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SITUATIONAL MEDIATION:

AN INVESTIGATION OF DISPUTANT INFLUENCE ON MEDIATOR STYLE SELECTION AND DISPUTANT ASSESSMENT OF MEDIATOR STYLE EFFECTIVENESS

A Dissertation Presented to

The Faculty of the College of Communication of

Ohio University

In Partial Fulfillment of

the Requirements for the Degree

Doctor of Philosophy

by

Hylton James Villet

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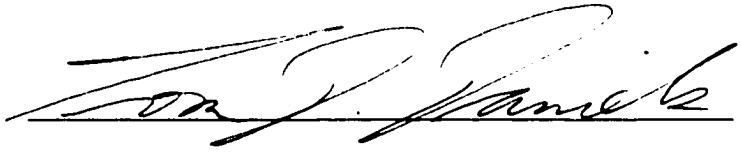
This Dissertation has been approved

for the School of Interpersonal Communication

and the College of Communication by



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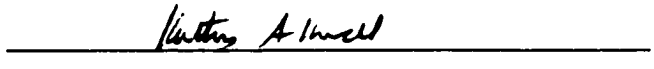

Dean of the College of Communication

Acknowledgments

On a journey as arduous as the one I have just completed you are bound to find people of character who prepared you for, and supported and guided you to your final destination. On this journey I was blessed to have had such a group of people. Thus, I dedicate this dissertation.

TO

My beloved grandmothers, Rosina Villet and Annetta Page, who taught me to always act with self-respect and compassion for others.

My parents, James and Mabel Villet, who worked so hard so that I could get an education and who supported Charmaine and I during our years in graduate school. Thank you Mom and Dad.

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To the many talented Black South Africans and Namibians who were denied a decent education in racist, apartheid Southern Africa. A South African martyr, Steve Biko once said "the most potent weapon in the hand of the oppressor is the mind of the oppressed." I heeded his warning in that through education I could free myself from mental oppression. To the architects and supporters of apartheid I say, the will to learn and be educated is stronger than the temptation to capitulate. Aluta continua!

Now that all is said and done, I ask: **How shall I repay the Lord for all the good things he has done for me?** (Psalm 116:10)

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CHAPTER ONE: INTRODUCTION AND STATEMENT OF THE PROBLEM

All social systems at some point deal with conflict. Individuals or groups who are in conflict can take various approaches to resolve the conflict situation. One such approach is third-party intervention which, in turn, can assume a number of forms such as arbitration, conciliation, and mediation (Bush & Folger, 1993). An increasingly popular third-party dispute resolution procedure is mediation (Bush & Folger, 1993; Jaffe, 1989; Ross, Conlon, & Lind, 1990). Traditionally, mediation has been practiced in labor-management negotiations and international relations (Kressel & Pruitt, 1989). Currently, mediation is making strong inroads into a number of areas of conflict resolution. These areas include divorce (Haynes, 1981), landlord-tenant controversies (Susskind, 1985), consumer disputes (Orenstein & Grant, 1989), and community disputes (Schwerin, 1995), to name a few. Due to this popularity, mediation has received increased attention from practitioners and researchers. However, despite the increased attention, the complex dynamics of mediation are not well understood (Ross, Conlon, & Lind, 1990; Wall, 1981).

The majority of mediation studies over the past two decades have been descriptive analyses with particular emphasis on mediator strategies and tactics (Jones, 1994). While research on mediator strategies and tactics takes into account a variety of contingencies (see Wall & Lynn, 1993) and their respective influence on strategy/tactic selection, little is known about individual disputants and their influence on mediator strategy/tactic selection. Specifically, no research exists that takes into account

disputant readiness. Disputant readiness refers to how ready a disputant is to resolve a controversy using mediation, or how ready the disputant is to perform certain tasks related to mediation. Given this knowledge gap, this study seeks to explore the complex dynamics of mediation by focusing on the interaction between mediator and disputant with specific emphasis on disputant readiness and its influence on mediator strategy/tactic selection.

Background of the Problem

Although a number of definitions of mediation exist, it is generally understood to be an informal process in which a neutral third-party helps the disputing parties try to reach a mutually acceptable settlement (Bush & Folger, 1993; Ross, Conlon, & Lind, 1990). There are a number of strategies and tactics a mediator can employ to help disputing parties resolve a controversy. These range from simply being present at a joint problem solving session to actively reframing the problem, proposing new ideas and arguing for their acceptance (Pruitt & Kressel, 1989).

To date various taxonomies and models on mediation strategies and tactics have been developed (Carnevale, 1986; Jones, 1989; Kolb, 1983; Kressel & Pruitt, 1989; Silbey & Merry, 1986; Wall, 1981). For the most part these taxonomies and models are mediator focused, for they specifically propose strategies and tactics mediators should use while mediating. For example, Kressel and Pruitt's (1989) taxonomy contains three basic types of tactics: reflexive (e.g., developing rapport with disputants); substantive (e.g., suggesting specific concessions); and contextual (e.g., pointing out

common interests). Jones' (1989) taxonomy highlights five strategies/tactics namely: 1) facilitating communication; 2) instructing parties; 3) supportive tactics; 4) pressuring and power balancing; and 5) agenda related behaviors such as caucusing. Kolb (1983) identified two mediator tactics, labeled as "orchestrator" and "dealmaker" styles, with "orchestrators" maintaining a non-directive approach and "dealmakers" aiming to control the process in order to reach a settlement.

While these taxonomies are helpful, especially to practitioners, they fail to illuminate our understanding of the dynamic interaction between disputant and mediator, specifically the impact of disputants on mediation strategy/tactic selection. This situation, with a few exceptions, is partly due to the fact that most published work on mediator behavior has been anecdotal rather than "empirical" (Carnevale & Pegnetter, 1989). Practitioners merely wrote about their experiences in guidebook format, offering guidance to would-be practitioners (Kolb, 1994).

A recent model of mediator strategies is Carnevale's (1986) Strategic Choice Model of Mediation. This model predicts which strategies mediators will choose in different circumstances and is based on the relative strength of two factors: 1) the value the mediator places on parties' aspirations and 2) the mediator's perceptions of disputant common ground (Carnevale & Henry, 1989).

Wall (1981) proposed a social exchange model of mediation. This model highlights three key relationships in the mediation process: mediator-disputant, mediator-other disputant, and

disputant-disputant. The model offers an explanation of mediator strategies and tactics based on social exchange premises. For example, the mediator seeks concessions from each disputant in exchange for a variety of rewards (Wall, 1981) and, based on these concessions, selects a strategy for the mediation or for the handling of disputes.

Despite their usefulness, both models have shortcomings. One shortcoming of Carnevale's model relates to the "equality assumption" (van de Vliert, 1992), i.e., failure to explicitly recognize that disputants do not come to mediation on equal grounds. This model is silent on the potential impact that respective disputants might have on mediator strategy/tactic selection and thus does not account for differences in the disputants' respective levels of power or their varying levels of readiness (i.e., the ability and willingness of a disputant to settle a controversy). Wall's (1981) model, while offering strategies and tactics for a variety of combinations of disputant-mediator, mediator-other disputant interactions, is yet to be tested empirically.

The above mentioned taxonomies and models adopt a contingency approach to mediation, suggesting that some mediator behaviors that might succeed in one dispute could actually impede resolution in another (Carnevale, Lim, & McLaughlin, 1989). Researchers who adopt the contingency approach to mediation for the most part investigate mediator behavior; dispute features (describing basic types of disputes); and mediation outcomes and effectiveness (Carnevale, Lim, & McLaughlin, 1989). Closer to the

focus of this project are those researchers like Carnevale and Wall who focus on contingencies that influence the selection of the mediator's choice of strategy/tactic. Although a number of contingencies can affect mediator strategy and tactic selection, Wall and Lynn's (1993) review of mediation literature indicates that researchers generally have focused on the following factors: rules and standards, common ground and concern for parties' outcomes, dispute characteristics, mediator training, mediation context, and mediator ideology.

Rationale

Given the shortcomings of the taxonomies and models, this study borrows from leadership research and draws specifically on the Situational Leadership Model (Hersey & Blanchard, 1996) in an attempt to explore the complex interaction between disputant and mediator. The emphasis here is the potential impact of disputants (individual disputants and their respective states of readiness or the readiness of disputants as a dyad) on mediator strategy or tactic selection.

The connection between mediation and leadership is appropriate, as the mediator usually acts as a leader during mediation (McGrath, 1966). As the leader, the mediator takes the initiative to move the negotiations forward by procedural or, on occasion, substantive suggestions (Moore, 1986). Further, in line with the contingency approach to mediation, the Situational Leadership Model (Hersey & Blanchard, 1996) posits that there is no one best leadership (mediation) style, but that effective leadership

(mediation) depends on the situation, specifically follower (disputant) readiness. This view also is shared by mediation researchers who write ". . .the idea that successful mediators are adaptive-that they do different things in different situations-is central to the contingency approach to mediation" (Carnevale, Lim, & McLaughlin, 1989, p. 213).

The Situational Leadership Model posits that leader effectiveness results from appropriate amounts of leader task and relationship behaviors provided for followers at different levels of readiness (Hersey & Blanchard, 1996). The model suggests that effectiveness will result when there is a leader style/readiness match as opposed to a leader style/readiness mismatch. For example, the most appropriate leader style for a follower at readiness level 1 (e.g., one who is unable and unwilling to complete a task) is leader style 1 (e.g., telling: high task behavior and low relationship behavior). In mediation, a disputant might be unwilling and unable (readiness level 1) to settle a controversy. Following the prescriptions of the Situational Leadership Model and in an attempt to ensure a mediation style/disputant readiness match, which in turn will result in effective mediation, the mediator might want to employ a high task/low relationship style (Style 1). This means that the mediator concentrates on the specific content of the mediation by acting as educator, advisor, and task reframer (Haynes, 1985), and less on the emotional or relational issues.

When considering effectiveness criteria for mediation, consideration should be given to the visions of mediation,

transformative and pragmatic, that mediators pursue or adopt (Kolb, 1994). The transformative and pragmatic visions of mediation form a rough divide among practitioners. Kolb (1994) indicates that mediators who adopt a transformative vision sees mediation as a means to empower community members, further the goal of citizen participation, and set standards for responding to ethnic, and cultural disputes. Mediators who adopt a pragmatic vision (mostly full-time professional mediators) also espouse a change agenda. However, this agenda is couched in more pragmatic and constrained terms (Kolb, 1994). These practitioners mediate within existing institutional constraints and seek to make the systems in which they are involved work better (Kolb, 1994). Mediation, according to the pragmatic practitioner can solve problems better than other approaches. The aim of the pragmatist mediator is settlement/agreement.

Effectiveness in this study refers to any successful influence attempt by the mediator to either achieve settlement/agreement (pragmatist vision) or ". . . move the negotiations forward" (Moore, 1986, p18) and the disputants to the mediating area (Haynes, 1985) so the disputants are empowered to actively participate in resolving their controversy (transformative vision). The conceptualization of effectiveness in this study indicates a departure from effectiveness as defined in Situational Leadership. Situational Leadership is concerned foremost with leader effectiveness and the leader's overall contribution to productivity and organizational success. In this study effectiveness does not only refer to the achievement of

an end product (settlement) but any successful movement of disputants to a level of readiness where they can successfully resolve their controversy.

Two relevant questions arise when one considers the influence of disputants on mediator strategy/tactic selection while employing the Situational Leadership Model as a conceptual framework in the context of mediation. First, does disputant readiness (i.e., the willingness and ability of a disputant to settle a controversy) have any impact on mediator style selection?, and second, given the prescriptions of the Situational Leadership Model, is one particular mediator style perceived as more effective than another given a particular state of disputant readiness? This study will be guided by these questions.

In short, the purposes of this study are: 1) to employ the Situational Leadership Model in the context of mediation in order to explore the complex interaction between mediator and disputant. This study aims specifically to investigate the potential impact of disputant readiness on mediator style selection, and 2) to determine whether one mediator style is perceived as more effective than another, given a particular state of disputant readiness.

Potential contributions of this study

There are several advantages to conducting this study. First, employing a contingency model of leadership, the Situational Leadership Model (Hersey & Blanchard, 1996), to mediation is a unique approach to studying mediation. This cross-fertilization

between leadership and mediation allows mediation research to benefit from an established leadership research tradition.

Second, while it is clear that mediators might vary their styles from one dispute to another (Hilltrop, 1985; Silbey & Merry, 1986), mediation researchers indicate, "We know very little about the factors and dynamics influencing these choices or the way that the mediator's stylistic leanings may affect the process and outcome of mediation." (Kressel & Pruitt, 1989, p. 424-425.). This study adds to the research agenda on contingent mediation behavior and might offer some insight into the factors, dynamics and mediator styles, that might affect the process and outcome of mediation.

Finally, the envisioned conceptual model emanating from this project might be a useful tool to both practitioners and researchers. This model might also prove useful as a training tool, sensitizing mediators to the dynamic interaction between disputant readiness and mediator style selection. The Situational Leadership Model is a popular model in corporate leadership training. Hersey and Blanchard (1996) claim that more than a million managers have received Situational Leadership training. Translating the Situational Leadership Model into mediation vocabulary might prove useful to mediation trainers and practitioners who can benefit from the relatively simple and useful set of guidelines that the Situational Leadership Model offers.

Summary

This chapter drew attention to existing taxonomies and models on mediator behavior and mediator strategy and tactic selection. This brief discussion shows that the potential impact of disputant readiness, as one contingency in mediator style selection, has not been considered as a potential moderator in the mediator/disputant interaction and the subsequent selection of an appropriate mediation style. Second, the chapter introduced the Situational Leadership Model to the context of mediation to serve as a conceptual framework in order to explore the complex interaction between disputant and mediator. Third, the chapter posed questions that will guide this study, and finally, offered several advantages to be derived from conducting this study.

CHAPTER TWO: REVIEW OF LITERATURE

Given the background and nature of the problem previewed and the guiding research questions posed in Chapter 1, this chapter reviews relevant literature, conceptually formulates a simple contingency model of mediation, and proposes research questions in order to test this model. Specifically, the review first reflects on the origins and elements of the Situational Leadership Model. This is important because the Situational Leadership Model serves as conceptual backdrop in an attempt to explore the complex interaction between disputant and mediator. Second, the idea of disputant readiness is explored. The aim here is to examine literature that addresses disputant-specific contingencies and their respective influence on mediator strategy and tactic selection. Third, a review of mediator strategies, tactics and styles is presented. Fourth, effectiveness in mediation is addressed by focusing on the two broad divisions (transformative and pragmatic) that form a rough divide among practitioners. Finally, research questions are proposed.

Origins and elements of the Situational Leadership Model

Expanding on the writings of Reddin (1967), Hersey and Blanchard (1969) developed the life cycle theory of leadership, which was later adapted and renamed the Situational Leadership Theory (Hersey & Blanchard, 1982). Recently, Hersey and Blanchard (1993) argued that Situational Leadership is not a theory but a model; unlike a theory, Situational Leadership does not explain why

things happen, but suggests a pattern of already existing events that can be learned and repeated.

The Situational Leadership Model posits that the degrees of task behavior (establishing well-defined patterns of organization, structuring tasks, etc.) and relationship behavior (providing socio-emotional support) must be examined in conjunction with the dimension of follower readiness which will then account for leader effectiveness.

Follower readiness, according to the Situational Leadership Model, consists of two dimensions: ability and willingness (Hersey & Blanchard, 1993). Job readiness (ability) reflects the individual's capacity or ability to perform a job. Individuals with high job readiness have the knowledge, skill, and experience to perform certain tasks without directions from others (Hersey & Blanchard, 1993). Psychological readiness (willingness) reflects the motivational state of the individual, his/her eagerness to achieve, and his/her willingness to accept responsibility. Individuals with high psychological readiness have feelings of self efficacy and do not need encouragement from others do things (Hersey & Blanchard, 1993).

Follower readiness is the key characteristic moderating the relationship between leader behavior and leader effectiveness. As the followers' readiness increases, effective leadership will involve less task behavior and less relationship behavior. The effective leader will thus decrease his/her structuring of tasks as well as socio-emotional support for the follower. For example, the leader

should adopt a directing style (high task/low relationship) for a low readiness follower and a delegating style (low relationship/low task) for a high readiness follower. The process of determining and selecting an appropriate leadership style depends on the leader's ability to make diagnostic assessments of the follower's readiness level, i.e., determining the follower's willingness and ability.

Disputant readiness

The diagnostic process of assessing follower readiness proposed by the Situational Leadership Model can be regarded as similar to the assessment process involved when a mediator assesses a disputant's readiness to resolve a controversy. A controversy "exists when one person's ideas, information, conclusions, theories, and opinions are incompatible with those of another, and the two seek to reach an agreement" (Johnson, Johnson, & Smith, 1989, p. 252). Disputant readiness refers to how ready a disputant is to resolve a controversy or reach settlement using mediation. The two major components of readiness are ability and willingness (Hersey & Blanchard, 1996).

