

Communication Skills

Why Mediators Need to be Active and Effective Listeners

Mediators are facilitators of the communication between disputants. Careful, accurate listening enables the mediator to guide the process. Just as important, how the mediator listens is a form of communication itself. Mediators need to be highly effective listeners in order to accomplish the following:

- Creating a safe environment
- Facilitating the development of rapport;
- Facilitating focus on relevant issues;
- Demonstrating unconditional acceptance regardless of the beliefs, ideas, and conduct of the parties;
- Identifying and summarizing each person's ideas, issues, concerns, and needs behind the scenes;
- Clarifying the issues and interests.

ACTIVE LISTENING IS:

- Listening to hear, not to answer;
 - Understanding the meaning behind the words;
 - Hearing the emotional meaning behind the words;
 - Using skilled feedback to let the parties know their message has been received.
- Nonverbal Communication: Use your body to say, "I'm listening." The purpose is to convey listening, interest, caring and the assurance that the other person is important.
 - Make frequent eye contact
 - Keep your body oriented toward the speaker
 - Indicate you're listening by nodding your head and through facial expressions
 - Ask Questions: The purpose is to clarify, to find out more, to encourage elaboration, and to clear up confusing messages.
 - Ask open-ended question using a non-threatening tone of voice. Refer to handout "Phases (?) Which Convey Active Listening" for in depth discussion on active listening techniques.
 - Paraphrasing or Rephrasing: "Refer to Rephrasing and Reframing"
 - Restate what the speaker has said in your words – Rephrasing is not simply a restatement. It does at least the following:

- ❖ Validates what you have heard by checking understanding; and defuses “loaded” terms or connotations by paraphrasing the understanding validating the emotion with which the group member delivered it, yet does so in a positive fashion.
- ❖ Describe sympathetically; do not evaluate or judge
- ❖ Combine both facts and feelings
 - “So, you believe strongly that...”
 - “You were very upset when...”
 - “You felt quite angry when...”

Reframing or summarizing is a bit more complex than paraphrasing—it is the arrangement of a collection of ideas, feelings, facts, and/or concerns into a single common theme, often moving the group in a more constructive direction. The purpose of reframing is to tie separate and scattered statements together. It often gives the parties a common, perhaps previously unrecognized, focus or theme. It interrupts wandering and gambling.

- Focus of summary is on issues and solvable problems, not personalities.
- Summarizing is distinguished from paraphrasing in that it deals with more information at once.
- Summarize sympathetically, don’t judge, evaluate, or given solutions.
- Ask the speaker if your summary is accurate and complete. Remember to validate! Never assume that your rephrasing or reframing is accurate until it is confirmed by the speaker.

Un-Active Listening

Just as active listening can be used in a positive way to convey respect and acceptance and reflect accurate receipt of messages, so too can “un-active listening” convey negative messages. Learn to avoid using un-active listening.

- Arguing
 - This creates the negative perception that you are **Thinking Against** the party with whom you are arguing.
 - Avoid arguing or disagreeing with one of the parties or being defensive and trying to justify your self.
- Analyzing
 - The immediate perception is that you are Thinking Against the person being analyzed.
 - Avoid analyzing a person of his or her motivation.
 - Avoid giving pat answers such “you shouldn’t be so upset.”

- Analyzing a person's motivation or looking for psychological reason which underlie positions feels judgmental and negative. "Have you done things like this before?"
- Minimizing
 - Avoid dismissing the message of the feeling of the person. This includes statements such as: "That's not such a big thing," or "Everyone feels that way."
 - This is disempowering language which attempts to substitute the party's authority over the outcome with that of a mediator. It is perceived **Thinking For** the party.
- Being Directive
 - Avoid finishing the person's sentence, steering or directing the conversation.
 - This feels to the party as if the mediator is trying to **Think For** the party.