

Unanswered questions

A. Based on everything you have heard from Kimberly and Michael during this dispute, what would you recommend to help them resolve this conflict? What are the specific reasons you feel your recommendation is the most beneficial for them?

- **viewpoint.1:**
- Recommendation: Facilitate a joint session to collaboratively outline roles, responsibilities, and a mutual code of conduct. This approach would provide clarity, reduce ambiguities, and foster teamwork. Grounding their professional relationship in clear agreements will minimize misunderstandings.
- **viewpoint.2:**
- Recommendation: Establish a mentor-mentee program within the orchestra where seasoned members like Michael guide newcomers like Kimberly. This bridges the experience gap and promotes unity. Through shared knowledge, respect, and mutual growth are likely outcomes.

B. After hearing Michael and Kimberly's cases and helping them work through their conflict, they both seem amenable to your proposed solution. They feel listened to with attention paid to their concerns. Now that the mediation process is coming to a close and the conflict is behind you all, in the space below, craft a closing statement that you can share at the end of your final session with Michael and Kimberly.

- **viewpoint.1:**
- "Michael, Kimberly, your dedication to the orchestra's excellence and willingness to address the conflict head-on is commendable. Let this experience serve as a testament to the strength of collaboration. Let's carry this spirit of understanding and teamwork to every performance."
- **viewpoint.2:**
- "Through this mediation, we've uncovered the essence of unity and mutual respect. Michael, Kimberly, your commitment to resolving differences for the betterment of the orchestra is inspiring. Let's continue to harness this newfound harmony in every note we play."

C. Now that you have taken Michael and Kimberly through the mediation process and helped them resolve their conflict, what changes would you make to the opening statement you prepared back in Part One of this project? Why might that change be a good idea for future conflict resolution efforts?

- **viewpoint.1:**
- Change: Emphasize the value of open dialogue and mutual understanding. Reasoning: Encouraging open communication from the onset can help in the early identification and resolution of potential conflicts, preventing escalation.
- **viewpoint.2:**
- Change: Incorporate a segment highlighting past successful mediations and their outcomes. Reasoning: By presenting precedent successes, you set a tone of optimism and possibility, encouraging parties to engage in the process positively.

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PART FOUR[h2]

Solving Problems Through Mediation[h2]

In this part of the course project, you will begin to create potential solutions to the conflict so you, Michael, Kimberly, and even the entire orchestra, can move forward.

Your tactics for dealing with Michael and Kimberly's emotions in Part Three of this project kept the mediation session focused and productive, and you feel that it is now time to begin a discussion of potential creative solutions to their conflict. Unfortunately, both musicians have expressed almost no willingness to engage in this process. They both seem incapable of abandoning their formal



positions and even less able to discuss underlying interests. You decide to address this by identifying each of their positions and demonstrating ways to explore the deeper interests underlying these.

Unanswered questions

###

1. Based on everything you have heard from Kimberly and Michael during this dispute, what would your recommendation be to help them resolve this conflict? What are the specific reasons you feel your recommendation is the most beneficial for them?

viewpoint.1

viewpoint.2
2. After hearing Michael and Kimberly’s cases and helping them work through their conflict, they both seem amenable to the solution you proposed. Both of them feel heard, both feel that their concerns were taken seriously, and both feel that they gained from the experience. Now that the mediation process is coming to a close and the conflict is behind you all, in the space below, craft a closing statement that you can share at the end of your final session with Michael and Kimberly.

viewpoint.1

viewpoint.2
3. Now that you have taken Michael and Kimberly all the way through the mediation process and helped them resolve their conflict, what changes, if any, would you make to the opening statement you prepared back in Part One of this project? Why might that change be a good idea for future conflict resolution efforts?

viewpoint.1

viewpoint.2

Substrate

Mediation for Managers at ecornell

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course project

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Instructions

In this project, you will perform some of the critical activities involved in mediating disputes in the workplace. Throughout the project, you will have the opportunity to role-play as a conductor with a major orchestra who is handling a dispute between two musicians. The full text of the workplace scenario is available below and can be referenced at any time as you work on the project. Each part of the project will introduce new information about the dispute to which you will need to respond.

In Part One of the project, you will consider the basic needs of each party in the dispute and craft an opening statement that will establish the tone and the ground rules of the mediation process. In Part Two of the project, you will select a mediation style that balances your own skills against the needs of both parties as you work through the dispute.