According to Haynes (1985), disputants who decide to use mediation are motivated by two factors: their willingness to mediate and their ability to mediate (See Appendix E). A study by Kelly and Gigy (1989) supports this claim. They report that in cases where mediation was successful, disputants were not only willing to try mediation, but also capable of determining what they needed from the process and what they needed to do to insure that their needs and goals are met.

Disputants might also use mediation because they have been mandated to do so by a court, i.e., divorce mediation or small claims court mediation. In mandated cases disputants might be unwilling to mediate and also have low ability to mediate or to perform specific tasks related to mediation. The fact that these disputants only participate in the process because of the court mandate might mean a lower probability of a mediated settlement (Carnevale & Pegnetter, 1985).

When assessing readiness, the mediator sorts out the party's willingness and ability factors (Haynes, 1985). For example, the mediator ". . .distinguishes the individual disputant's willingness from the constraints required by his or her constituency and also identifies the disputant's ability to communicate clearly, collect and share pertinent data, and engage in problem solving" (Haynes, 1985, p. 80). According to Haynes and Haynes (1989), the mediator's behavior is determined by the nature of the behavioral conflicts as well as the mediator's hypothesis about what is happening during mediation. An assessment must take place so that the mediator can begin to understand the visible issues in the dispute as well as the underlying impediments to a settlement (Kochan & Jick, 1978). In short, the mediator should observe, assess the situation, and then act.

Haynes (1985) contends that mediators must be cognizant of the varying degrees of disputant willingness and ability to reach agreement. One party might be willing to come to an agreement while the other party might not. For example, a couple in the process

of separation might disagree about the division of assets acquired while living together. One party might have the necessary knowledge, skills, and experience (ability) to settle, but might have no intention (unwilling) to give up an item of sentimental value. The other party might not have the necessary knowledge, skill and experience (low ability) nor the intention (unwilling) to resolve the dispute. On the other hand, one might find disputants who are intent on reaching agreement (willing), but might not have the necessary skills (low ability) to do so. For example, a couple might want to divorce, but may not know where to start in order to amicably sort out issues of child custody, fixed assets, visitation, etc. In some cases, both disputants might also show no intention (unwilling) to resolve the dispute, nor do they have the necessary knowledge, skills, and experience to engage in mediation effectively.

Few studies exist that examine disputant-related contingencies and their respective impact on mediator strategy/tactic selection and mediation outcomes (Carnevale & Pegnetter, 1983; Kolb, 1983; Silbey & Merry, 1986). However, no literature exists that addresses disputant readiness as defined in this study. Existing literature focus on "components" of readiness, such as the experience or inexperience (ability) of disputants to mediate (Kolb, 1983) and/or disputant commitment and motivation (willingness) to mediate (Carnevale & Pegnetter, 1985). The following section incorporate studies that confirms the influence of "components" of readiness on mediator style adaptation.

Willingness

Willingness is the extent to which an individual has the confidence, commitment, and motivation to accomplish a specific task (Hersey & Blanchard, 1996). Translated in mediation vocabulary, willingness might refer to the disputant's confidence, commitment, motivation and intent to use mediation or perform tasks related to mediation in order to settle a controversy.

Mediation has a better chance of working and is more likely to produce settlement when disputant motivation to settle is high and when disputants are committed to the mediation process (Kressel & Pruitt, 1985; Skratek, 1990). Carnevale and Pegnetter (1985) report that low motivation to settle and low commitment to mediation indicate a negative association with the probability of a mediated settlement.

The willingness of disputants also has a bearing on mediator strategy/tactic selection. For example, Carnevale (1986) indicates that the best strategy/tactic with disputants who appear unwilling to accept proposals that might make them appear weak or create an undesirable impression with opponents or constituents is psychological compensation. By providing psychological compensation the mediator aims to enhance the disputant's self esteem and image with constituents in an attempt to generate a willingness to mediate.

Haynes (1985) argues that the extent of a disputant's willingness determines the amount of time and effort the mediator spends on relational strategies. Relational strategies are

interventions made by the mediator to deal with the emotional needs of the disputant (Haynes, 1985). Relational tensions between disputants can lead to low motivation which, in turn, might lead to unwillingness. This situation requires supportive tactics in order to facilitate communication (Jones, 1989).

The above discussion indicates that disputant commitment and motivation (two components of readiness) do not only affect the mediated settlement, but also influence mediator strategy/tactic choice. Unwillingness might also stem from the disputant's inability or insecurity to complete the tasks related to mediation. For example, a disputant might appear unwilling to settle only because he/she is inexperienced and has low ability to mediate. In this instance, the mediator should be highly task focused, helping the disputant learn and utilize the necessary skills to participate in the mediation (Haynes, 1985). Mediators should not dismiss the unwillingness of a disputant "as symptomatic behavior of an egotist. . .", but should "provide the careful attention and support required to get at the cause of the problem" (Haynes, 1985; p. 80). The cause of the unwillingness might just be the disputant's lack of ability.

Ability

Ability is the knowledge, experience, and skill that an individual or group brings to a particular task or activity (Hersey & Blanchard, 1996). Translated in mediation vocabulary, ability might refer to a disputant's knowledge, experience, and skill to mediate or perform specific tasks in the mediation process. There are certain

tasks that must be done in order to divorce. These include budget preparation and completion, identifying and evaluating marital assets, making decisions, and problem-solving (Haynes, 1985). For example, a divorcing spouse who never had to deal with the family budget might have difficulty in preparing and completing a budget for separate households. In this instance, the mediator helps disputants to understand what needs to be done, the best way to get the task done, and how to define the problem to be solved (Haynes, 1985).

A disputant who does not want to resolve a controversy may choose to delay task completion or avoid completing the required tasks in order to ensure slow or no progress in mediation. In this instance, the disputant's low ability stems from his/her unwillingness to participate, thus his/her unwillingness to mediate in order to resolve the controversy. Kelly (1995) underscores this observation by stating that a disputants' inability to have an effective presence during mediation may arise from psychological, relational, or external situations.

The ability of a disputant also has a bearing on mediator strategy/tactic selection. Haynes (1985) indicates that a disputant's ability determines the amount of time a mediator spends on tasks. According to Haynes (1985) when working on tasks, the mediator acts as educator, advisor, and task-framer. When disputants are found to be inexperienced, mediators normally choose techniques that educate the disputant (Wall & Lynn, 1991). Kolb (1983) reports that mediators adopt a non-directive style with experienced (high

ability) disputants and aims to control the process when dealing with inexperienced (low ability) disputants. Carnevale and Pegnetter (1985) report that, when too many issues emerge that can potentially affect a disputant's ability to mediate, mediators adopt nondirective tactics by attempting to simplify the agenda. Jones (1989) posits that a disputant's ignorance (low ability) of the mediation process necessitates greater emphasis on instructive tactics, i.e., educating the disputant. This normally comes in the form of groundrules for behavior stated in the beginning of mediation and other forms of guidance about what to do, how to do it, when to do it, etc. Judging from the above discussion, mediators adapt their strategy/tactic given the disputant's knowledge, skill, and experience (ability) to mediate or complete specific tasks during mediation.

While ability and willingness concepts are different, they are an interacting influence system (Hersey & Blanchard, 1996). This means that a significant change in one will affect the whole (Hersey & Blanchard, 1996). Translated in mediation vocabulary, the unwillingness of a spouse to complete the mediated divorce process can affect his/her ability to complete the required tasks, at least as perceived by the mediator. On the other hand, the ability of the disputant to mediate might affect his/her willingness to mediate. According to Haynes (1985) the unwillingness [of a disputant] changes as he/she becomes more able to handle his/her own affairs. The disputant's increased knowledge about the process and what to do to successfully mediate, might make him/her more willing to

participate in the process. Disputants must feel that they are able to construct and shape the dialogue, express their interests and needs, influence the process, present and explore options, and participate in reaching agreements (Kelly, 1995).

"Readiness levels are the different combinations of ability and willingness that people bring to each task" (Hersey & Blanchard, 1996, p. 191). In mediation, readiness might refer to the different combinations of willingness and ability with which disputants enter the mediation session. The task in this case is the process of mediation or specific tasks that disputants have to complete in order to ensure progress in the mediation process.

A continuum of [follower] readiness can be divided into four levels (Hersey & Blanchard, 1996). While the readiness levels below reflect disputant readiness within the mediation context, this conceptualization relies on Hersey and Blanchard (1996).

Four Levels of Disputant Readiness

The four levels of disputant readiness are:

Readiness level one (R1)

Unable and unwilling : The disputant possesses little or no knowledge, skill and experience and lacks commitment, motivation and intent to resolve the dispute.

Readiness level two (R2)

Unable but willing : The disputant possesses little or no knowledge, skill, and experience but displays commitment, motivation and intent to resolve the dispute.

Readiness level three (R3)

Able but unwilling : The disputant possesses the necessary knowledge, skill, and experience but lacks the commitment, motivation, and intent to resolve the dispute.

Readiness level four (R4)

Able and willing : The disputant possesses the necessary knowledge, skill, and experience as well as the commitment, motivation, and intent to resolve the dispute.

Summary

The above discussion focused on disputant readiness with the Situational Leadership Model as conceptual backdrop. This section explicated the two dimensions of readiness: ability and willingness (Hersey & Blanchard, 1996) then, with the use of relevant mediation literature, indicated the difference between ability and willingness of disputants in the mediation context. This section also described how "components" of readiness impact mediator strategy/tactic adaptation, and finally offered a continuum of disputant readiness based on the Situational Leadership Model (Hersey & Blanchard, 1996).

Mediator Styles

Mediator tactics, styles, strategies, orientations, and mediator behaviors are but a few descriptors assigned to the different ways mediators intervene while mediating. While there appears to be no consensus among scholars about their meanings (Mnookin, Peppet, & Tulumello, 1996), this study adopts *mediation style* because it is consistent Situational Leadership terminology.

Hersey and Blanchard (1996) define leadership style as ". . .the consistent behavior patterns that [leaders] use when working through and with other people, as perceived by those people" (p. 161). Based on Hersey and Blanchard's definition of leadership style, mediator style refers to the consistent behavior patterns mediators use when mediating, as perceived by disputants. The aim of this section is to examine literature that deals with mediator style. Mediator tactics, styles, strategies, orientations, and mediator behavior will be used interchangeably.

The brief review of taxonomies and models of mediation strategies and tactics in Chapter 1 has shown that the dynamic interaction between disputants and mediator strategy or tactic selection, specifically the potential impact of disputant readiness on strategy/tactic selection, has largely been ignored.

Most studies of mediator behavior have sought to identify the strategies and tactics used by mediators (Carnevale & Pegnetter, 1985). A number of well known taxonomies and models resulted from this type of research (Carnevale, 1986; Jones, 1989; Kressel & Pruitt, 1989; Kolb, 1983; Silbey & Merry, 1986; Wall, 1981; and Wall & Rude, 1985). While these taxonomies and models inform us about strategies and tactics employed by mediators, they simultaneously highlight the differences in the way individual mediators mediate.

Carnevale, Conlon, Hanish, and Harris (1989) suggest that early in the process of mediation, mediators assess whether there is sufficient common ground between parties in order to devise a mutually acceptable solution. Bush and Folger (1994) argue that this

approach discourages mediators from focusing on individual comments or the interaction as it unfolds during mediation. Greatbatch and Dingwall (1989) indicate that mediators selectively facilitate the discussion of certain options regarded as an acceptable solution. Donohue (1991) suggests that mediators influence which problems get addressed during mediation. Certain issues are dropped from the agenda while others are discussed. Making global assessments about the situation (Carnevale, et. al., 1989), selectively facilitating discussion (Greatbatch & Dingwall, 1989), and dropping issues from the agenda (Donohue, 1991), will manifest in the observable behaviors of mediators.

The observable differences among mediators have typically been formulated as a matter of style (Tracy & Spradlin, 1994). Kolb (1983) identified two mediation styles: "orchestrator" and "dealmaker". Orchestrators tend to maintain a nondirective approach. This is helpful when parties are experienced (high ability) negotiators (Kolb, 1989). Dealmakers, on the other hand, attempt to control the process and thereby shape the substantive development of agreement (Kolb, 1989). Mediators employed this style where parties lacked the experience and history (low ability) to negotiate (Kolb, 1989).

Silbey and Merry (1986) identified two mediation styles: "bargaining" and "therapeutic". The "bargaining" style reflects a structured approach with emphasis on reaching settlement and ignoring emotional demands. The "therapeutic" approach, in contrast, reflects a style that stresses the healing of damaged relationships

between disputants, communicating feelings and attitudes, encouraging mutuality and reciprocity, and conducting the mediation process properly, rather than securing any particular outcome.

Despite the fact that Silbey and Merry, and Kolb studied two different types of mediation, i.e., community mediation and labor mediation respectively, the patterns of mediator behavior they observed and described show some similarity (Kressel & Pruitt, 1989; Schwerin, 1995). The "dealmaker" and "bargainer" styles are similar in that they emphasize the "bottom line" and the control of the process in order to reach agreement (Schwerin, 1995). In contrast, the "therapist" and "orchestrator" style reflects a nondirective style, giving disputants more responsibility and control for any agreements reached (Schwerin, 1995).

Kressel and Pruitt (1989) identified the observable differences in mediator behavior as task-oriented styles, and socio-emotional styles. The task oriented style involves active grappling with the issues and makes liberal use of pressure tactics (Kressel & Pruitt, 1989). Kressel and Pruitt (1989) indicate that the task-oriented style is often employed when the mediator is skeptical about the parties' ability to deal with the issues and each other, i.e., when parties' have low ability. The socio-emotional style, in contrast, emphasizes the need for parties to come up with their own solutions (Kressel & Pruitt, 1989). When using this style, the mediator's role is less active, and are ". . . focused on opening direct lines of communication." (Kressel & Pruitt, 1989; p. 424). Reliance on these styles depends on disputant characteristics. For example,

"orchestrator" style works best with high ability disputants (Kolb, 1985) and socio-emotional style (Kressel & Pruitt, 1989) works best with unwilling disputants.

What mediators do in the mediation session can be classified as their mediation style. Whether they make global assessments of the disputant's circumstances (Carnevale, et. al., 1989) or influence the settlement through selective facilitation (Greatbatch & Dingwall, 1989) or by drop issues from the agenda (Donohue, 1991). These behavioral differences highlight the fact that mediators vary their style when mediating. Further confirmation of mediator style variation are offered by Kolb (1985), Silbey and Merry (1986) and Kressel and Pruitt (1989). While the styles listed above prove to be useful in shedding light on what mediators do in the session, they offer insights into a limited range of behaviors.

Kressel and Pruitt's (1989) characterizations of mediator behavior, i.e., task and socio-emotional, show strong similarities with the task and relationship behavior descriptions of the Situational Leadership Model and the task focus and relational strategies proposed by Haynes (1985).

Task behavior can be defined as the extent to which the mediator acts as educator, advisor, and task-reframer. The mediator helps the parties understand what needs to be done, the best way to get the task done, as well as defining the problem (Haynes, 1985). This definition is somewhat similar to Hersey and Blanchard's description of task behavior-establishing well defined patterns of

organization, structuring tasks, etc., and Kressel and Pruitt's description of actively "grappling with the issues."

Relational behavior can be defined as the extent to which the mediator deals with the emotional needs of disputants and includes nurturing, sympathetic listening, empathy, and issue reframing (Haynes, 1985). This definition is also somewhat similar to Hersey and Blanchard's description of relationship behavior-providing two way communication, listening, facilitating, and supportive behaviors, and Kressel and Pruitt's description of socio-emotional style, i.e., opening direct lines of communication.

According to Hersey (1985) task behavior and relationship behavior are separate and distinct dimensions. Four basic leadership styles can be identified when these dimensions are placed on a two-dimensional graph and divided into quadrants (Hersey, 1985). The leadership styles can be connected conceptually to mediation.

Descriptions of Mediator Style

The following descriptions of mediator styles are based on descriptions set out by Hersey (1985):

Style 1-Guiding style: Above average amounts of task behavior and below average amounts of relational behavior.

Style 2-Clarifying style: Above average amounts of both task behavior and relational behavior.

Style 3-Encouraging style: Above average amounts of relational behavior and below average amounts of task behavior.

Style 4-Facilitating style: Below average amounts of both relational and task behavior.

