaborative problem solving.*
 - Utilize staff and a network of volunteers and contract mediators, called "affiliates"
- ❖ Service Area
 - Located in Kearney; serves 35 counties throughout south central and southwest Nebraska. Counties Include: Adams, Blaine, Buffalo, Chase, Clay, Custer, Dawson, Dundy, Franklin, Frontier, Furnas, Garfield, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Kearney, Lincoln, Logan, Loup, Merrick, McPherson, Nuckolls, Perkins, Phelps, Red Willow, Sherman, Thomas, Valley, Webster, Wheeler

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Community/Small Claims Mediation

- ❖ Neighborhood
- ❖ Landlord-Tenant
- ❖ Consumer-Merchant
- ❖ Contractor-Homeowner
- ❖ Business / Workplace
- ❖ Church Conflicts

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Family Mediation

- ❖ **Family Cases –**
 - **Parenting Plan** – Legal/Physical Custody (primary residence), decision making, regular, summer and holiday parenting time, exchanges, communication, activities
- ❖ **Financial Decisions – Child Support – Usually handled by attorneys**
- ❖ **Property Division – Usually handled by attorneys**
- ❖ **Elder Care and Estate Issues**

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Child Welfare/Juvenile Justice Facilitations

- ❖ **Child Welfare Pre-Hearing, Permanency Review, and Termination Conferences**
- ❖ **Family Group Conferences**
 - Conferences usually include members of the child's family, attorneys, court and agency representatives responsible for developing a permanent placement plan for children temporarily removed from the home
- ❖ **Juvenile Justice/Restorative Justice**
 - **Victim-Offender Mediation (VOM)/Victim-Youth Conferencing (VYC):** a process in which a victim of a criminal act and the juvenile offender can voluntarily meet with each other with the assistance of trained mediators
 - the victim and the offender can communicate directly about how the crime has affected them; the victim can ask questions of the offender; emotions can be expressed and acknowledged; and restitution can be negotiated between the victim and the offender

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Questions?

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