In Part Three of the project, you will adapt your style to account for the differences in the ways each party expresses themselves emotionally. This is a major part of working well with others, as it is important that everyone feel respected and heard.

Finally, in Part Four of the project, you will distinguish between the positions and interests of the disputing parties, making several recommendations to help the parties move forward amicably. Except as indicated, use this document to record all your project work and responses to any questions. At a minimum, you will need to turn in a digital copy of this document to your instructor as part of your project completion. You may also have supporting documents that you will need to submit. Your instructor will provide feedback to help you work through your findings.

Note: Although your work will be seen only by those grading the course and will not be used or shared outside the course, you should take care to obscure any information you feel might be of a sensitive or confidential nature.

Complete each project part as you progress through the course. Wait to submit the project until

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Cornell University

ILR501: Mediation for Managers
Cornell School of Industrial and Labor Relations

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Scenario[h3]

You are the conductor and musical director of a prestigious symphony orchestra in a large US city, a position you have held for ten years. You love your job and enjoy the challenge of bringing together over 100 professional musicians in the service of delivering world-class performances to audiences around the world. What excites you less about your job, however, is the amount of conflict you confront on a near-daily basis. Harmony on the performance stage seems to entail a great deal of discord behind the scenes. On any given day, you are inundated with conflicts that range from passionate artistic disagreements about the music you are working on to petty arguments about dressing room size and other ego-based bickering. For much of your career with the orchestra, you adopted a rather passive approach to the daily conflicts that emerged between your musicians and across the broader organization. While you recognized the potentially destructive role that conflict was playing, you preferred to focus on the art and believed that tensions and disagreements would work themselves out or, at the very least, not interfere with your core mission.

Unfortunately, this conflict-avoidant approach came at a heavy price to the orchestra and to your reputation as a musical director. Over the past three years, a number of high-profile musicians have left the orchestra due, primarily, to internal conflicts. Making things worse, you have found it increasingly difficult to attract the type of talent necessary to maintain the orchestra's reputation, which took many years to develop. Faced with the destructive consequences of unmanaged conflict, you have decided to change your approach. After consulting with conflict resolution professionals from Cornell University, you are convinced that your role as an organizational leader extends beyond the narrow focus on the music and must also include the management of individual- and group-level conflicts. Rather than avoiding conflict between musicians, it is your job to serve as an internal mediator, assisting the parties in finding common ground and facilitating a problem-solving approach to the everyday tensions and disagreements that characterize the intense and hyper-competitive world of elite symphony orchestras. In an effort to develop your conflict resolution skills, you have attempted to immerse yourself in the mediation literature and have been refining your own style and approach as a conflict-competent leader.

Your efforts to become a proactive and skilled manager of orchestra conflict are quickly put to the test with a heated dispute over musical differences between Michael, your seasoned first violinist, and Kimberly, a young and ambitious second section principal violinist who recently joined the orchestra. This is a potentially consequential conflict resolution effort given the stakes associated with Michael and Kimberly's destructive relationship. As Concertmaster, Michael has been central to the public image of your orchestra and is a charismatic and influential member of the organization. Losing him over an internal conflict would be devastating to the orchestra and would have a demoralizing effect on many of your veteran musicians. Kimberly, on the other hand, represents the orchestra's future and has been hired as part of your ongoing attempts to reinvigorate the organization. You fear that a conflict resolution process that leaves Kimberly dissatisfied will send the wrong signal to your emerging musician leaders and to the external candidates you are pursuing.

While you have noticed the increasingly dysfunctional relationship between Michael and Kimberly for some time, you decide to get actively involved after an especially heated disagreement erupts during an intermission of your season-opening performance. Although the specific details of what led to the troubling conflict episode are, themselves, disputed, there is no getting around the fact that both musicians engaged in actions and behaviors that contributed to an epic clash moments before the curtain went up. There is no doubt in your mind that this conflict affected the quality of the performance, as Michael, Kimberly, and everyone who witnessed the argument were distracted during the second half of the program. Hoping to help Michael and Kimberly resolve their conflict, you schedule an informal mediation session with the two. Before your joint meeting with the musicians, you reach out to both Michael and Kimberly to get a sense of what lies at the heart of this conflict.



