

PRELIMINARY PLANNING

- Facilitator - Know your strengths and weaknesses (personal and professional qualities)
 - What do you need to do to prepare yourself for the facilitation?
- Answer these three questions:
 - Purpose – “What is my purpose?”
 - Result – “What result do I want?”
 - Level of intervention – “How can I create and assist others create lasting change in the most effective and efficient manner possible?”
- Meet with each party separately; listen to their account of the dispute
 - Assess what the primary issues are in the dispute; work with the each party to assess what they consider to be the options and ways to move forward in resolving the dispute
 - Questions to ask each party include:
 - What is the problem as you perceive it?
 - What does the other person do that contributes to the problem? What do you want or need from the other person?
 - What do you do that contributes to the problem? What first step can you take to resolve the problem?
 - Review the Facilitation Process Summary, Ground Rules and Good Faith documents with all parties. Provide copies of these documents to each party.
 - After meeting with the parties, send all parties an email outlining the date, time and location of the facilitation (See the Facilitated Meeting Memorandum for example)
 - Include information on the agenda as you understand it after meeting with each party
- Facilitation Site Preparation & Parties Arrival
 - Determine the best room to meet in; prepare an additional room for caucuses; determine the best seating arrangement that will be conducive to the facilitation, etc.

BASIC OBJECTIVES

- Assist group members to think in terms of interests, not positions; to understand the real problem
- Assist group members to create a scenario that is different from the current state; identify new solutions
- Challenge their assumptions
- Ensure their commitment to implementation
- Provide process leadership and expertise
- Identify and remove barriers to success

STEP 1: FACILITATOR’S OPENING STATEMENT

INTRODUCTIONS

- Reiterate facilitators’ role
 - To be an impartial facilitator, not an advocate or judge
 - To assist parties in arriving at their own solutions; however, as the Supervisor to guide and direct if necessary

- Reiterate the role of the parties
 - To facilitate in good faith
 - To share all pertinent information
 - Be willing to negotiate without holding to a fixed position
 - To be willing to listen
 - To keep an open mind

FACILITATION AGREEMENT ACKNOWLEDGEMENT

- Confirm each party received the facilitator's letter and attached documents
- Reiterate that the facilitator will write a final report which addresses issues discussed and agreements made

GROUND RULES

- Turn off cell phones, pagers, radios and any other distractive device
- Review the Ground Rules document with all parties

MANDATORY AND CONFIDENTIAL PROCESS

- All parties are expected to fully participate and are present to reach an agreement
- Parties agree to maintain confidentiality during process

PROCESS OVERVIEW

- Facilitator and all parties will develop an agenda/list of items to discuss
- The facilitator may call a caucus when necessary; parties can request a caucus
 - A caucus is a confidential meeting between the facilitator and one party; after a caucus with one party, check with the other party to provide equal opportunity
- The focus is on the WIN/WIN approach
- Facilitation sessions can last 2 to 3 hours; some sessions can go on longer
 - Subsequent facilitation sessions may need to be scheduled

QUESTIONS

- This is time for parties to ask question regarding facilitation process

STEP 2: BUILDING THE AGENDA

OPENING STATEMENT OF EACH PARTY

- Determine party to begin (usually the person who requested facilitation)
- Each party presents an opening statement fully to explain issues, concerns, chronology, and resolution sought. (5 to 10 minutes each)
- Listen for substantive, emotional, and procedural issues
- Listen for common-ground issues between the parties
- If party is vague, intervene during the opening statement and ask clarifying questions
- Use body language and eye contact to keep the attention of the other party
- Acknowledge and validate the speakers' concerns
- Ask "How would you like to see this resolved today?"
- Thank the party for sharing their information; Thank the next party for listening and being patient; recognize the difficulty of emotional situations
- Ask the next party to proceed with their opening statement

IDENTIFY, BUILD AND CLARIFY

- Identify the areas that need resolution and build the framework for further discussion
- Clarify agenda items

- Suggest items the parties may have overlooked or forgotten
- Inform parties that this step is the first solid opportunity to work towards a common goal; remind parties to communicate and listen carefully
- Parties must agree on the agenda items
 - This is a point in the process where parties begin to leave the past, look to the future, and seriously consider what they want from the facilitation