The readiness level of a disputant might call for a mediator to employ any combination of task and relational behavior at any particular time during mediation. Haynes (1985) argues that the extent of a disputant's willingness determines the amount of time and effort the mediator spends on relational strategies. On the other hand, the disputants' ability will determine the amount of time and effort the mediator will spend on task strategies. For example, given the prescriptions of the Situational Leadership Model, the most appropriate mediation style for an unable and unwilling (Readiness 1) disputant would be Guiding style (Style 1)-above average amounts of task behavior and below average amounts of relational behavior. The mediator concentrates on task behavior more because, according to Haynes (1985), lack of ability is sometimes the basic reason for unwillingness [to divorce].

Selecting Appropriate Mediator Styles

Disputants hardly enter mediation at the same level of readiness, and since mediation is a mutual problem-solving process, the mediator must move the individual disputants to similar readiness levels to ensure that the process proceeds smoothly (Haynes, 1985). To be effective, the mediator must be aware of power in mediation and know how to exercise it equitably on behalf of disputants (Schwerin, 1995). The effective mediator, according to Schwerin (1995), uses power to control the process, to help the disputants, and to address any power imbalances that may endanger

equitable use of the process. The concept of power is closely related to the concept of leadership-power is influence potential (Hersey & Blanchard, 1996). While leaders in formal organizations have a number of different power bases--coercive, connection, reward, legitimate, referent, information, and expert power--to draw on, mediators do not have the same power bases. The mediator has no power to impose a decision upon disputants, but can only assist disputants in finding a mutually acceptable solution (Baker & Ross, 1992) by relying on a variety of strategies to encourage disputants to either settle or move forward in the negotiations. Unlike an arbitrator or judge, the mediator also has no authority to unilaterally impose a decision on parties (Stulberg, 1981). The mediator's authority resides in his or her ability to appeal to the parties to reach an agreement (Moore, 1986). Beer (1986) distinguishes between the mediators "real" authority and "perceived" authority. Real authority is derived from the mediator's control over the process, his/her ability to persuade, and his/her experience and expertise. Perceived authority is based on the mediator's self-confidence, appearance of impartiality, and personal attributes such as age, race, and profession.

From the disputant's perspective, Leviton and Greenstone (1997) argue that mediation cannot take place between nonequals. They posit that inequity of power often exists between disputants because of differences in experience, knowledge, skills, and finances. When power imbalances are too great, mediation is not the proper venue for the resolution of disputes (Ippolito & Pruitt, 1990).

Haynes (1985) proposes that mediators devise strategies to move disputants to the "able and willing" level (mediation zone) by employing an appropriate balance of task and relational strategies. At this level both disputants are able (have the necessary knowledge, skill and experience and show confidence) and willing (show commitment, motivation, intent, and confidence) to resolve the dispute. The strategies according to Haynes (1985) are employed after careful assessment or diagnosis of the respective readiness levels of disputants. Assessment is a continuous process and depending on the increase or decrease of disputant readiness, mediators should alter the amount of relational or task focus. The mediator must create a "fit" between his/her characteristics and strategies, and the disputant's needs and abilities (Haynes, 1985) in order to be effective. The use of any of the four proposed mediation styles can work in the session where both parties are present or in caucus. A caucus is a private meeting between the mediator and each disputant to gather facts, explore options, clarify proposals, or to give parties a chance to cool down.

Haynes' (1985) argument for a "fit" between disputant characteristics and mediator characteristics and strategy shows strong similarities with Hersey and Blanchard's (1996) proposed "match" between follower readiness and leadership style. It is not necessary to be exact when selecting a high probability combination of task and relational behavior (Hersey & Blanchard, 1996). When the leader (or mediator) moves away from the optimal combination, the probability of success gradually falls off, slowly at first, then more

rapidly the farther away the leader (or mediator) moves (Hersey & Blanchard, 1996).

Readiness/Style Matches

The following section proposes the appropriate "match" or "fit" of disputant readiness with mediator style:

Matching readiness level one with Guiding Style

For a disputant who is at readiness level one (Readiness 1), low ability and unwilling, it is appropriate to provide above average amounts of task behavior and below average (NOT zero) amounts of relational behavior (Style 1). The argument here is that a disputant's unwillingness to mediate might stem from his/her inability to mediate (Haynes, 1985), or to perform specific tasks associated with mediation. Because the disputant does not know what needs to be done or the best way to do it, he/she might show unwillingness to participate in the mediation process. Acting as educator, advisor, and task-reframer, the mediator helps the disputant to understand what needs to be done, the best way to get the task done, as well as helping with problem definition (Haynes, 1985). Further, it might be easier for the mediator to hone in on the ability factors as a starting point. Extreme unwillingness might mean that the mediator might be wasting his/her time mediating. However, by educating, advising, and reframing tasks the process might appear manageable and the unwilling disputant might change from being unwilling to being willing to mediate. Again, a fine balance needs to be maintained between task and relational focus (Haynes, 1985).

Matching readiness level two with Clarifying Style

This readiness level (Readiness 2) represents a disputant who has low ability but is willing to mediate. For this readiness level it is appropriate to provide combinations of above average amounts of both task and relational behavior (Style 2). Task behavior here is appropriate because the disputant is still not able to either successfully participate in the mediation process or complete specific tasks related to mediation. The mediator will help disputants gain the ability to accomplish tasks (Haynes, 1985). For example, explaining to a disputant in divorce mediation how to complete budget forms or getting an asset's value appraised (Haynes, 1985). Since the disputant is willing, it is important to support his/her commitment, motivation, and intent to resolve the controversy.

Matching readiness level three with Encouraging Style

Readiness level three (Readiness 3) reflects a disputant who is able but unwilling to mediate. The appropriate behavior for this readiness level is to provide above average amounts of relational behavior and below average amounts of task behavior (Style 3). The disputant already possesses the necessary experience, knowledge, and skills to accomplish the tasks in order to settle. The above average amounts of relational behavior, which take care of the disputant's emotional needs, might move the disputant from unwilling to willing.

Matching readiness level four with Facilitating Style

Readiness level four (Readiness 4) reflects disputants who are both able and willing to mediate. At this level the disputant has the ability to accomplish the tasks as well as the willingness to reach agreement (Haynes, 1985). This is the ideal situation, also called the mediation zone. Haynes (1985) calls on mediators to make conscious efforts to move disputants to this readiness level. The appropriate behavior for this readiness level would be a combination of below average task and relational behavior (Style 4) because disputants are both able and willing to resolve the controversy.

As stated earlier, mediators need to be cognizant of the varying levels of readiness with which disputants enter the mediation session. The model proposed above, which I now call the Situational Mediation model, posits that the degrees of task behavior and relational behavior must be examined in conjunction with the dimensions of disputant readiness, which will then account for mediator effectiveness.

Mediation Effectiveness and Situational Mediation

Effectiveness in mediation is interpreted differently by mediators given the respective visions of mediation the mediator adopt or pursue. The transformative and pragmatic visions form a rough divide among practitioners (Kolb, 1994). The transformative mediator aims to change situations and empower disputants, community members and further the goal of citizen participation. Transformation involves not just changing situations but people

themselves-creating a better world-and society as a whole (Bush & Folger, 1994).

Pragmatist mediators on the other hand are more focused on agreement. The primary objective of mediation is to reach agreement, thus the ultimate criterion of effectiveness of mediation, from this perspective, is whether or not the intervention achieves this objective (Kochan & Jick, 1978).

Folger and Bush (1994) also categorize mediation into two broad orientations. First, the problem-solving orientation which treats conflict as a problem to be solved, and second, the transformative orientation which treats conflict as an opportunity for change. There are clear parallels between Kolb's visions of mediation and Folger and Bush's orientations to mediation. For Kolb's pragmatist and Folger and Bush's problem-solving oriented mediators, conflict is viewed as the manifestation of a problem in need of satisfaction. The problem exists because of real or apparent incompatibility of needs or interests (Folger & Bush, 1994). The goal of mediation is to resolve the conflict, to satisfy unmet needs. Reaching settlement means that the intervention was effective.

On the other hand, Kolb's transformative vision and Folger and Bush's transformative orientation also show parallels. Under this banner, conflict is viewed as an opportunity for change (Folger & Bush, 1994; Kolb, 1996). Conflict exists because of some semantic misunderstanding (Putnam, 1989), people's substantive concerns, dissatisfactions, and personal and relational tensions between disputants. The goal of mediation is to achieve recognition and

ultimately transformation of both the individual and society. For the transformative mediator, recognition means "the evocation in individuals of acknowledgment and empathy for the situation and problems of others" (Bush & Folger, 1994, p2).

Effective mediation under the transformative orientation means ". . . improving the parties themselves from what they were before" (Bush & Folger, 1994, p. 84). Mediation is effective when parties experience growth and "an expanded willingness to acknowledge and be responsive to other parties' situations and common human qualities" (Bush & Folger, 1994, p. 85).

Table 2-1

Vision/Orientation of Mediation

Pragmatic/Problem-Solving		Transformative
Problem to be solved	Conflict	Opportunity for change
unmet needs	Reason	misunderstanding
solution/ settlement	Goal	recognition/ transformation

Table 2. Summary: Perceptions of, and reasons for conflict, and goal of mediation.

Adopting either a transformative or pragmatic vision may be unrealistic. Making major changes in the moral fabric of society and creating "a better world" through mediation seem remote at best. On the other hand, accepting that mediation is only effective if agreement is reached fails to recognize episodes of recognition of the other party's situation and the potential change of heart that might achieve.

The Situational Mediation model can be employed successfully by the transformative and pragmatist mediator. Effectiveness for this model refers to any successful influence attempt by the mediator to either achieve settlement or agreement (pragmatist vision) or ". . . move the negotiations forward. . ." (Moore, 1986, p18), and the disputants to the mediating area (Haynes, 1985) so they (disputants) are empowered to actively participate in resolving their controversy (transformative vision).

Summary

With the Situational Mediation model mediators will not only be sensitized to the potential impact of disputant readiness on the overall success of mediation, but will also have a visual image of readiness levels and the most appropriate mediation style for those respective levels. This quick reference will help the mediator to: 1) make the appropriate assessment of disputant readiness, 2) select the most appropriate, high probability mediation style, and 3) use the selected style to influence disputants. The influence attempts are aimed at either reaching agreement, if disputants are "able and willing" or at moving disputants to the mediating area (Haynes,

1985), in this case Readiness Level 4 (R4). At Readiness Level 4 disputants are both able and willing to mediate and are in a position to personally solve the controversy without any significant influence from the mediator.

The Situational Mediation model, being a contingent model, also accounts for changes in readiness. For example, a disputant might be able and willing (Readiness 4) but can also regress or slip to unable and unwilling (Readiness 1) as his/her ability and motivation to mediate decrease. The mediator should re-assess the disputant's readiness, adapt her/his mediator style, and then communicate with the disputant in the most appropriate style for the new readiness level. For example, instead of below average relational/below average task style (Facilitating style), the mediator selects a below average relational/above average task style (Guiding style). This slippage might occur because of allegations made during the mediation session (affecting the target disputant's willingness) or certain specific task's that the mediator assigns a disputant (affecting the disputant's ability). The same is true for an increase in readiness. Initially a disputant might be unable but willing (Readiness 2) and through education and advising, the mediator could move the disputant to able and willing (Readiness 4). Again, the mediator re-assesses, adapts, and selects the most appropriate mediation style. In this instance, the mediator changes from providing above average amounts of both task and relational behavior (Clarifying style) to providing below average amounts of both relational and task behaviors (Facilitating style).

The Situational Mediation model advocates mediation as it exists outside the realm of idealism. Here the mediator is neither the disinterested facilitator nor the interested manipulator (Touval & Zartman, 1989), but aims to move disputants to a level of readiness where both parties are able and willing to resolve *their* controversy. Obviously, after concerted efforts, where the mediator observes that neither resolution nor recognition or movement is possible, instead of attempting to move disputants to the mediating area (Haynes, 1985), the mediator will be wise to terminate the session. Mediation is a mutual problem-solving process where the disputants, assisted by the mediator, settle their own controversy.

Research Questions

While Wall and Lynn (1994) highlight the influence of a number of contingencies on mediator strategy/tactic selection, no empirical evidence exist in the mediation literature that indicates the potential impact of disputant readiness, as defined in this study, on mediator style selection. Given this lack of evidence, the following research question is posited:

RQ 1: Does disputant readiness influence mediator style selection? That is, will the willingness and ability of a disputant to resolve a controversy influence mediator style selection?

The Situational Leadership Model is used as a conceptual framework in this study and is applied to the mediation context. This model prescribes that, for a leader to be effective, he/she must attempt to "match" his/her leadership style to the readiness levels of followers. Translated to mediation, this model prescribes that, for mediators to be effective, they must select the mediator style which "matches" or "fits" the assessed readiness level of disputants. In order to test this prescription the following research questions are posited:

RQ 2a: Will disputants perceive one mediator style as more effective than another given the state of disputant readiness?

RQ 2b: Is the style perceived as highly effective generally a matching style?

The following chapter proposes a method for collecting and analyzing data in order to test these research questions.

CHAPTER THREE- METHODOLOGY

Chapter 3 explains the methods and procedures used in order to investigate the research questions posed in Chapter 2. This chapter includes 1) a description of the participants in this study and how they were selected, 2) a description of the measurement (scenario and responses) used to collect data as well as the pretest associated with this measurement, 3) data collection procedures, and finally 4) a brief description of the design and statistical procedures employed for data analysis.

Participants

Two separate groups served as participants in this study. First, to test Research Question 1 (RQ1), practicing mediators in the States of North Carolina, North Dakota and Ohio were surveyed.

The researcher used the contact addresses listed in the Ohio Directory of Dispute Resolution and Conflict Management Programs to contact all the listed not-for-profit mediation centers in three major metropolitan areas in the State of Ohio (Cleveland, Dayton/Cincinnati, & Columbus) to request their participation in this study. The researcher also contacted mediation centers in lesser populated areas in Ohio.

Contact with mediation centers in North Carolina and North Dakota was established via e-mail, with follow-up telephone conversations to clarify questions potential participants had, and also to explain the nature of the study. The researcher posted a request on a listserv facility (listserv@listserv.law.cornell.edu).

This listserv offers an electronic discussion forum for practicing mediators and other interested parties.

After initial contact was made, permission was sought from the directors of the respective centers to establish contact with the mediators affiliated to the centers. Not all the centers contacted initially expressed a willingness to participate. One director turned down a request for participation, stating that the research project does not mesh with his philosophy of mediation. Twelve centers in Ohio, three centers in North Carolina, and one center in North Dakota agreed to participate in this study. Table 3-1 presents a breakdown of participants per state.

Table 3-1

Participant Breakdown by State-Mediators

State	n	Valid Percentage
North Carolina	28	31.8
North Dakota	15	17.1
Ohio	45	51.1

Other demographic data collected include sex, years of experience with mediation, and area of mediation. Table 3-2 presents a breakdown of the demographic data.

Table 3-2

Demographic breakdown of participants-Mediators

	n	Valid Percentage
Sex:		
Males	33	37.5
Females	53	60.2
not listed	2	2.3
Years of experience:		
less than 3 years	40	45.5
3 to 6 years	20	22.7
6 to 12 years	21	23.9
12 or more years	7	8.0
Area of Mediation:		
Community	21	23.9
Family/Divorce	12	13.6
Juvenile	7	8.0
Interpersonal	1	1.1
General	43	48.9
not listed	4	4.5

The second group of participants were students at a medium sized Midwestern university. Table 3-3 presents a breakdown of demographics of the student group of participants.

Table 3-3

Demographic Breakdown of Participants-Disputants

	n	Valid Percentage
Sex:		
Males	73	42.7
Females	95	55.6
not listed	3	1.7
Class Rank:		
Freshman	7	4.1
Sophomore	42	24.6
Junior	98	57.3
Senior	24	14.0

The students served as participants in order to test Research Question 2a and 2b (RQ2a & RQ2b). All students were registered in a communication class at the time of the survey. The students had some knowledge and understanding of the Situational Leadership Model as well as mediation and other forms of conflict management. Situational Leadership and conflict management was part of their syllabus. Fulfilling this criterion was helpful, but not crucial to the

study. The students' understanding of contingent leader behavior and conflict management was helpful for them to conceptualize the interaction between disputant and mediator. Gordon, Slade and Schmitt (1986) indicate that familiarity with the experimental task is an important background factor that might have a significant impact on generalizability of research results. The students in this study were somewhat familiar with the task as they were surveyed after their respective instructors covered the class material on Situational Leadership and conflict management. This position on task familiarity and its impact on generalizability of research results is supported by DeNisi and Dworkin (1981). They found that undergraduate participants who received training about the role of and issues relevant to negotiators responded more like the actual negotiators than participants who did not receive such information. Further, because this project combined two areas covered in the participants' syllabus, it seems reasonable to expect that they would show some interest in the research project, more so than students who have no interest in leadership or conflict management.