In your initial discussions with Michael, you learn that he has been increasingly frustrated with Kimberly’s professional standards and her approach to leading the second violin section. In particular, Michael has been upset with what he perceives as Kimberly’s clear disrespect for the traditional hierarchy between the two violin sections. On the night of the season opener, Michael was appalled by Kimberly’s overt efforts to have the second violin section outshine the first section. The proverbial straw that broke the camel’s back for him was her reckless disregard for mutually agreed upon musical decisions about how to balance the roles of both sections in the pieces they were performing. While the lay audience member may not have been able to pick up on the subtle implications of this “musical mutiny,” Michael was livid about the artistic consequences. He has begrudgingly agreed to engage in this mediation process but has informed you that he will not be satisfied unless Kimberly is either ousted from the orchestra or, at the very least, removed from her role as principal of the second violin section.

Not surprisingly, Kimberly’s description of the nature of the conflict and the details of the blowup on the night of the season opener are quite different. Kimberly recounts Michael’s ongoing efforts to undermine her ever since she was hired. She has grown tired by his condescension and the repeated disrespectful comments challenging her skills, talent, and position within the orchestra. She is convinced that Michael’s treatment of her is, in large part, a product of her gender and age. Kimberly insists that she has no problem with the internal status difference between the two but refuses to be dismissed and disrespected. She is a professional musician and insists on being treated as such. She is happy to work collaboratively with Michael but will not acquiesce to his ultimatums. She disputes Michael’s description of what happened on the night of the season opener and maintains that she did not deviate from agreed-upon musical decisions. Rather, she refused to abide by Michael’s unilateral demands from her and her section. Kimberly is pleased with your decision to mediate this conflict but is doubtful that Michael is able or willing to engage in a cooperative manner. As a condition for mediation, she insists that Michael apologize to her in writing and that this apology be circulated to all the musicians in the orchestra. In addition, Kimberly insists that he commit to a new working relationship — one in which they interact as co-leaders of the orchestra’s violin sections and that this division of labor be formalized in the orchestra’s organizational chart.

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Mediation for Managers

Course Project



Instructions:

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Scenario

You are the conductor and musical director of a prestigious symphony orchestra in a large US city, a position you have held for ten years. You love your job and enjoy the challenge of bringing together over 100 professional musicians in the service of delivering world-class performances to audiences around the world. What excites you less about your job, however, is the amount of conflict you confront on a near-daily basis. Harmony on the performance stage seems to entail a great deal of discord behind the scenes. On any given day, you are inundated with conflicts that range from passionate artistic disagreements about the music you are working on to petty arguments about dressing room size and other ego-based bickering. For much of your career with the orchestra, you adopted a rather passive approach to the daily conflicts that emerged between your musicians and across the broader organization. While you recognized the potentially destructive role that conflict was playing, you preferred to focus on the art and believed that tensions and disagreements would work themselves out or, at the very least, not interfere with your core mission.

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conflict resolution process that leaves Kimberly dissatisfied will send the wrong signal to your emerging musician leaders and to the external candidates you are pursuing.

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In your initial discussions with Michael, you learn that he has been increasingly frustrated with Kimberly’s professional standards and her approach to leading the second violin section. In particular, Michael has been upset with what he perceives as Kimberly’s clear disrespect for the traditional hierarchy between the two violin sections. On the night of the season opener, Michael was appalled by Kimberly’s overt efforts to have the second violin section outshine the first section. The proverbial straw that broke the camel’s back for him was her reckless disregard for mutually agreed upon musical decisions about how to balance the roles of both sections in the pieces they were performing. While the lay audience member may not have been able to pick up on the subtle implications of this “musical mutiny,” Michael was livid about the artistic consequences. He has begrudgingly agreed to engage in this mediation process but has informed you that he will not be satisfied unless Kimberly is either ousted from the orchestra or, at the very least, removed from her role as principal of the second violin section.



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PART ONE

Delivering an Opening Statement

In this part of the course project, you will perform an initial assessment of the conflict and create an opening statement that you could share with the disputing parties as you begin the mediation process.

To complete this part of the project, you will need to read each section below and think about what was contained in Module 1 about mediation's goals, your responsibility as mediator, and the various stages of the process.

1. You are preparing for your initial joint mediation meeting with Michael and Kimberly and want to make sure you start off on the right foot. You are especially worried about setting the appropriate tone during your opening statement. Based on the scenario you read above, what are some of the key personal and professional considerations you should take into account as you develop your opening statement? What issues will you highlight to the parties, and how will you do so? What are the essential components of such a statement?