PARAPHRASE AND CONFIRM

- When each party has concluded their opening statement, ask each party to clarify the dispute taking into consideration the perspective of the other party
- Identify new agenda items and/or clarify agenda items
- Facilitator summarizes the parties' opening statements

STEP 3: JOINT DISCUSSION/NEGOTIATIONS

HISTORY AND CURRENT NEEDS

- Describe the present history and the need for change
 - Why does the problem exist now?
 - What are the long- and short-term impacts to this problem?
 - How is the problem uniquely affecting each stakeholder? Are there other stakeholders and if so, who?
 - What are all the forces keeping the situation from getting better/worse?
 - Who and/or what wants the problem to exist? Who and/or what wants it to change?

MOVE TOWARDS THE FUTURE

- Assist the parties to focus less on their positions and more on their interests
- Ask the parties what the best alternative (BATNA) and worst alternative (WATNA) to a negotiated agreement is.
 - “What are the best, worst, and most probably solutions?”
 - “What are the best, worst, and most probably outcome(s) if we solve this problem?”
- Encourage parties to ask clarifying questions so issues can be properly identified and discussed
- Clarify ‘bottom line’ interests and/or needs (do not focus on solutions or positions)
 - Recognize each party’s interest as an important part of the solution development process. Allow each person to add his/her needs or interests. Ask:
 - “Why is this issue important for you? What would it be like if the problem were solved? What do you want? Why do you want it?”
- Encourage parties to discuss the issues more with each other rather than the facilitator
 - If the parties are unable to communicate with each other, continue to serve as the buffer between the two
- Conduct private, confidential caucuses with each/one party for private/sensitive issues as necessary

POSSIBILITIES AND POTENTIAL OUTCOMES

- Generate a wide range of possible solutions; challenge parties to try new ideas
 - Remind parties there is more than one right answer; set aside judgments; allow all parties to suggest ideas and solutions

- Encourage parties to brainstorm (Brainstorming Worksheet); toss around idea, but don't evaluation them
- After the brainstorming session, each party provides positive feedback on each idea
- Discuss potential outcomes/agreements of the problem solving process (agreement)
 - "If we come to agreement, how would this agreement be used by each of us?"

BUILDING CONSENSUS

- Agree on performance criteria as a basis for defining success and consent to use the agreed-upon criteria in the future
- If parties cannot come to an agreement which incorporates the views of all parties, Build Consensus
 - Ask each party "Can you 'live with' the list of criteria?" The solution may not be his/her 'first choice' but he/she can 'live with' the outcome.
 - Creates some level of commitment to implementing the agreement, and there is agreement on no sabotage of the implementation.
- Evaluate and create the agreements; develop solutions using the agreed-upon criteria as a basis for evaluating all the alternative which meet the various interests
 - Use the Clear Agreements technique - Focus on the agreements already made first
 - Use the Both/And technique – building solutions from several ideas that helps the parties identify timelines, check points for evaluation, and outcome strategies
 - Use the Negative Voting technique – Eliminate any suggestion that would be unacceptable under any circumstances

STEP 4: WRITTEN AGREEMENT AND CLOSURE

- Bring the process to a close with agreement, either partial or in full
 - Review and document the agreed upon solutions
 - Provide a rough draft of the Facilitated Meeting Summary to all participants and provide them the opportunity to give input
 - Each party will receive a copy of the final Facilitated Meeting Summary
 - Inform parties while the facilitation has ended, the facilitation process is not necessarily over, and either one or both parties may request additional meetings
 - Provide appropriate follow-up with all parties; the goal is to bring parties back to the table, if necessary and address new issues and revisit the agreements
 - If there is no agreement, schedule a subsequent meeting to continue the facilitation until agreements are made
- Congratulate the parties for availing themselves of the process and encourage them by recounting any progress that was made during the facilitation.

STEP 5: POST FACILITATION ACTIONS

- Put together facilitation file; submit original documents to the HRRR Investigator/Facilitator
 - Destroy all notes
 - File includes: Facilitation memorandum, all signed documents (Commitment to Facilitate, Facilitation Agreement or Facilitation Failure Notice)
 - Keep a copy of this file for your records