Sample Size

The number of participants needed to do this study was determined roughly by using Borenstein and Cohen's (1988) statistical power computer program. With alpha set at the conventional .05, a medium effect size at .25, which is acceptable for social science research (Cohen, 1988), and the conventional standard of power at .80 (Grimm, 1993), the program calculated a minimum requirement of 45 participants per treatment.

The independent variable in this study, Readiness, has four levels (Readiness 1, Readiness 2, Readiness 3, & Readiness 4). Thus 180 participants were required to answer Research Question 1 (RQ 1). One hundred eighty participants were also required to answer Research Question 2a (RQ 2) and 2b (RQ 2b).

A total of 259 persons participated in this study. Eighty-eight participants were practicing mediators in the States of North Carolina, North Dakota, and Ohio. One hundred seventy one participants were students at a medium sized Midwestern university.

Scenario

Four scenarios, each reflecting the four readiness levels identified in Chapter 2, served as the four levels of the independent variable (Readiness) in this study. Each scenario gave a background and description of the dispute as well as pertinent information on what happened in the mediation session. Each scenario depicted two disputants at various levels of readiness. To test the research questions posed in this study, measurement on only one disputants' readiness, from each readiness level was sufficient. For example, one disputant a unable and unwilling (Readiness 1), one disputant as unable but willing (Readiness 2), one disputant as able but unwilling (Readiness 3), and a disputant as able and willing (Readiness 4). However, this study measured all disputants, in all segments at all four levels of readiness.

Scenario construction

Twelve scenarios were constructed from veridical mediation case information. The information was gathered through interviews conducted with mediators attached to not-for-profit mediation centers in three counties in the State of Ohio. All interviews were conducted in person, except for one telephone interview. Selection of mediation centers was random and hinged on the willingness of the directors of these centers to allow the mediators attached to these centers to share case information with the researcher.

Subsequent to the directors' approval that mediators could be contacted, telephone contacts were first made to establish the mediators' willingness to share case information. Subsequently, appointments were set up for personal or telephone interviews with those mediators who were willing to participate. The interviews were conducted with mediators who are engaged in a wide spectrum of mediation. However, the majority of mediators were practicing in the community, small claims, juvenile, and family/divorce mediation arena's. Interviews were as short as 12 minutes and as long as 50 minutes per case.

The researcher attempted at all times to create an informal atmosphere and encouraged mediators to reflect in detail on the cases they mediated. However, interview protocol was standardized. During the initial telephone contact, participants were informed that the researcher intended to construct cases that would be used in more extensive research at a later date. At the beginning of the interview, this intention was reiterated. Confidentiality of the

information and the participant was guaranteed. Participants were asked to replace the real names of the disputants with pseudonyms. Participants were offered a chance to ask questions for clarification purposes and then asked to "freely" share the case information. In all cases permission was requested and granted to record the conversation on audiotape.

Interview questions were open ended. The researcher used probing questions to elicit detailed information about the background of the dispute and the actual mediation session. Without sensitizing the participants, the researcher also attempted to elicit information on disputant willingness and ability if such information did not surface spontaneously. For example, instead of asking: "Do you think 'Susan' was willing to resolve this issue?", the researcher would construct the following: "How do you think 'Susan' felt about resolving this issue?". After the interview the researcher briefed the participants on the nature of the study.

After listening to all the recorded interviews, the researcher constructed 12 scenarios. The researcher selected eight scenarios that in his judgment best reflected the combinations of disputant ability and willingness for the four readiness levels (Readiness 1, Readiness 2, Readiness 3, & Readiness 4). The 8 scenarios first, gave a brief background and description of the dispute and second, briefly described the mediation session. Certain scenarios had two segments. These segments depicted changes in disputant readiness. For example, a disputant might have started the mediation session as "able and willing" (Readiness 4), but slipped to "able but

unwilling" (Readiness 3) because the other party leveled certain allegations at him/her, or a disputant or disputants might have entered the mediation session as "unable but willing" (Readiness 2) but due to the mediator's intervention, moved to "able and willing" (Readiness 4). The two different levels of readiness are depicted in the two segments.

Scenario Pretest

To pretest the scenarios, eight graduate students, all of whom recently completed a ten-week training course on Situational Leadership with Dr. Paul Hersey, served as expert judges. This pretest was crucial to insure that the scenarios selected to serve as the independent variable actually depict disputants at the perceived readiness level.

The expert judges were briefed individually on the nature of the research project as well as their role in the pretest of the scenarios. This briefing consisted of some general information on mediation and the specific connection between mediation and Situational Leadership. The individual briefing was standardized. The researcher entertained questions where the expert judges sought clarity.

The process of sorting the scenarios was similar to the process Jacobson (1981) followed when constructing the Leader Effectiveness Measure. Expert judges were asked to sort the scenarios into five categories on the basis of disputant readiness. Four of the categories were for scenarios that reflected the four readiness levels identified earlier. The fifth category was a discard

category for ambiguous scenarios, i.e., scenarios that does not clearly reflect disputants at any of the four readiness levels (Appendix C). For example, the judges sorted the scenarios into: unable and unwilling, unable but willing, able but unwilling, able and willing, and the discard category.

Scenario selection

Scenarios with an 80% agreement among judges were retained (Jacobson, 1981). Six scenarios fulfilled the predetermined cutoff of 80%. However, only four scenarios were selected because four scenarios were needed to answer the research questions posed in Chapter 2. The four scenarios selected by the researcher indicate the highest percentage agreement among expert judges, and according to the researcher, unambiguously reflect the four Readiness Levels (Readiness 1, Readiness 2, Readiness 3, & Readiness 4) established in Chapter 2. Table 3-4 graphically displays the four scenarios used.

Table 3-4

Scenarios with segments, disputants, and Readiness levels

		disputant 1 (Readiness 1)
Scenario 1		
		disputant 2 (Readiness 1)
		disputant 1 (Readiness 2)
Scenario 2	segment 1	
		disputant 2 (Readiness 2)
		disputant 1 (Readiness 4)
	segment 2	
		disputant 2 (Readiness 4)
		disputant 1 (Readiness 4)
Scenario 3	segment 1	
		disputant 2 (Readiness 4)
		disputant 1 (Readiness 3)
	segment 2	
		disputant 2 (Readiness 4)
		disputant 1 (Readiness 4)
Scenario 4		
		disputant 2 (Readiness 4)

Data Collection Procedure

Prior to data collection, permission was sought from and granted by the Institutional Review Board (IRB) at Ohio University to proceed with this study. The IRB determined that this study involved Category 5 research (research involving survey or interview procedures that will not reasonably place the subject at risk of criminal or civil liability or be damaging to their financial standing or employability (Appendix D)).

Two procedures were followed in this study. The first procedure entailed either mailing the research booklets (Appendix A) in bulk to the directors of previously identified mediation centers or mailing single booklets to individual mediators as per the mailing list provided to the researcher by the directors of selected centers. Mediators who were surveyed individually through the mail, returned the completed booklet to the researcher using the included stamped self-addressed envelop. Mediators who were surveyed in groups, at meetings or workshops, returned their booklets to the director of the center. The director mailed the completed booklets to the researcher in the envelope provided. The directors of the selected centers were also instructed to insure that participants complete the exercise independently.

Booklets were placed in the order of Readiness Level 1 (unable & unwilling), Readiness Level 2 (unable but willing), Readiness Level 3 (able but unwilling), and Readiness Level 4 (able & willing) and distributed randomly, one scenario per participant. Assignment to each condition was fairly equal. See Table 3-5.

Table 3-5

Participants assigned to each treatment-Mediators

	n	Valid Percentage
Readiness Level:		
R1	22	25.0
R2	21	23.9
R3	24	27.3
R4	21	23.9

To test Research Question 1, participants were asked to assume the role of a mediator, to carefully read the scenario, and determine the readiness level of the "disputant". Thereafter, mediators were asked to indicate on a five-point Likert-type scale their likelihood (e.g. 1 = least likely, 5 = highly likely) of selecting each style.

The second procedure entailed the distribution to, completion of, and collection of research booklets (Appendix B) in previously determined classes, after permission from individual instructors were obtained. Booklets were placed in the order of Readiness Level 1 (unable & unwilling), Readiness Level 2 (unable but willing), Readiness Level 3 (able but unwilling), and Readiness Level 4 (able & willing) and distributed randomly, one scenario per participant. Assignment to each condition was fairly equal. See Table 3-6.

Table 3-6

Participants assigned to each treatment-Disputants

	n	Valid Percentage
Readiness Level:		
R1	41	24.0
R2	44	25.7
R3	42	24.6
R4	44	25.7

Prior to the distribution of the booklets participants were verbally informed that their participation in this study was voluntary. Only one participant refused to participate in this study. Basic biographical information such as sex and class rank, as well as participant's previous experience with mediation, and whether participants could identify with the scenario, was collected.

To test Research Question 2a and 2b, participants were asked to assume the role of a "disputant" depicted in the scenario. Participants were asked to first determine the "disputant's" state of readiness, and second to select from the four alternative mediator styles, using a Likert-type scale (1 = least effective, 5 = highly effective), the style perceived to be the least and most effective given the assessed state of readiness.

This group of participants was also asked to indicate whether they have had any prior experience with mediation and whether they

could identify with the scenario they read. While these responses are not crucial to this study, it was felt that they could offer additional insights. First, respondents who have had prior experience with mediation might have a better understanding of the dynamics of mediation and might have a sense of what mediators do. DeNisi and Dworkin (1981) found that undergraduate participants who received training about the role of and issues relevant to negotiators responded more like the actual negotiators than participants who did not receive such information. Second, where respondents could identify with the scenario, they might be better able to reflect on the interaction depicted in the scenario. Respondents might not only understand the scenario better but might have a more "realistic" interpretation of the scenario. While confirmation of these two conditions are "nice to have", non-confirmation does not disqualify respondents from this study. Participants who have not had prior experience with mediation, might still be in a position to offer their view of an effective mediator style. Further, participants who indicate that they cannot identify with the scenario might still be in a position to "see" themselves in the situation depicted by the given scenario.

Tables 3-7 and 3-8 presents a breakdown of participants' prior experience with mediation and whether they could identify with the scenario.

Table 3-7

Experience with Mediation

	n	Valid Percentage
Prior Experience	38	22.2
No Experience	133	77.8

Table 3-8

Identify Scenario

	n	Valid Percentage
Can Identify	98	57.3
Cannot Identify	73	42.7

Data Analysis Procedure

This study utilized a multiple-treatment single-factor between-subject design (Rosenberg & Daly, 1993) where the single independent variable (Readiness) has four levels "unable and unwilling" (Readiness 1), "unable but willing" (Readiness 2), "able but unwilling" (Readiness 3), and "able and willing" (Readiness 4). The dependent variable is mediator style. The statistical package, SPSS 7.5 was used to conduct all statistical calculations for this study. Analysis of variance (ANOVA), with alpha set at .05, was conducted for both Research Questions 1 and Research Question 2a

and 2b. Analyses were conducted for each segment, each individual disputant, and each of the four styles (Guiding, Clarifying, Encouraging, and Facilitating styles) across the four scenarios. The scenarios depict the four readiness levels discussed in Chapter Two. These include: unable and unwilling (Readiness 1), unable but willing (Readiness 2), able but unwilling (Readiness 3), and able and willing (Readiness 4). Effect size for statistically significant results and power for non significant results are reported with each F-table. Descriptive statistics were also calculated.

Summary

Chapter 3 presented the methods and procedures employed in this study. This chapter described the participants of this study and how they were selected. The chapter then gave a description of the scenario-its construction, pretest, and selection. The chapter also gave a description of the procedures that was followed to collect the data as well as a brief description of the research design. Finally, the chapter described the statistical procedures used for data analysis.

CHAPTER FOUR: RESULTS

This chapter reports the results of the analysis described in Chapter 3. This chapter also offers ancillary analyses on aspects related but not central to the overall assessment of the research questions posed in Chapter 2.

ANOVA Results

The following section reports the ANOVA results for the research questions posed in Chapter 2. Alpha is set at .05. This section will first report the ANOVA results that deals with Research Question 1, i.e., the mediator sample, and second, the results that deals with Research Question 2a and 2b, i.e., the student sample.

Research Question One

Research Question 1 assesses whether mediators are likely to adapt their style of mediation given the disputants' level of readiness. The one-way analysis of variance (ANOVA) was used to assess variability in mediators likelihood to select a particular style. Tables 4-1 through 4-16 report the ANOVA results.

First, Tables 4-1 through 4-4 reports on participants' likelihood of selecting a mediator style across the four states of disputant readiness (R1 through R4) for segment one, disputant one, Style 1 through Style 4.

Table 4-1

ANOVA-Likelihood of selecting Guiding Style (Style 1) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	15.09	3	5.03	2.76	.05
Within Groups	152.87	84	1.82		
Total	167.96	87			

Effect size = .09.

Table 4-2

ANOVA-Likelihood of selecting Clarifying Style (Style 2) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	22.37	3	7.46	4.70	.004
Within Groups	133.35	84	1.59		
Total	155.72	87			

Effect size = .14.

Table 4-3

ANOVA- Likelihood of selecting Encouraging Style (Style 3) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	13.83	3	4.61	2.95	.04
Within Groups	131.45	84	1.57		
Total	145.30	87			

Effect size = .10.

Table 4-4

ANOVA- Likelihood of selecting Facilitating Style (Style 4) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	30.64	3	10.21	4.21	.01
Within Groups	203.87	84	2.43		
Total	234.50	87			

Effect size = .13.

Second, Tables 4-5 through 4-8 reports participants' likelihood of selecting a mediator style across the four states of

disputant readiness (R1 through R4) for segment one, disputant two, Style 1 through Style 4.

Table 4-5

ANOVA- Likelihood of selecting Guiding Style (Style 1) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	16.25	3	5.42	3.00	.04
Within Groups	151.71	84	1.81		
Total	167.96	87			

Effect size = .10.

Table 4-6

ANOVA- Likelihood of selecting Clarifying Style (Style 2) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	14.15	3	4.72	3.06	.03
Within Groups	129.30	84	1.54		
Total	143.44	87			

Effect size = .10.

Table 4-7

ANOVA- Likelihood of selecting Encouraging Style (Style 3) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	6.60	3	2.19	1.50	.22
Within Groups	122.34	84	2.19		
Total	128.90	87			

Power = .38.

Table 4-8

ANOVA- Likelihood of selecting Facilitating Style (Style 4) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	29.99	3	10.00	4.27	.007
Within Groups	196.88	84	2.34		
Total	226.86	87			

Effect size = .13.

Third, Tables 4-9 through 4-12 reports on participants' likelihood of selecting a mediator style across two states of

disputant readiness (R3 & R4) for segment two, disputant one, Style 1 through Style 4.

Table 4-9

ANOVA- Likelihood of selecting Guiding Style (Style 1) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	.77	1	.77	.417	.52
Within Groups	79.14	43	1.84		
Total	79.91	44			

Power = .10.

Table 4-10

ANOVA- Likelihood of selecting Clarifying Style (Style 2) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	6.91	1	6.91	4.49	.04
Within Groups	66.29	43	1.54		
Total	73.20	44			

Effect size = .09.

Table 4-11

ANOVA- Likelihood of selecting Encouraging Style (Style 3) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	.16	1	.16	.09	.76
Within Groups	72.29	43	1.68		
Total	72.44	44			

Power = .06.

Table 4-12

ANOVA- Likelihood of selecting Facilitating Style (Style 4) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	13.88	1	13.88	5.90	.02
Within Groups	101.10	43	2.35		
Total	114.98	44			

Effect size = .12.

Finally, Tables 4-13 through Tables 4-16 reports participants' likelihood of selecting a mediator style across two states of

disputant readiness (R3 & R4) for segment two, disputant two, Style 1 through Style 4.

Table 4-13

ANOVA- Likelihood of selecting Guiding Style (Style 1) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	1.38	1	1.38	.80	.38
Within Groups	74.53	43	1.73		
Total	75.91	44			

Power = .14.

Table 4-14

ANOVA- Likelihood of selecting Clarifying Style (Style 2) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	.29	1	.29	.18	.67
Within Groups	68.91	43	1.60		
Total	69.20	44			

Power = .07.

Table 4-15

ANOVA- Likelihood of selecting Encouraging Style (Style 3) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	5.34	1	5.34	3.52	.06
Within Groups	65.24	43	1.52		
Total	70.58	44			

Power = .45.

Table 4-16

ANOVA- Likelihood of selecting Facilitating Style (Style 4) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	1.89	1	1.89	.894	.35
Within Groups	90.91	43	2.11		
Total	92.80	44			

Power = .15.