Summary of Steps in the Mediation Process:

1. Sets the tone and is the role model for all parties engaging in the mediation process. Collaborative and productive problem-solving process to help
2. both parties address their interests and needs.
3. It is fundamental for the mediator to ensure all parties understand the mediation process.
4. As part of the process, the mediator must clarify the mediation process's key elements.
5. The mediator clarifies their role in the mediation process and guides it.
6. Create a supportive and trusting environment where both parties can openly discuss the issues.
7. The mediator must outline the path to a successful resolution. fourth
8. The final goal is outlining the mediation rules so both parties know what is acceptable and not acceptable. The delivery of the opening statement

As the mediator, it is essential to ensure both parties clearly understand the mediation process and establish clear grounds for rules such as the following:

1. One party speaks at a time using an appropriate tone and mannerisms. Do not interrupt; each party deserves to be heard, and you will have the opportunity to speak.
2. Ask questions to obtain clarity and better understand the other party's perspective.
3. The goal is to respectfully listen and foster a problem-solving mindset, supporting the best possible resolution.
4. The mediator's purpose is to set the tone and guide the process to keep moving forward toward both parties finding a resolution.

2. Now that you have reflected on some of the qualities that define this particular conflict, prepare an opening statement that will be delivered during your first joint session. In this statement, make sure to discuss the key procedural characteristics of the mediation process, the rules and guidelines you will be enforcing, and your core goals and objectives.



Opening statement:

Welcome, Michael and Kimberly, to the mediation process. I am excited for the opportunity to work through your conflict in the role of mediator. Mediation focuses on working together to develop communication skills and tools with a problem-solving mindset to work through your current conflict. It is essential to be open and embrace the process, as it will allow both of you to learn and grow how to communicate better.

As outlined above, I will discuss the characteristics of the mediation process, my role as mediator, and establish.

Clear ground rules. Mediation aims for both parties to understand better each other's perspectives and interests of the issues at hand and work together to solve problems to find the best possible outcome. In the process, it will help to strengthen your communication as you engage with one another today and moving forward. As you both are valued members of the orchestra team and play an integral part in its current and future success.



PART TWO

Selecting a Mediation Style

In this part of the course project, you will consider the advantages and disadvantages of the various mediation styles that you examined in the course.

One of the most important decisions you will need to make in advance of the conflict resolution process is what style of mediation you should adopt as you engage with Michael and Kimberly. You know from your research and readings that mediators often have a dominant style or natural approach, but given how new you are to this world, you decide to consider the implications associated with each of the styles (evaluative, facilitative, transformative, and a toolkit approach).

1.
- In the space available, reflect on how each of these styles would increase or decrease your ability to successfully resolve this conflict. What are the inherent advantages and disadvantages associated with each style?

	Advantages	Disadvantages
Evaluative	<i>Answer...</i> This approach the mediator is directive and pushes the parties toward immediate settlement or resolution.	<i>Answer...</i> The focus is to bring conflict to immediate resolution or settlement. It fails to take into consideration the relationships between the parties and finding ways to strengthen them moving forward. Hence this approach does not take into consideration potential future conflict between parties.
Facilitative	<i>Answer...</i> Goal of the mediator is to help parties get to settlement or resolution. This approach provides a longer timeline as the mediator and supports skill-building between parties. Settlement is essential here and accomplish by both parties arriving a resolution.	<i>Answer...</i> <i>With this</i> approach there is a longer timeline to resolution resulting in parties struggle with conflict for greater length of time potentially further damaging the working relationship. The mediator guides both parties to keep them focus on finding a resolution.
Transformative	<i>Answer...</i> The focus of a Transformative mediator is to empower parties to recognize their relationship and find new approaches to improve communication to help prevent future conflicts.	<i>Answer...</i> Both parties need to be willing to work through their differences and develop healthier communication style that works for everyone. Longer timeline to resolution.
Toolkit	<i>Answer...</i> There are 3 distinct mediation styles each with their own set of mediation skills. Having different approaches allows you to select the best approach for the conflict.	<i>Answer...</i> <i>Given the different mediation approaches it is important to be able to correctly discern the nature of dispute and best mediation style.</i>

2.
- Based on your thinking above, which of the four styles do you think would be most effective in mediating this particular dispute? Why?

The facilitative approach is the most effective mediation approach for this dispute. Given Michael and Kimberly both play an integral role in the success of their respective violin sections. However, rapid resolution is required to circumvent this.

Further damage to their working relationship, it is vital for them to develop improved communication. It is a longer timeline for this type of mediation, but it will yield more significant benefits for both parties as they continue to work together. Bringing this conflict to resolution is essential for the success of their immediate and future working relationship. It is crucial for the orchestra's continued success and its ability to attract future talent.

3.
- Which style would you find most consistent with your tendencies and disposition? Why?

I find the transformative style to be my consistent mediation approach. It is important when managing direct patient care providers, they have strong communication skills and able to trust one another. Important when conflicts arise it be addressed timely and staff feel empowered to problem-solve to find best resolution. This particular mediation styles affords both parties the opportunity learn new approaches to improve their communication and help with managing future conflict.



PART THREE

Recognizing the Role of Emotions

In this part of the course project, you will consider the role that emotions play in workplace conflicts.

One of your biggest concerns about the mediation process is how to deal with the likely emotional outbursts that you have come to expect from many of your sensitive musicians. You are interested in helping Michael and Kimberly resolve their conflict, but you are afraid that engaging in this process will only lead to more of what was experienced on the night of the season opener, when both musicians let their emotions get the best of them.



Your fears are, in large part, realized as soon as the mediation gets started.

Before you are able to complete your opening statement, Michael lashes out at Kimberly for wasting his time and for sabotaging his professional reputation. “We both have much better things to be doing with our time,” Michael states in an aggressive and dismissive manner. He interrupts your remarks about civility with an exasperated, mocking statement, “We should be working together to prepare for our next performance, not entertaining your ridiculous and unprofessional theatrics.” Kimberly, for her part, threatens to leave the joint session and raises her voice as Michael lists his many grievances as you attempt to take charge of the mediation. At one point, she yells at him, stating that, “My dream of playing for this orchestra has become a nightmare, and my pride in playing alongside a musician of your caliber has been replaced with my disgust with your chauvinistic antics.”

You know that emotional outbursts are part and parcel of the mediation process, but you are not sure how to address them in this context. In the following space, discuss what type of tactics might help you regain control of the mediation process.

1. What tools will you use to address each of these emotional expressions?

It's important to recognize each parties' emotional outbursts by naming the emotion and have the involved party confirm or deny the name emotion. Once the emotion been acknowledged and confirmed its important to remain curious asking questions as to the reason(s) behind the emotion. For example, Michael responds aggressive and dismissive manner it is important to acknowledge and validate his emotions and explore why he is feeling this way. Taking this approach of allows both parties to openly share their emotions and offers the opportunity for each party feel heard. This is helpful in drilling down the real cause behind the conflict.

As the mediator it important to ensure both parties remain respectful and adhere to the established ground rules. Since both parties are escalating one tactic to consider is asking both parties to take a moment to pause and reflect.

2. Are there any productive features of these outbursts?

Yes, there are productive features to these emotional outbursts. For starters it will help both parties feel heard and help motivate them to move toward problem solving. Allows each party to outline their interests.

3. How will you leverage these to advance the likelihood of a mutually beneficial resolution?

Acknowledging and confirming the emotions of both parties will help them to feel validate and heard. Once the barrier of emotion is removed it will allow both parties to move towards creative problem solving and resolution.



PART FOUR

Solving Problems Through Mediation

In this part of the course project, you will begin to create potential solutions to the conflict so you, Michael, Kimberly, and even the entire orchestra, can move forward.

Your tactics for dealing with Michael and Kimberly’s emotions in Part Three of this project kept the mediation session focused and productive, and you feel that it is now time to begin a discussion of potential creative solutions to their conflict. Unfortunately, both musicians have expressed almost no willingness to engage in this process. They both seem incapable of abandoning their formal positions and even less able to discuss underlying interests. You decide to address this by identifying each of their positions and demonstrating ways to explore the deeper interests underlying these.

1. What are the parties’ formal positions? For each position, list a number of underlying interests that are driving those positions. Finally, how would you use those underlying interests as a way of highlighting possible resolution options?