Statistically significant results ($p < .05$.) were observed in nine instances. Tukey's test was conducted in cases where statistical significance was detected. Tukey's test revealed

significant differences at $p < .05$. across all four Styles for segment 1, disputant 1. For Guiding style differences exist between "unable but willing" (Readiness 2) ($M = 3.52$) and "able but unwilling" (Readiness 3) ($M = 2.46$); for Clarifying style differences exist between "unable and unwilling" (Readiness 1) ($M = 4.23$) and "able but unwilling" (Readiness 3) and "able and willing" (Readiness 4) respectively ($M = 3.21$ & 2.95); for Encouraging style differences exist between "unable and unwilling" (Readiness 1) ($M = 2.32$) and "able but unwilling" (Readiness 3) ($M = 3.38$); finally, for Facilitating style differences exist between "unable and unwilling" (Readiness 1) ($M = 1.95$) and "able but unwilling" (Readiness 3) ($M = 3.46$).

For segment 1, disputant 2, Tukey's test revealed differences exist for Guiding style between "unable but willing" (Readiness 2) ($M = 3.67$) and "able but unwilling" (Readiness 3) ($M = 2.54$), and for Facilitating style between "unable and unwilling" (Readiness 1) ($M = 2.14$) and "able but unwilling" (Readiness 3) ($M = 3.67$).

For segment 2, disputant 1, Clarifying style differences exist between "unable but willing" (Readiness 2) ($M = 3.38$) and "able but unwilling" (Readiness 3) ($M = 3.54$) and for Facilitating style between "unable but willing" (Readiness 2) ($M = 3.38$) and "able but unwilling" (Readiness 3) ($M = 3.79$). No statistically significant differences were observed for segment 2, disputant 2.

Overall, differences consistently exist between Readiness 1 and Readiness 3 as well as between Readiness 2 and Readiness 3.

Effect size and Power-Mediator sample

The results of tests on effect size and power for the above listed ANOVA's are reported below each F-table. Of importance are the effect sizes for statistically significant results. Reporting the effect size statistic of statistically significant tests allows one to assess the magnitude of the treatment effect, in this case Readiness, and ultimately, the power of the statistical test (Grimm, 1993). These results are disappointingly low. Overall, effect size and power results do not even approach acceptable standards, i.e., a medium effect size of .25, which is acceptable for social science research (Cohen, 1988), and the conventional standard of power at .80 (Grimm, 1993). The average effect size and power for ANOVA's yielding statistically significant results across all four scenarios are .11 and .74, respectively, with .14 the highest effect size and .88 the highest power statistic. While power, on average is acceptable, effect size barely approaches the acceptable standard of .25.

Research Question Two

Research question 2a

Research Question 2a assesses whether disputants will perceive one mediator style as more or less effective than another. The one-way analysis of variance (ANOVA) was used to assess differences in disputants' perception of effective mediator style across four states of disputant readiness. Except for Facilitating style (Style 4), the ANOVA results were not statistically significant. Tables 4-17 through 4-32 show the results of the ANOVA tests.

First, Tables 4-17 through 4-20 report participants' assessment of mediator style effectiveness across the four states of disputant readiness (R1 through R4) for segment one, disputant one, Style 1 through Style 4.

Table 4-17

ANOVA-Effectiveness of Guiding Style (Style 1) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	5.73	3	1.91	1.58	.20
Within Groups	202.06	167	1.21		
Total	207.79	170			

Power = .41.

Table 4-18

ANOVA-Effectiveness of Clarifying Style (Style 2) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	10.61	3	3.54	2.55	.06
Within Groups	231.90	167	1.39		
Total	242.50	170			

Power = .62.

Table 4-19

ANOVA-Effectiveness of Encouraging Style (Style 3) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	5.50	3	1.83	1.43	.24
Within Groups	213.45	167	1.28		
Total	218.95	170			

Power = .38.

Table 4-20

ANOVA-Effectiveness of Facilitating Style (Style 4) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	39.36	3	13.12	8.65	.000
Within Groups	253.38	167	1.52		
Total	292.74	170			

Effect size = .13.

Second, Tables 4-21 through 4-24 reports participants' assessment of mediator style effectiveness across the four states

of disputant readiness (R1 through R4) for segment one, disputant two, Style 1 through Style 4.

Table 4-21

ANOVA-Effectiveness of Guiding Style (Style 1) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	9.50	3	3.16	2.42	.07
Within Groups	217.93	167	1.31		
Total	227.42	170			

Power = .60.

Table 4-22

ANOVA-Effectiveness of Clarifying Style (Style 2) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	5.01	3	1.67	1.27	.29
Within Groups	219.41	167	1.31		
Total	224.42	170			

Power = .34.

Table 4-23

ANOVA-Effectiveness of Encouraging Style (Style 3) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	4.39	3	1.46	1.13	.34
Within Groups	216.55	167	1.30		
Total	220.95	170			

Power =.30.

Table 4-24

ANOVA-Effectiveness of Facilitating Style (Style 4) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	81.34	3	27.11	16.97	.000
Within Groups	266.77	167	1.60		
Total	348.11	170			

Effect size = .23.

Third, Tables 4-25 through 4-28 reports on participants' assessment of mediator style effectiveness across two states of disputant readiness (R3 & R4) for segment two, disputant one, Style 1 through Style 4.

Table 4-25

ANOVA- Effectiveness of Guiding Style (Style 1) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	.47	1	.47	.39	.54
Within Groups	102.55	84	1.22		
Total	103.02	85			

Power = .09.

Table 4-26

ANOVA-Effectiveness of Clarifying Style (Style 2) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	1.88	1	1.88	1.32	.25
Within Groups	119.16	84	1.42		
Total	121.04	85			

Power = .21.

Table 4-27

ANOVA-Effectiveness of Encouraging Style (Style 3) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	2.16	1	2.16	1.68	.20
Within Groups	108.36	84	1.30		
Total	110.52	85			

Power = .25.

Table 4-28

ANOVA-Effectiveness of Facilitating Style (Style 4) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	54.02	1	54.02	43.00	.000
Within Groups	105.56	84	1.23		
Total	159.58	85			

Effect size = .34.

Finally, Tables 4-29 through Tables 4-32 reports participants' assessment of mediator style effectiveness across two states of disputant readiness (R3 & R4) for segment two, disputant two, Style 1 through Style 4.

Table 4-29

ANOVA-Effectiveness of Guiding Style (Style 1) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	.98	1	.98	.79	.38
Within Groups	103.45	84	1.23		
Total	104.43	85			

Power = .14.

Table 4-30

ANOVA-Effectiveness of Clarifying Style (Style 2) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	2.34	1	2.34	1.88	.17
Within Groups	104.42	84	1.24		
Total	106.76	85			

Power = .27.

Table 4-31

ANOVA-Effectiveness of Encouraging Style (Style 3) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	1.09	1	1.09	1.03	.31
Within Groups	88.63	84	1.06		
Total	89.72	85			

Power = .17.

Table 4-32

ANOVA-Effectiveness of Facilitating Style (Style 4) by Disputant Readiness

Source	SS	df	MS	F	p
Between Groups	2.94	1	2.94	1.42	.24
Within Groups	174.37	84	2.08		
Total	177.31	85			

Power = .22.

Statistically significant results ($p < .05$.) were observed in three instances. In instances where statistical significance was detected, Tukey's post-hoc tests were conducted to explore where differences exist.

For segment 1, disputant 1, Tukey's test revealed the differences for Facilitating style to exist between "unable and unwilling" (Readiness 1) ($M = 2.24$) and "able but unwilling" (Readiness 3) and "able and willing" (Readiness 4) respectively ($M = 3.45$ & 3.11), For segment 1, disputant 2, Tukey's test revealed differences for Facilitating style to exist between "unable and unwilling" (Readiness 1) ($M = 2.05$) and "able but unwilling" (Readiness 3) and "able and willing" (Readiness 4) respectively ($M = 3.50$ & 3.64). The differences between Readiness 1 and Readiness 3 and 4 appears to have contributed significantly to the differences in assessment of mediator style effectiveness.

Research Question 2b

Research Question 2b asked whether the mediator style that is generally perceived as highly effective, given disputant state of readiness, is also the theoretically matching style. Match/mismatch relationships were determined by comparing means scores on a five point Likert-type scale (least effective = 1 & highly effective = 5). Mean scores greater than 3 indicate participants' perception of an effective style, whereas a mean score less than 3 indicates a less effective style. Matches were determined by examining the mean and comparing it with the predetermined readiness level as established by the expert judges (see Chapter 3). For example, if the disputant is

depicted as "able and willing" (Readiness 4), and the participants selected Facilitating style (Style 4) as highly effective (i.e., > 3), then it constitutes a match.

This protocol indicates matches in only four instances. These include: Guiding style (Style 1) which matched with "unable and unwilling" (Readiness 1) for segment 1, disputant 1 ($\underline{M}$ = 3.12, $\underline{n}$ = 41). Clarifying style (Style 2) matched with "unable but willing" (Readiness 2) for segment 1, disputant 2 ($\underline{M}$ = 3.80, $\underline{n}$ = 44). Encouraging style (Style 3) matched with "able but unwilling" (Readiness 3) for segment 2, disputant 1 ($\underline{M}$ = 3.48, $\underline{n}$ = 42). Finally, Facilitating style (Style 4) matched with "able and willing" (Readiness 4) for segment 1, disputant 2 ($\underline{M}$ = 3.63, $\underline{n}$ = 44).

Effect size and Power-Student sample

The results of tests on effect size and power for the above listed ANOVA's are reported below each F-table. As stated earlier in this paper, it is important to report the effect sizes for statistically significant results. Reporting the effect size statistic of statistically significant tests allows one to assess the magnitude of the treatment effect, in this case Readiness, and ultimately, the power of the statistical test (Grimm, 1993). Unlike the mediator sample, the effect size for significant ANOVA's are acceptable. The average effect size and power for ANOVA's yielding statistically significant results across all four scenarios are .25 and .99, respectively, with .34 the highest effect size and 1.0 the highest power statistic. These results satisfy the medium effect

size standard of .25 (Cohen, 1988) but exceeds the conventional standard of power at .80 (Grimm, 1993).

Ancillary Analysis

Participants in this study were also asked to reflect on issues related to the proposed model. While the information obtained from this analysis might offer additional insights it is not central to the overall assessment of the research questions posed in Chapter 2.

First, mediators were asked to assess the usefulness of this proposed model for mediation training and mediation practice on a Likert-type scale (1 = not useful, 5 = very useful). Chapter 1 indicates that one of the potential contributions of this study was the use of this model in mediation training and practice. Rather than making blanket claims about the potential of this model for training and practice, mediators were asked to indicate their assessment of the usefulness of this model. Mean comparisons show that mediators generally regard this model to be useful for both mediation training and mediation practice. Table 4-33 shows participants' responses on the usefulness of this model.

Table 4-33

Usefulness of the proposed Situational Mediation model

	n	M	SD
Mediation training	88	3.89	1.01
Mediation practice	88	3.99	1.01

While participants generally regarded the proposed model as useful for both training and practice, comments from participants provide interesting insights. A common theme that emerged from these comments stresses the fact that this model is useful for training purposes but that it should preferably be used with intermediate and advanced level mediators. One participant indicated that "this model is too complex for foundational mediation training." Another participant stated:

> I think this model would be a good training tool in an advanced mediation workshop. It is useful to discuss in a basic mediation workshop but there is so much to think about (styles/readiness categories). Later, after you have had a chance to absorb the basics and maybe practice the skills, then discussing the model and role-playing the different styles could really make an impact as to the different styles and when each is appropriate.

A similar theme emerged when participants were asked to reflect on the usefulness of the proposed model for mediation practice. "Interesting for reflective practice among experienced mediators", said one participant, and "a good guideline for those already trained in basic mediation skills" said another. One participant stated, "it (the model, but specifically the readiness concept) provides a welcome non-therapeutic analysis of impasse moments that can suggest a strategic shift in the mediators' style as an appropriate intervention". The above comments underscores the general assessment of the usefulness of this model.

Second, one-way analyses of variance (ANOVA's) were also conducted to determine whether there was a difference between the participants' years of experience in mediation, their areas of mediation, sex, and their assessment of the usefulness of the proposed model for mediation training and practice. No significant statistical differences were observed in all three instances (p. > .05.).

Third, independent samples t-tests were conducted to determine whether statistically significant differences exist between sex, experience with mediation, inclination to identify the scenario, and participants' assessment of mediator style effectiveness. In line with Gordon, Slade, and Schmitt (1986), these tests were conducted primarily to assess whether participants' familiarity with the experimental task, as a background factor, significantly affected the generalizability of the research results. The tests indicate no overall statistically significant differences between males and females, prior experience or no experience with mediation, and their inclination to identify or not identify with the scenario. Mean comparisons show that respondents who indicated that they could identify with the scenario regarded the Guiding style (Style 1) as least effective ($\underline{M}$ = 2.76) given the disputant state of readiness (t = 2.3, $\underline{p}$ < . 05.). Respondents who indicated that they had prior experience with mediation regarded the Clarifying style (Style 2) (t = 2.4, $\underline{p}$ < .05.), and Encouraging style (Style 3) (t = 2.1, $\underline{p}$ < .05.) as highly effective ($\underline{M}$ = 3.87 & $\underline{M}$ = 3.82). One statistically significant difference was observed between males and females and

the assessment of effectiveness of mediator style. Males tended to regard Facilitating style (Style 4) (M = 2.77) as least effective (t = 2.6, p < .05.) (see Table 4-34).

Table 4-34

Independent t-tests of the assessment of Mediator Style Effectiveness

	Style 1	Style 2	Style 3	Style 4
Identify Scenario:				
MD	.55			
Two-tail p	.03			
Mediation experience:				
MD		.52	.64	
Two-tail p		.02	.04	
Sex:				
MD				.46
Two-tail p				.01

Finally, except for two instances, the one-way ANOVA assessing the differences between the classrank (freshman, sophomore, junior, & senior) and participants' assessment of mediator style effectiveness did not reveal overall statistically significant differences. The two instances were both for Facilitating style (Style 4) for segment 1, disputant 1, F(3/170) = 3.18, p < . 05., and segment 1, disputant 2, F(3/170) = 2.89, p < .05.

Tukey's test show that in both instances, freshman (n = 7) regarded the Facilitating style as highly effective (M = 3.86 & M = 3.57).

Summary

The purpose of Chapter 4 was to report the results of the statistical analysis described in Chapter 3. This presented the results of the statistical procedures employed to answer the research questions. Ancillary analyses were also offered.

Chapter 5 presents a discussion of the results presented in this chapter. Chapter 5 will also discuss limitations of this study, some recommendations for future research, as well as implications for practice.

CHAPTER FIVE: DISCUSSION

The purpose of this chapter is to present explanations for the results presented in Chapter 4. Chapter 5 explicates the findings from Chapter 4, discusses the limitations of this research project, suggests areas for future research, and finally indicates the implications of this study for practice.

This study set out to investigate the influence of disputant readiness on mediator style selection as well as to assess disputant perceptions of mediator style effectiveness, given the prescriptions of the Situational Mediation model.

Review of Research Questions

The research questions established for this study were as follows:

RQ 1: Does disputant readiness influence mediator style selection? That is, will the willingness and ability of a disputant to resolve a controversy influence mediator style selection?

RQ 2a: Will disputants perceive one mediator style as more effective than another given the state of disputant readiness?

RQ 2b: Is the style perceived as highly effective generally a matching style?

Research Question One

This research question asked whether disputant readiness influences mediator style selection. The one-way analysis of variance (ANOVA) was conducted to assess whether mediators generally vary their style given the state of disputant readiness. Statistically significant results were obtained for most conditions

except for segment 1, disputant 2, Encouraging style (Style 3); segment 2, disputant 1, Guiding style (Style 1); segment 2, disputant 1, Encouraging style (Style 3); and finally segment 2, disputant 2, Style 1 through Style 4.

The statistically significant results suggest that mediators generally adapt their mediation style given the state of disputant readiness. This observation is consistent with the Situational Mediation model proposed in this study. Haynes (1985) contends that mediators must be cognizant of the varying degrees of disputant willingness and ability. Accordingly, mediators must adapt their style to match the characteristics of the disputant. This position is supported by Silbey and Merry (1986), who state that mediators vary their styles from one dispute to another or even within the same dispute.

The observation that male participants regarded the Facilitating style as least effective might point to the fact that mediation is generally regarded as a facilitative process which, according to Rifkin (1984), requires a feminist pedagogy. This observation underscores the notion that facilitation, and therefore mediation, is consistent with a feminist pedagogy (Rifkin, 1984).