Michael’s Formal Positions	Michael’s Interests	Possible Resolution
“I have concerns about your professional standards and approach to leading the second violin section.”	<i>“I feel you disrespected my artistic decisions and direction of both violin sections.</i>	Both parties to agree to discuss their violin sections specific roles and expectations.
I feel you disrespected me and my artistic given my position in the orchestra.	<i>“I am interested in protecting my reputation.</i>	<div>The parties agree to collaborate their artistic visions for each violin section and mutually agree on best directions for both.</div> <div>The focus needs to be on the success overall success of the orchestra and building strong collaborative relationship with each other and fellow musicians.</div>

Kimberly’s Formal Positions	Kimberly’s Interests	Possible Resolution
“I believe you do not respect my artistic talent given my years of experience and gender.	I demand respect for my artistic talents and as lead violinist.	<div>Parties agree to discuss their artistic approaches and vision for their respective violin sections.</div> <div>Both to discuss ways to improve collaboration and develop a shared vision.</div> <div>Create an mutually agreed upon orchestra organizational chart to formalize roles and responsibility.</div>
Given your approach Michael, how will we be able to attract future talent and to ensure the orchestra’s continued success.	We need to build respectful relationship so we can partner to deliver the best musical experience for our patrons and colleagues.	Answer...
Answer...	Answer...	Answer...

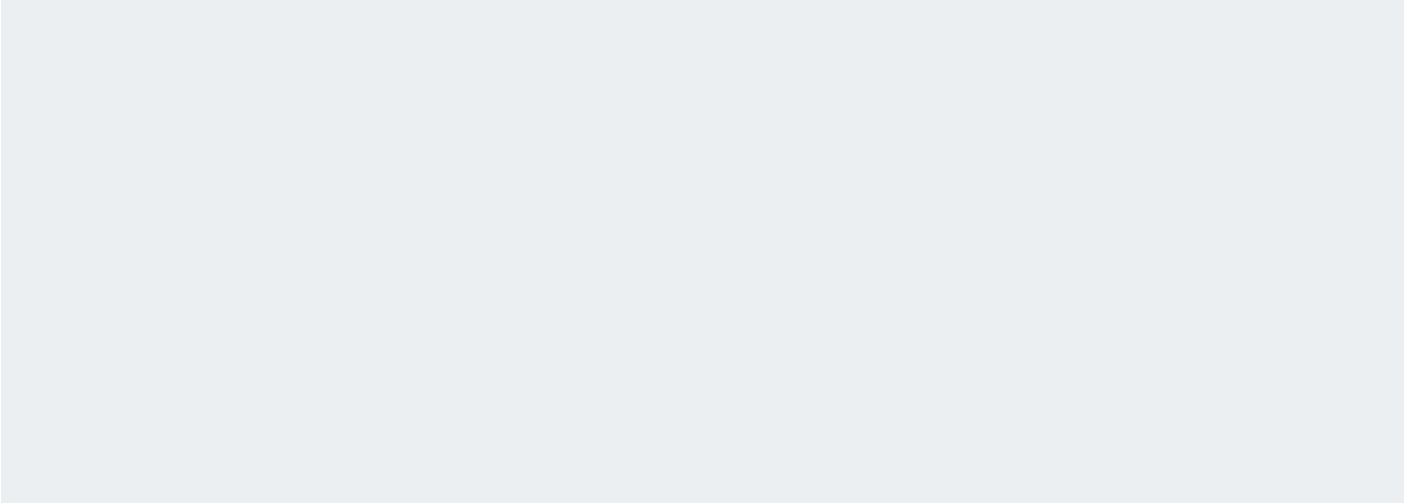
Answer...	Answer...	Answer...
Answer...	Answer...	Answer...

2. Based on everything you have heard from Kimberly and Michael during this dispute, what would your recommendation be to help them resolve this conflict? What are the specific reasons you feel your recommendation is the most beneficial for them?

3. After hearing Michael and Kimberly’s cases and helping them work through their conflict, they both seem amenable to the solution you proposed. Both of them feel heard, both feel that their concerns were taken seriously, and both feel that they gained from the experience. Now that the mediation process is coming to a close and the conflict is behind you all, in the space below, craft a closing statement that you can share at the end of your final session with Michael and Kimberly.

4. Now that you have taken Michael and Kimberly all the way through the mediation process and helped them resolve their conflict, what changes, if any, would you make to the opening statement you prepared back in Part One of this project? Why might that change be a good idea for future conflict resolution efforts?





To submit this assignment, please refer to the instructions in the course.