Research Question Two

Research Question 2a

This research question concerns the perception of mediator style effectiveness given a particular state of disputant readiness. Except for Facilitating style (Style 4), the one-way analysis of variance (ANOVA) used to answer this research question yielded non

significant results. Participants regarded Facilitating style as more effective for disputants who were "able but unwilling" (Readiness 3) and "able and willing" (Readiness 4) and less effective for disputants who were "unable and unwilling" (Readiness 1). This finding is congruent with the prescriptions of the Situational Mediation model, given the continuum of readiness outlined in Chapter 2. This continuum positions "unable and unwilling" (Readiness 1) as the "lowest" level of readiness and "able and willing" (Readiness 4) as the "highest" level of readiness. Further, Facilitating style (Style 4) for segment 1, disputant 2, also constitutes a match (Readiness 4/Style 4) as per the prescriptions of this model.

While Facilitating style does not match with "able but unwilling" (Readiness 3) it should be noted that this style is one style away from the theoretically most appropriate style for Readiness 3. This observation is congruent with the prescriptions of the Situational Mediation model. It is not necessary to be exact when selecting a high probability combination of task and relational behavior (Hersey & Blanchard, 1996). When the mediator moves away from the optimal combination, the probability of success gradually falls off, slowly at first, then more rapidly the farther away the mediator moves.

Statistical significance might not mean practical significance in terms of actual [educational] situations (Popham & Sirotnik, 1992). "Sometimes practical significance can be judged by simply looking at the means and thinking about the range of possible

values" (Stevens, 1996, p. 11). Therefore, the non significant statistical results of this study deserves closer scrutiny.

Of note are the mean comparisons between respective segments within a scenario. For example, in scenario 2, disputant 1 undergoes a change in readiness from segment 1 to segment 2. Expert judges referred to in Chapter 3 assessed the readiness level of disputant 1 in segment 1 in this scenario as "unable but willing" (Readiness 2), and as "able and willing" (Readiness 4) in segment 2. In their assessment of effectiveness, participants regarded Clarifying style (Style 2) and Facilitating style (Style 4) as effective in dealing with that disputant in the respective segments. In scenario 3 there is a similar shift in readiness between segments. Expert judges assessed the readiness level of disputant 1 in segment 1 as "able and willing" (Readiness 4) and as " able but unwilling" (Readiness 3) in segment 2. Again, in their assessment of effective mediator styles, participants regarded Facilitating style (Style 4) and Encouraging style (Style 3) as effective in dealing with this disputant in the respective segments (see table 5-1). This shift in the assessment of mediator style effectiveness suggests that mediator style might be contingently effective.

In this regard, Kressel and Pruitt (1989) provide evidence that some mediator tactics are more likely to be associated with success under some conditions than under others. The significant difference between the observation of contingent effectiveness in this study compared to that of Kressel and Pruitt (1989), is that effectiveness in the Kressel and Pruitt study was assessed from the mediators

perspective whereas effectiveness in this study is assessed from the disputant's perspective. The mean differences do not only indicate varying perceptions of mediator style effectiveness between segments, but also readiness/style matches (see Table 5-1), which is consistent with the prescriptions of the Situational Mediation model.

Table 5-1

Mean Differences for assessments of mediator style effectiveness

Scenario 2

Readiness 2	Mean	Readiness 4	Mean
S1D1ST 1	3.11	S2D1ST 1	2.88
S1D1ST 2	3.66*	S2D1ST 2	3.30
S1D1ST 3	3.18	S2D1ST 3	3.16
S1D1ST 4	2.47	S2D1ST 4	3.70*

Scenario 3

Readiness 4	Mean	Readiness 3	Mean
S1D1ST 1	2.66	S2D1ST 1	2.74
S1D1ST 2	3.12	S2D1ST 2	3.00
S1D1ST 3	3.10	S2D1ST 3	3.48*
S1D1ST 4	3.45*	S2D1ST 4	2.12

* indicates readiness/style match.

Note: S = segment

D = disputant

ST = style (e.g., S1D1ST4 = segment 1, disputant 1, Style 4).

Research Question 2b

Research Question 2b asked whether the mediator style that is generally regarded as effective by disputants is also the theoretically matching style. Such matches occurred in only four instances. This reflects only 25% of possible matches that can occur, and it is not possible to know whether these matches reflect systematic or chance associations. What is interesting about these matches is that they occur with all four styles across all four readiness levels as identified earlier. The results on the readiness/style matches in Chapter 4 suggest that participants regarded the matching style as effective. This is consistent with the prescriptions of the Situational Mediation model. This model suggests that a readiness/style match will result in effective mediation.

Summary

While the overall statistical analyses confirms RQ1, the support for RQ2 is weak. The results suggest that mediators vary their mediation style given the state of disputant readiness. As one participant indicated: " as the state of readiness of disputants change so would my style, to compliment their behavior and move toward agreement". While the results for RQ2 is non-significant, there are signs that disputants did perceive one particular mediator style as more effective than another. While readiness/style matches did not occur consistently, the results show that disputants in certain instances perceived a matching style as the effective style.

Limitations of this Study

Addressing the limitations of this study might give some indication of the generalizability and validity of the overall results. It is also useful for the purposes of replication, insuring that future research on similar issues as it relates to mediation and this model in particular, avoids these pitfalls. The limitations of this study will be discussed in three parts. First, limitations as it relates to the student sample, second limitations as it relates to the mediator sample, and finally limitations as it relates to the study in general.

First, the use of college students as participants in applied research has been controversial as well as a topic of philosophical discourse and empirical investigation (Gordon, Slade, & Schmitt, 1986). Gordon et al., reviewed 32 studies in which students and nonstudents participated under identical conditions and found that the experimental results differed for the two samples.

In response to Gordon et al., Greenberg (1987) dissuades organizational researchers from prematurely dismissing the findings of studies using student samples. Greenberg (1987) argues that phenomena observed in homogeneously defined groups of subjects-whether they are workers in the "real world" or college students in a laboratory-may offer equal, limited potential for generalizability.

An appropriate position on the use of students for this study is recognizing both the views of Gordon et al., (1986) and Greenberg (1987). It is also important to note Guion's (1983) comment in the editorial policy of the Journal for Applied Psychology. He states:"A

study of the judgments of college sophomores about 'paper people' may make a useful contribution, but it will not answer questions about the ways decision makers in real organizations make judgments about extended, face-to-face interactions with real people" (p. 548).

While it could be argued, in line with Gordon, Slade and Schmitt (1986), that student participants were somewhat familiar with the experimental task and that this familiarity should have allowed students, much like the negotiators in the DeNisi and Dworkin (1981) study, to respond more like actual disputants, the results of this study are inconclusive. While mean comparisons show signs that participants regard a given mediator style as more effective than another, the overall statistical tests do not support this assertion. The results suggest that participants did not consistently respond to the contingent effectiveness of the various mediator styles proposed in this study.

Second, the use of practicing mediators in this study is a definite plus, but asking mediators to indicate how likely they would be to select a particular style of mediation instead of observing how they actually intervene is problematic. It is possible that mediators' responses in this study do not reflect their actual behaviors in a mediation session. Also, providing a limited set of mediator styles, in this case four, proved troublesome to mediators who generally use styles not necessarily categorized as one of the four styles. As one participant put it: "To me it seems more intuitive, an art, not a science. I cannot imagine being that precise in choosing a style

although I have different levels of formality in terms of interacting with disputants". It is possible that this reference to "different levels of formality" might refer to the mediators' contingent response to disputant readiness.

Finally, the overall results reported in this study must be viewed against the backdrop of four important limitations. First, the static nature of scenarios could only allow for the assessment mediators' initial responses as to their likelihood for selecting a mediator style. Only in scenarios 2 and 3 were participants asked to select a mediation style beyond the style selected initially. In this regard it is also important to note Guion's (1983) comment on the use of "paper people". Second, the scenarios also provided limited information on the dispute and disputants. "This scenario (scenario-R4) is weak, I would like to have more background information", said one participant. While this concern has merit, one should also realize that participants might be reluctant to respond to a measurement if they are requested to filter through a lot of information before they actually respond to the measurement. Third, mediators expressed concern about the directions for completing this measurement. "This survey is a bit awkward in directives", said one participant, and "the directions are confusing", stated another. The "confusing directions" could have affected the way in which participants responded to the survey. Kerlinger (1973) points out that instructions must be stated clearly because ambiguous instructions increase error variance. Fourth, the sample size for the mediator sample poses a special concern. The number of mediators

actually surveyed is below the required sample size for this study. This clearly affects the statistical power for this study, as reported earlier. However, it is interesting to note the comparisons of effect size and power for the two samples. While the student sample was almost twice the size of the mediator sample, no major differences in the average effect size and power exists. For example, the student sample (n = 171) had an overall average effect size of .12 and power, .80, whereas the mediator sample (n = 88) had an overall average effect size of .10 and power, .60. As the same scenarios were used for both samples, one can only speculate as to whether a 50% increase in sample size for the mediator sample would significantly increase the effect size and power. Given the problems identified with the measurement, it seems unlikely.

Given the limitations outlined above, it would indeed be hazardous to generalize the findings of this study to "real" mediation situations. Notwithstanding the limitations, clear patterns congruent with the prescriptions of the Situational Mediation model emerged. This study offers support for contingent mediator style. Support for contingent effectiveness of mediator style is weak and less clear cut.

Future Research

In this study a contingency model of mediation, based on the Situational Leadership Model (Hersey & Blanchard, 1996), is proposed and the prescriptions of this model is tested. As this is the first empirical investigation on the Situational Mediation model, it is possible that the researcher might have overlooked important

research aspects that could shed some light on this model. These shortcomings can be addressed in future studies. The following section discusses areas for potential future research.

First, the use of static scenarios was identified earlier as a limitation. Future research should aim to use more realistic stimuli. While audio-visual (videotaped mediation sessions) stimuli will work better than the static approach used in this study, a field study observing mediators at work would be ideal. Here the researcher will not only be able to assess mediator style selection beyond the initial choice, but more importantly, the researcher will be able to observe actual mediator behavior. This approach offers the researcher an opportunity to observe mediator style changes as it occurs. One obvious potential problem with this approach centers around the confidentiality of participants and the sensitivity of the mediation process and the issues dealt with in this process.

Second, future research should aim to compare disputants' assessment of effectiveness of the mediation session between mediators trained in the use of this model and mediators not trained in this model.

Third, an explicit communication perspective to investigating this model might offer additional insights. Communication plays a central role in dispute resolution, because "communicative behavior, both verbal and nonverbal, creates, reflects and remediates conflicts" (Folger & Jones, p. ix). A communication perspective will allow for the investigation of mediation in a micro, less static way. This approach might offer some insights as to how mediators

communicate the respective styles. "Mediation depends on mediators utilizing communication skills to aid in the process of dispute resolution" (Burrell, Donohue, & Allen, 1990, p. 134.). Also, the researcher adopting a communication perspective might also get at the verbal and non-verbal communicative acts that serve as cues in assessing disputant readiness. An example of a research project that adopts a communication perspective to mediation is Tracy and Spradlin's (1994) " 'Talking like a mediator': Conversational moves of experienced mediators,". This study investigates how expert mediators use language and conversational control to establish their position in the mediation process.

Finally, given the effect size and power shortcomings of this study, future research should attempt to survey a larger sample of both mediators and disputants. Future research should also aim to amplify the treatment effect of scenarios in order to increase effect size. Scenarios should be reconstructed with the specific aim of highlighting the four readiness levels. Future research should heed Kerlinger's (1973) "maxmincon" principle-maximize the systematic variance under study, control extraneous systematic variance, and minimize error variance.

Implications for Practice

For most mediators, a 30 to 40 hour training session constitute their initiation into the field, orienting them to a way of thinking about mediation and to a structural approach to practice (Rifkin, 1994). Rifkin argues that while these training sessions shapes the mediators' understanding of both how they should

mediate and how they should be thinking about mediation, the training programs are devoid of explicit theories of practice. This study fills that gap.

The Situational Mediation model offers a simple set of guidelines that can be useful when used in mediation training sessions. Contrary to some participants' comments that this model is too complex, one participant indicated: "I personally tried this on a group of mediators and they looked at me like I was crazy. "Bring it to our level", was the response. Once that was done, the group got it and adopted it." Initially, mediators might appear confused and even overwhelmed by this new approach. However, after some orientation, like the mediators in the above quotation, they will find the concept easy.

This model will also assist mediators in thinking about what they do while mediating, and also why they do what they do. In essence, this model offers mediators a "visual" template they can use to select an appropriate mediator style given the assessed state of disputant readiness. For example, should the mediator assess the disputant as "unable and unwilling" he/she will know, according to the prescriptions of this model, that the Guiding style (high task/low relationship) is the most appropriate style. Further, the model is helpful in assisting mediators, at least those who adapt their style according to disputant readiness, in making sense of what they do, specifically as it relates to style selection. A participant indicated, "Many of us do this, i.e., adjust our styles based on disputant readiness/ability, without realizing it. An

intuitive adjustment as it were". This model might help bring that realization to the fore. With the simplistic guidelines this model offers, mediators will be in a position to self-analyze their mediation session to determine whether they have used, or are using appropriate styles with disputants. The results of this study support the notion that mediators adapt their style given the state of disputant readiness, thus resulting in effective mediation.

Judging from participants' comments, it is clear that this model can be employed effectively in both mediation training and practice. The easy to follow guidelines will help mediators select the most appropriate mediation style given the state of disputant readiness.

Conclusion

This study set out to investigate whether mediators adapt their mediation style given the disputants' state of readiness, as well as whether disputants perceive one mediator style as more effective than another. The limitations listed earlier clearly raise some concerns regarding the generalizability of the findings. However, patterns consistent with the prescriptions of the Situational Mediation model emerged.

First, the statistically significant differences detected for Research Question 1, while not clear-cut, indicates that mediators do vary their style given the state of disputant readiness. No variation in style was detected for segment 2, disputant 2, across all four styles. One explanation for the lack of variation in some cases might be that mediators have a preferred style (Kressel &

Pruitt, 1989) that they feel comfortable using. As one participant indicated, " I would know in a few minutes which style should be the dominant style for a particular dispute". Clearly this participant does not consider disputant readiness as he selects his mediation style based on the type of dispute. Another participant stated, "I practice from a transformative orientation. There are aspects of both task and relational behavior identified in your study that I would not engage in". In this case the mediator, irrespective of disputant readiness, prefers not to engage certain mediator behaviors.

Second, while the results for the student sample prove to be non-significant, mean comparisons show that disputants do perceive mediator style as being contingently effective. A good example is the mean differences portrayed in Table 5-1 of this Chapter.

Finally, with some "fine-tuning" this model can be employed effectively in both mediation training and practice, and might work well for both transformative and problem-solving oriented mediators, if both "camps" are willing to try this approach. Mediators who adopt an either or orientation should ask themselves, "who benefits from adopting this-or-that orientation?", and "are there any empirical evidence that suggests that one or the other approach is more effective?". Frankly, there is none.

Instead of adopting an orientation, this model proposes that mediators assess observable behavior as it unfolds in front of them, then adopt the most appropriate style to deal with a disputant at that particular time. One participant indicated. " I think I would use

all four styles in every mediation, using one at this moment, another the next, whatever the moment called for". Clearly, this quotation sums up what should ideally happen in a mediation session when confused, frustrated, sometimes scared individuals approach a mediator for help with a pressing, sometimes explosive controversy. Mediators should always think about what the disputants want. If a problem-solving approach works best for one disputant, so be it. If a transformative approach works best for another, so be it. If a combination of a transformative and problem solving approach, with a focus on disputant readiness, works best for yet another disputant, so be it too. The Situational Mediation model is useful with any type of disputant because with this model it is not the mediators orientation that dictates which style should be used but the disputants readiness at a particular point in time.

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Appendix A

Appendix A contains an example of the research material administered to participants, practicing mediators. The actual questionnaire was commercially printed in booklet form in a front-to-back, 7 X 8 1/2" format.

The information you provide in this research project will be kept strictly confidential. Individuals participating in this research project will not be identified in any presentation or publication. It will take approximately 15 minutes to complete the exercise.

Situational Mediation Research Material(M)

Conducted by:
Hylton J. Villet
Ohio University
1998

General Information and Instructions- Mediator

Disputants enter mediation at different levels of readiness. In this study disputant readiness is defined as: The willingness and ability to mediate the controversy or to perform specific tasks associated with mediation (see Tables). A disputant might enter mediation with low ability, e.g., little or no knowledge of mediation or what it takes to resolve the controversy; poor problem solving, active listening and communication skills; little or no experience with mediation or negotiation, but might be very willing to mediate, e.g., showing strong commitment; high motivation to participate in, and attend the sessions, and intention to resolve the controversy. Disputants might also enter mediation with any combination of willingness and ability (see Tables).

Mediator style refers to the consistent behavior patterns mediators use when mediating. In this study mediator style can consist of any combination of task and relational behaviors. Task behavior refers to the extent to which the mediator acts as an educator, advisor, and task reframer (see Tables). Relational behavior refers to the extent to which the mediator deals with the emotional and relational needs of disputants and includes empathy, nurturing, and reframing the issues (see Tables).

Given the state of disputant readiness a mediator might choose to exhibit above average task/ below average relational behavior (**Guiding style**), above average task/ above average relational behavior (**Clarifying style**), above average relational/ below average task behavior (**Encouraging style**), or below average task/ below average relational behavior (**Facilitating style**). Mediators can select any combination of task and relational behavior given the disputants' readiness.

The purpose of this study is to investigate how mediators select a style best suited for mediating a particular controversy. You are to assume the role of the mediator. Carefully read the attached scenario, assess the readiness level of the "disputant/s", and indicate the likelihood of selecting each of the four styles to deal with each respective "disputant/s" at that particular time.

Attached find: 1) a consent form which you must sign if you volunteer to go ahead with the exercise, 2) the scenario, 3) specific instructions you should follow in order to complete the exercise, and 4) tables with descriptions of disputant readiness and mediator style.

Participant Consent Agreement

Federal and university regulations require that I obtain your signed consent for participation in this study. After reading the statement below, please indicate your consent by signing this form. Thank you.

The purpose of this study is to investigate how mediators select mediator styles while mediating. As a participant in this study you will be requested to complete the accompanying measurement.

Your participation in this study is entirely voluntary. You are not obliged to complete this measurement and can decide to stop this exercise at any time. Participation in this study poses no risk to you.

Information obtained will remain anonymous. Individuals participating in this exercise will not be identified in any presentation or publication. Questions may be directed to the study director, Hylton Villet at (740) 593-9163, School of Interpersonal Communication, or the project advisor, Dr. Tom Daniels, at (740) 593-9375. Your participation and comments are important and valued. Thank you for your participation.

I certify that I have read and fully understand this consent form and agree to participate in this study. My participation is given voluntarily and I understand that I may discontinue participation at any time without penalty or loss of any benefits to which I may otherwise be entitled. I certify that I am at least 18 years old.

Participant Signature_____Date_____

Scenario

Background and description of dispute

Susan accused Jennifer of borrowing her car and damaging it. Susan and Jennifer were two close friends who lived in the same apartment complex. As Jennifer was late for work one day, she asked Susan if she could borrow her car to get to work on time. Susan agreed. When Jennifer returned Susan's car that evening it had a dent in the door. Susan was upset. Jennifer claimed that the dent was made by an unknown person in the parking garage at her work and it was therefore not her responsibility to fix it. Susan insisted that Jennifer pay for the fixing of the car and make the arrangements with the repair shop to have it done. Susan threatened to take Jennifer to court.

A mutual friend of Susan and Jennifer's advised that they try mediation at the local community mediation center. This would be their first exposure to mediation. Neither Susan nor Jennifer has prior experience with negotiation. They also did not understand what was expected of them to resolve this controversy, using mediation.

The Mediation Session

As they were walking to the mediation room the mediator observed that the two disputants looked angry and upset with one another. As soon as they were seated, Susan and Jennifer were at each other. There was some name calling and shouting. In a verbally abusive manner they started arguing about their respective positions. Allegations were made back and forth and it appeared as if the two disputants were not listening to one another. Before Susan could finish a sentence, she would be interrupted by Jennifer. Susan in turn, would interrupt Jennifer when she was speaking.

Specific Instructions

This measurement has two parts: 1) as a mediator you are to assess the readiness of the respective disputants, using the tables as a guideline, and 2) based on your assessment of the disputant's readiness, indicate the likelihood of selecting each style in order to deal with the respective disputants in the mediation session.

Part 1:

Given the information on disputant readiness (see Tables) indicate your assessment of the disputants' readiness. Circle the number below the description. For example, if you regard the disputant as able and willing, then circle 4. If, you regard the disputant as unable but willing, then circle 2.

1) Susan's readiness:

able & willing	able but unwilling	unable but willing	unable & unwilling
4	3	2	1

2) Jennifer's readiness:

able & willing	able but unwilling	unable but willing	unable & unwilling
4	3	2	1

Part 2:

Given the state of disputant readiness, a mediator might choose to select a **Guiding style**, **Clarifying style**, **Encouraging style**, or a **Facilitating style** (see Tables). Mediators can select any combination of task and relational behavior given the disputants' readiness.

Given the information on mediator style, indicate below how likely you would be to select each of the four mediator styles to deal with Susan and Jennifer respectively? For example, if you are highly likely to engage in above average task/ below average relational behavior (**Guiding style**), select 5. If, you are highly unlikely to use this style, select 1. Please indicate your likelihood for using each style.

You may also utilize the comments space to reflect on the mediator styles in general or offer justification for your responses.

Susan

1) Above average task/ below average relational behavior (Guiding style)

highly unlikely 1 2 3 4 5 highly likely

2) Above average task/ above average relational behavior (Clarifying style)

highly unlikely 1 2 3 4 5 highly likely

3) Above average relational/ below average task behavior (Encouraging style)

highly unlikely 1 2 3 4 5 highly likely

4) Below average relational/ below average task behavior (Facilitating style)

highly unlikely 1 2 3 4 5 highly likely

Comments:_____

_____

Jennifer

1) Above average task/ below average relational behavior (Guiding style)

highly unlikely 1 2 3 4 5 highly likely

2) Above average task/ above average relational behavior (Clarifying style)

highly unlikely 1 2 3 4 5 highly likely

3) Above average relational/ below average task behavior (Encouraging style)

highly unlikely 1 2 3 4 5 highly likely

4) Below average relational/ below average task behavior (Facilitating style)

highly unlikely 1 2 3 4 5 highly likely

Comments:_____

_____

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Additional Information

* Sex: Male Female (circle)
* Your area of mediation: _____Experience in mediation:__ (years)
* Indicate how useful this proposed model could be for mediation:

(*Feel free to make comments on the back of this page*)

Mediation Training

not useful 1 2 3 4 5 very useful

Mediation Practice

not useful 1 2 3 4 5 very useful

THANK YOU FOR YOUR TIME.

TABLE 1

Disputant Readiness

Ability (Task)			Willingness (Relational)		
Knowledge	Skill	Experience	Commitment	Motivation	Intent
-what to do -what is expected -awareness of what it takes to resolve	-active listening -communication -brainstorming -decision making -problem solving -problem identification	-negotiation -mediation -problem solving	-to the process -to attend -adhere to groundrules	-to participate -to attend -to the process	-to resolve -to attend -adhere to groundrules

Mediator Style

Task behavior			Relational behavior		
Educate	Advise	Task Reframe	Empathy	Nurture	Issue Reframe
-about mediation -negotiation -groundrules -specific tasks	-self determination -right to terminate	-who, when, how, where, why -simplify substantive issues -agenda setting -generate alternatives	-expressing or showing -sympathetic listening	-reassurance -encouragement -subtle probing	-needs/wants -clarify issues -reflexive skills (paraphrase) -interests/positions

Note: Ability and Willingness are an interactive system. A change in one will affect the whole.

Table. 2

States of Disputant Readiness

Unable and unwilling

Disputant possess little or no knowledge, skill and experience and lacks commitment, motivation and intent to resolve the dispute.

Unable but willing

Disputant possess little or no knowledge, skill and experience but displays commitment, motivation and intent to resolve the dispute.

Able but unwilling

Disputant possess the necessary knowledge, skill and experience but lacks the commitment, motivation and intent to resolve the dispute.

Able and willing

Disputant possess the necessary knowledge, skill and experience as well as the commitment, motivation and intent to resolve the dispute.

Descriptions of Mediator Style

Guiding Style

Above average amounts of task behavior and below average amounts of relational behavior.

Clarifying Style

Above average amounts of both task and relational behavior.

Encouraging Style

Above average amounts of relational behavior and below average amounts of task behavior.

Facilitating Style

Below average amounts of both relational and task behavior.

Appendix B

Appendix B contains an example of the research material administered to participants, students. The actual questionnaire was commercially printed in booklet form in a front-to-back, 7 X 8 1/2" format.

The information you provide in this research project will be kept strictly confidential. Individuals participating in this research project will not be identified in any presentation or publication. It will take approximately 15 minutes to complete the exercise.

Situational Mediation Research Material(D)

Conducted by:
Hylton J. Villet
Ohio University
1998

General Information and Instructions- Disputant

Disputants enter mediation at different levels of readiness. In this study disputant readiness is defined as: The willingness and ability to mediate the controversy or to perform specific tasks associated with mediation (see Tables). A disputant might enter mediation with low ability, e.g., no or little knowledge of mediation or what it takes to resolve the controversy; low skill in terms of problem solving, active listening and communication; little or no experience with mediation or negotiation, but might be very willing to mediate, e.g., showing strong commitment; high motivation to participate in, and attend the sessions, and intention to resolve the controversy. Disputants might also enter mediation with any combination of willingness and ability. For example they might be, willing and able to mediate, or unwilling and unable, or able but unwilling.

Mediator style refers to the consistent behavior patterns mediators use when mediating. In this study mediator style can consist of any combination of task and relational behaviors. Task behavior refers to the extent to which the mediator acts as an educator, advisor, and task reframer (see Tables). Relational behavior refers to the extent to which the mediator deals with the emotional and relational needs of disputants and includes empathy, nurturing, and reframing the issues (see Tables).

Given the state of disputant readiness a mediator might choose to exhibit above average task/ below average relational behavior (**Guiding style**), above average task/ above average relational behavior (**Clarifying style**), above average relational/ below average task behavior (**Encouraging style**), or below average task/ below average relational behavior (**Facilitating style**). Mediators can select any combination of task and relational behavior.

The purpose of this study is to investigate disputant's perception of mediator effectiveness. Carefully read the attached scenario, assess the disputant's readiness then indicate the effectiveness of each style to deal with the "disputant/s" at that particular time.

Attached find: 1) a consent form which you must sign if you volunteer to go ahead with the exercise, 2) the scenario, 3) specific instructions you should follow in order to complete the exercise, and 4) tables with descriptions of disputant readiness and mediator style.

Participant Consent Agreement

Federal and university regulations require that I obtain your signed consent for participation in this study. After reading the statement below, please indicate your consent by signing this form. Thank you.

The purpose of this study is to investigate how mediators select mediator styles while mediating. As a participant in this study you are requested to complete the accompanying measurement.

Your participation in this study is entirely voluntary. You are not obliged to complete this measurement and can decide to stop this exercise at any time. Participation in this study poses no risk to you.

Information obtained will remain anonymous. Individuals participating in this exercise will not be identified in any presentation or publication. Questions may be directed to the study director, Hylton Villet at (740) 593-9163, School of Interpersonal Communication, or the project advisor, Dr. Tom Daniels, at (740) 593-9375. Your participation and comments are important and valued. Thank you for your participation.

I certify that I have read and fully understand this consent form and agree to participate in this study. My participation is given voluntarily and I understand that I may discontinue participation at any time without penalty or loss of any benefits to which I may otherwise be entitled. I certify that I am at least 18 years old.

Participant Signature_____Date_____

Scenario

Background and description of dispute

Susan accused Jennifer of borrowing her car and damaging it. Susan and Jennifer were two close friends who lived in the same apartment complex. As Jennifer was late for work one day, she asked Susan if she could borrow her car to get to work on time. Susan agreed. When Jennifer returned Susan's car that evening it had a dent in the door. Susan was upset. Jennifer claimed that the dent was made by an unknown person in the parking garage at her work and it was therefore not her responsibility to fix it. Susan insisted that Jennifer pay for the fixing of the car and make the arrangements with the repair shop to have it done. Susan threatened to take Jennifer to court.

A mutual friend of Susan and Jennifer's advised that they try mediation at the local community mediation center. This would be their first exposure to mediation. Neither Susan nor Jennifer has prior experience with negotiation. They also did not understand what was expected of them to resolve this controversy, using mediation.

The Mediation Session

As they were walking to the mediation room the mediator observed that the two disputants looked angry and upset with one another. As soon as they were seated, Susan and Jennifer were at each other. There was some name calling and shouting. In a verbally abusive manner they started arguing about their respective positions. Allegations were made back and forth and it appeared as if the two disputants were not listening to one another. Before Susan could finish a sentence, she would be interrupted by Jennifer. Susan in turn, would interrupt Jennifer when she was speaking.

Specific Instructions

From a disputant's perspective, indicate from the four mediator styles listed below, the effectiveness of each style given Susan and Jennifer's readiness. For example, if you regard the **Guiding style** to be highly effective, select 5. If you regard the **Guiding style** as the least effective select 1.

This measurement has two parts: 1) assess the readiness of the respective disputants, using the attached tables as a guideline, and 2) based on your assessment of the disputants' readiness indicate the effectiveness of each mediator style from the "disputant/s" perspective.

Part 1:

Given the information on disputant readiness (see Tables) indicate your assessment of the disputants' readiness. Circle the number below the description. For example, if you regard the disputant to be able and willing, then circle 4. If, you regard the disputant as unable but willing, then select 2.

Segment 1

1) Susan's readiness

able & willing	able but unwilling	unable but willing	unable & unwilling
4	3	2	1

2) Jennifer's readiness:

able & willing	able but unwilling	unable but willing	unable & unwilling
4	3	2	1

Part 2:

Mediator style can consist of any combination of task and relational behaviors (see Tables). Given the state of disputant readiness, a mediator might choose to select a **Guiding style**, **Clarifying style**, **Encouraging style**, or a **Facilitating style** (see Tables). Mediators can select any combination of task and relational behavior.

Given the information on mediator style indicate below, from a disputant's perspective, the effectiveness of each of the four mediator styles given the readiness of Susan and Jennifer respectively. For example, if you regard above average task/ below average relational behavior (**Guiding style**) as most effective select 5. If, you regard this style as least effective, select 1. Please indicate the effectiveness of each style. You may also utilize the comments space to offer justification for your responses.

Susan

1) Above average task/ below average relational behavior (Guiding style)

least effective 1 2 3 4 5 highly effective

2) Above average task/ above average relational behavior (Clarifying style)

least effective 1 2 3 4 5 highly effective

3) Above average relational/ below average task behavior (Encouraging style)

least effective 1 2 3 4 5 highly effective

4) Below average relational/ below average task behavior (Facilitating style)

least effective 1 2 3 4 5 highly effective

Comments:_____

_____

Jennifer

1) Above average task/ below average relational behavior (Guiding style)

least effective 1 2 3 4 5 highly effective

2) Above average task/ above average relational behavior (Clarifying style)

least effective 1 2 3 4 5 highly effective

3) Above average relational/ below average task behavior (Encouraging style)

least effective 1 2 3 4 5 highly effective

4) Below average relational/ below average task behavior (Facilitating style)

least effective 1 2 3 4 5 highly effective

Comments:_____

_____

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Demographics

Sex: Male Female (circle)

Class Rank: Freshman Sophomore Junior Senior Grad

Previous experience with mediation: Yes No

Can you identify with this scenario?: Yes No

THANK YOU FOR YOUR TIME

TABLE 1

Disputant Readiness

Ability (Task)			Willingness (Relational)		
Knowledge	Skill	Experience	Commitment	Motivation	Intent
-what to do	-active listening	-negotiation	-to the process	-to participate	-to resolve
-what is expected	-communication	-mediation	-to attend	-to attend	-to attend
-awareness of what it takes to resolve	-brainstorming	-problem solving	-adhere to groundrules	-to the process	-adhere to groundrules
	-decision making				
	-problem solving				
	-problem identification				

Mediator Style

Task behavior			Relational behavior		
Educate	Advise	Task Reframe	Empathy	Nurture	Issue Reframe
-about mediation	-self determination	-who, when, how, where, why	-expressing or showing	-reassurance	-needs/wants
-negotiation	-right to terminate	-simplify substantive issues	-sympathetic listening	-encouragement	-clarify issues
-groundrules		-agenda setting		-subtle probing	-reflexive skills (paraphrase)
-specific tasks		-generate alternatives			-interests/positions

Note: Ability and Willingness are an interactive system. A change in one will affect the whole.

Table. 2

States of Disputant Readiness

Unable and unwilling

Disputant possess little or no knowledge, skill and experience and lacks commitment, motivation and intent to resolve the dispute.

Unable but willing

Disputant possess little or no knowledge, skill and experience but displays commitment, motivation and intent to resolve the dispute.

Able but unwilling

Disputant possess the necessary knowledge, skill and experience but lacks the commitment, motivation and intent to resolve the dispute.

Able and willing

Disputant possess the necessary knowledge, skill and experience as well as the commitment, motivation and intent to resolve the dispute.

Descriptions of Mediator Style

Guiding Style

Above average amounts of task behavior and below average amounts of relational behavior.

Clarifying Style

Above average amounts of both task and relational behavior.

Encouraging Style

Above average amounts of relational behavior and below average amounts of task behavior.

Facilitating Style

Below average amounts of both relational and task behavior.

Appendix C

Readiness Pretest

General Information and Instructions

Disputants enter mediation at different levels of readiness. In this study disputant readiness is defined as: The willingness and ability to mediate the controversy or to perform specific tasks associated with mediation (see Tables). A disputant might enter mediation with low ability, e.g., no or little knowledge of mediation or what it takes to resolve the controversy; low skill in terms of problem solving, active listening and communication; little or no experience with mediation or negotiation, but might be very willing to mediate, e.g., showing strong commitment; high motivation to participate in, and attend the sessions, and intention to resolve the controversy. Disputants might also enter mediation with any combination of willingness and ability (see Tables).

Mediator style refers to the consistent behavior patterns mediators use when mediating. In this study mediator style can consist of any combination of task and relational behaviors. Task behavior refers to the extent to which the mediator acts as an educator, advisor, and task reframer (see Tables). Relational behavior refers to the extent to which the mediator deals with the emotional and relational needs of disputants and includes empathy, nurturing, and reframing the issues (see Tables).

Given the state of disputant readiness a mediator might choose to exhibit above average task/ below average relational behavior (**Guiding style**), above average task/ above average relational behavior (**Clarifying style**), above average relational/ below average task behavior (**Encouraging style**), or below average task/ below average relational behavior (**Facilitating style**). Mediators can select any combination of task and relational behavior given the disputants' readiness.

The attached scenarios, constructed from veridical case information, depicts disputants at various levels of readiness. You are requested to carefully read the scenario, then indicate your

assessment of the respective disputant/s readiness in the scenario by sorting each scenario into one of five categories. Four categories describe the four readiness levels depicted in Table 2, with a fifth category for ambiguous scenarios that does not fit logically into any of the four categories. For example, if you regard a disputant as able and willing, circle 4, if you regard a disputant as unable but willing, circle 2, and if the disputant cannot be placed in any of the four categories, circle 5. Here are two brief examples:

1) Sara, a disputant in a controversy involving her roommate displays eagerness to resolve the controversy but has a hard time, following the groundrules of mediation. She constantly interrupts her roommate and the mediator during the mediation session.

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

2) John, a disputant in a controversy involving his professor grudgingly agreed to mediation. He expressed his dislike for this professor and for any agreement that might involve the professor. John had prior experience with mediation. In an unrelated case he was asked to attend a mediation session to resolve an issue with his roommate.

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Your comments on the scenarios are important and valued. Kindly reflect on the scenario and propose suggestions for improvement in the comments section.

Scenario 1

Background and description of dispute

Mary, a journalism student, bought a camcorder from Carlton Electronics. As she could not afford a new one, but desperately needed a camcorder to do her class projects, Mary settled for a used camcorder. After using the camcorder twice, she realized that the camcorder had some defect. Mary returned it to the store and requested a refund or for it to be fixed. At the store she was served by a clerk whom Mary claimed treated her rudely. According to Mary, the clerk refused to give her a refund or to exchange the product. The clerk indicated that the return policy for used items stated that defected items be returned within two weeks of purchase. An argument ensued. Mary approached her university's student advocacy group who advised her and the owner of the store to try mediation in an attempt to resolve their dispute.

The Mediation Session

Segment 1

During the introductory phase, the mediator established that Mary had had a limited understanding of what mediation was, how the process worked, or what was expected of her to resolve the dispute. During the early stage of the session, Mary looked angry and would occasionally frown and give the store owner a cold stare. The owner on the other hand, had some understanding of the mediation process and showed intention and motivation to resolve the dispute: "As the store owner, I am here today because I don't want my business to get a bad name. I've been in this town for a number of years and I get along well with the students."

Segment 1

Mary

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Store owner

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Segment 2

After some discussion the owner proposed that Mary return the camcorder to be fixed at his expense. "The thing is defect! Can you guarantee that it will work properly?", Mary asked. The store owner indicated that he cannot guarantee anything. He suggested if Mary was not happy with the offer she could get a full refund and buy a new camcorder at his store or any other store. "I don't have the money to buy a new camcorder. That's why I decided to buy a used one in the first place!", Mary stated angrily. I am not happy with the way your clerk treated me. You don't even have clear return policies. I've never been treated like that in any other store." At this point the owner suggested that he would ask the clerk to personally apologize to Mary at a time convenient for her, and he also planned to have the return policies stated clearly in writing and posted in the store. "I don't care what you do", Mary continued, "I don't want anything to do with you or your store again."

Segment 2

Mary

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Store owner

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Scenario 2

Background and description of dispute

Susan accused Jennifer of borrowing her car and damaging it. Susan and Jennifer were two close friends who lived in the same apartment complex. As Jennifer was late for work one day, she asked Susan if she could borrow her car to get to work on time. Susan agreed. When Jennifer returned Susan's car that evening it had a dent in the door. Susan was upset. Jennifer claimed that the dent was made by an unknown person in the parking garage at her work and it was therefore not her responsibility to fix it. Susan insisted that Jennifer pay for the fixing of the car and make the arrangements with the repair shop to have it done. Susan threatened to take Jennifer to court.

A mutual friend of Susan and Jennifer's advised that they try mediation at the local community mediation center. This would be their first exposure to mediation. Neither Susan nor Jennifer has prior experience with negotiation. They also did not understand what was expected of them to resolve this controversy, using mediation.

The Mediation Session

As they were walking to the mediation room the mediator observed that the two disputants looked angry and upset with one another. As soon as they were seated, Susan and Jennifer were at each other. There was some name calling and shouting. In a verbally abusive manner they started arguing about their respective positions. Allegations were made back and forth and it appeared as if the two disputants were not listening to one another. Before Susan could finish a sentence, she would be interrupted by Jennifer. Susan in turn, would interrupt Jennifer when she was speaking.

Susan

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Jennifer

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Scenario 3

Background and description of dispute

Ron and Sarah were married for two years but separated about five months ago. They have no children. They operated a joint bank account since the time they were married. Sarah claimed that Ron had been draining the joint account since the separation. She further claimed he used the money to entertain his new girlfriend by taking her on a 3 day cruise. Ron denied the allegations and claimed that he had to withdraw the money to pay the rent for the apartment which the couple jointly leased. Sarah chose to move out and was currently living with her parents. Ron also claimed that Sarah withdrew money from their joint account.

The bank requires the signatures of both Ron and Sarah to close the account. While Sarah made the effort to go to the bank and do her part Ron, according to Sarah, never made an effort to get to the bank. The couple decided to try mediation because, as Ron stated, "we work for the same company and neither of us have any intentions to move. We felt if we can mediate this issue we can come to an amicable solution, still work for the same company and live in the same town."

The Mediation Session

Segment 1

After the introductory comments by the mediator both disputants gave their account of the situation. They appeared mature and respectful of each other and showed strong intent to resolve this controversy. After some discussion Sarah agreed that the amount Ron withdrew for the rent of the apartment was all right.

Ron also indicated that he would make a concerted effort to get to the bank the next day to close the account.

Segment 1

Ron

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Sarah

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Segment 2

Developments soon changed after the payment for the 3 day cruise was raised by Sarah. While Ron insisted that he paid for the cruise from his own personal account, Sarah wanted to know what happened to the five hundred dollars that were unaccounted for in the joint account. "I am not going to pay for another woman to go on a cruise, so I want my money back", she said. "Look", Ron said, " I am not going to sit here and be accused of taking money from the joint account to pay for the cruise. You are just jealous of Melissa, that's it!" Sarah calmly indicated that she was not jealous but thought it not fair that she had to pay for someone else to have a vacation. " I want us to resolve this amicably, I don't want to fight", she said. "I also don't want to fight but I am not taking this nonsense!", Ron responded, "just take me to court for a lousy five hundred dollars!"

Segment 2

Ron

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Sarah

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Scenario 4

Background and description of dispute

Stacy and Jody have been roommates for the past three months. They met for the first time on the Sunday before school opened for Fall Quarter, 1997. Jody moved in early that Sunday morning and had the opportunity to set the room up to her liking. When Stacy arrived, Jody was out for dinner with her parents.

Upon entering the room, Stacy noticed that Jody's living space was clearly demarcated. She also noticed a number of pictures and posters on the wall. Stacy unpacked her clothes and other belongings into the available space and tried to make her living area comfortable.

As the weeks went by Stacy noticed that Jody was very territorial. Her living space was "sacred" and Stacy was not allowed to even touch anything that belonged to her. One thing that started to annoy Stacy was that Jody put more of her posters and pictures on the wall, leaving Stacy no room to put any posters or pictures.

When Stacy tried to remove one of Jody's posters to put up one of her own, a near fistfight broke out. Their housemates had to intervene to separate the two. That night Stacy moved out temporarily to stay with a friend. The friend advised that she and Jody try mediation in order to resolve their dispute. While Stacy had little knowledge or experience with mediation or negotiation, she displayed an eagerness to resolve the dispute. Jody, on the other hand, also had no prior exposure to mediation but reluctantly agreed to participate.

The Mediation Session

Segment 1

Stacy first gave her account of the conflict and expressed her intention to do whatever it takes to resolve the dispute. While Stacy was explaining her account of what happened that night, Jody interrupted. "I don't know what I'm doing here. I have no desire to be here. You are going to rule in her favor anyway, she told the

mediator, and probably have me kicked out. So. . . why don't I just leave and you let me know what you've decided."

Segment 1

Stacy

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Jody

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Segment 2

The mediator encouraged Jody to stay. Later in the session Stacy stated: "I believe that Jody is actually a good friend, I like her and think that we have a lot in common. I only want some space where I can hang my posters and pictures of my family, that's all." After some discussion, Jody indicated that she was flattered to hear that Stacy thought of her as a good friend. "The feeling is mutual" Jody replied. " Why didn't you tell me that you needed some space for your posters and family pictures. I have a suggestion that I hope will solve this whole misunderstanding."

Segment 2

Stacy

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Jody

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Scenario 5

Background and description of dispute

Andrew, an undergraduate student, and Nick a graduate student, are neighbors in an off-campus apartment complex. Since Andrew moved in he has been playing his stereo really loud, especially over

weekends. Nick doesn't mind the loud music occasionally but indicates that he sometimes needs quiet time to work on class projects. Andrew is convinced that his music is not that loud and that Nick just wants to complain because he doesn't like rap music. Nick denies this allegation. Nick expressed his concerns to Andrew on numerous occasions and even had to call the police once to get Andrew to turn down the music.

The Mediation Session

Nick explained to the mediator that he really had no problem with loud music or rap music. " Sometimes I need to do some class assignments at home and that's when I need the quiet time. I'll be happy to come to any kind of agreement with Andrew, anything that would help." After listening to Nick and responding to some of the mediator's questions, Andrew apologized for being so insensitive. "I am really sorry.", he said, "let's explore possible ways we can work this out, something that will work for both of us."

Nick

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Andrew

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Scenario 6

Background and description of dispute

Rick and Heather are unmarried and have been living together for six years. For the past four years they operated a business together. They also bought a house. They are now separating.

While Rick and Heather expressed that this separation is very painful for both of them, they have no intention to save the relationship. They are however, aware that the business and the joint property are two issues that must be dealt with. Rick and Heather felt that they do not want to settle their separation in a public forum, such as a court, and opted to try mediation.

The Mediation Session

Segment 1

While both parties were committed to resolving the issues at stake, they appeared lost as to how they should go about negotiating. They expressed a sense of hopelessness. "We know we have to do this but we don't know where to begin or how to go about doing this." Rick stated. "The business, the house and the furniture, in that order, are our main headaches but we are committed to resolve this", Heather indicated.

Segment 1

Rick

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Heather

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Segment 2

The mediator helped Rick and Heather to focus on what they need to do to sort out their property issues. She advised that they consult with a well known local business consultant about the future of their business, see an estate agent to get an evaluation on the house, and asked them to make a list of the furniture and how they would like to divide it. During the second session Rick indicated that the advice they got from the estate agent and the business consultant clarified their concerns about the property and the business. Heather indicated that that they also drew up the list and could sort out how they plan to divide the furniture. Both Rick and Heather indicated that they are ready to resolve the issue and move on with their lives.

Segment 2

Rick

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Heather

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Scenario 7

Background and description of dispute

Peggy and Kristin, now seniors in high school, have been best friends since middle school. The girls would occasionally go out together. When Peggy's boyfriend broke up with her she thought that it was because of her friend, Kristin. To take revenge, Peggy started to spread rumors about Kristin. This ended the friendship. From this point on, both girls wanted nothing to do with one another.

The school counselor got word of the conflict between Peggy and Kristin and advised that they go to mediation. As seniors both girls have had some orientation of the mediation process when it was first introduced at the school. They knew what was expected of them however, they reluctantly agreed to attend the mediation session.

The Mediation Session

Segment 1

Both girls looked upset and angry. They did not want to talk in the mediation session. The opportunities they got to speak resulted in name calling and shouting.

Segment 1

Peggy

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Kristin

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Segment 2

After the mediator clarified some issues and went over groundrules again, both girls settled down and engaged in the discussion. While Kristin showed commitment to try to resolve the dispute, Peggy did not show the same commitment or intent to resolve the dispute. "I just don't want anything to do with her ever again", she stated.

Segment 2

Peggy

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Kristin

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Scenario 8

Background and description of dispute

Fred and Rex have been neighbors for twenty years. They were very close until a few months ago. On the 4th of July, Fred had consumed a little more alcohol than he could handle and got into an argument with Rex. Fred insulted Rex in front of Rex's guests. Rex was hurt and very upset about the things Fred said about him and eventually asked him to leave the party. Rex was aware of the fact that Fred did not have good communication skills and explained to his guests that Fred did not really mean what he said.

Fred has a dog that he would normally take for walks every morning and every evening. However, to get back at Rex, Fred decided not to walk the dog to the "bathroom" but rather to let the dog do it's thing on Rex's front lawn. This led to a further deterioration of their relationship. Rex was mad at the fact that he had to clean up Fred's dog's poop. Rex called the city's health service department to complain about this situation. The health department could not do anything about the situation except ask Fred to not let his dog go to the "bathroom" on Rex's lawn. Rex and Fred eventually ended up at the neighborhood's mediation center after Rex's son encouraged them to try mediation. As Rex serves on the local labor union he had a good idea of what mediation was and what he had to do to make things work. Fred did not have a clear idea of what mediation was.

The Mediation Session

Segment 1

Fred did not want to attend the first session and arrived about thirty minutes late. " I have nothing to say to this man, how will you feel if you are chased out of someone's house, and he still have the guts to call me his friend." Rex, on the other hand, appeared calm and respectful towards Fred, "This is a great guy, he's been my friend for many years now, it was just that day, things just went wrong and I would like to make things right again", Rex said.

Segment 1

Rex

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Fred

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Segment 2

After some venting, the parties, with the mediator's assistance, eventually discussed the dog poop issue. " I know what I did was pretty stupid. This man is my best friend and I have done

really bad things to him, I am very sorry", Fred said. "Well", Rex said, " if Fred can only take his dog for his routine walks like he used to do, I'll be very happy." " Rex", Fred responded," you know I'll do anything for you."

Segment 2

Rex

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Fred

Unable & unwilling	Unable but willing	Able but unwilling	Able & willing	Discard
1	2	3	4	5

Appendix D

Ohio University

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Athens, Ohio 45701-2979
614-593-0371
FAX: 614-593-0380

Research and Graduate Studies

98E042

April 30, 1998

A determination has been made that the following research study is exempt from IRB review because it involves:

Category 5- research involving survey or interview procedures, that will not reasonably place the subject at risk of criminal or civil liability or be damaging to their financial standing or employability

Project Title: Situational Mediation

Project Director: Hylton Villet

Faculty Advisor (if applicable) Tom Daniels

Department: Interpersonal Communication

Rebecca Cale

Rebecca Cale, Compliance Manager
Institutional Review Board

4/30/98

Date

APPENDIX E

Disputant Readiness

Ability (Task)			Willingness (Relational)		
Knowledge	Skill	Experience	Commitment	Motivation	Intent
-what to do -what is expected -awareness of what it takes to resolve	-active listening -communication -brainstorming -decision making -problem solving -problem identification	-negotiation -mediation -problem solving	-to the process -to attend -adhere to groundrules	-to participate -to attend -to the process	-to resolve -to attend -adhere to groundrules

Mediator Style

Task behavior			Relational behavior		
Educate	Advise	Task Reframe	Empathy	Nurture	Issue Reframe
-about mediation -negotiation -groundrules -specific tasks	-self determination -right to terminate	-who, when, how, where, why -simplify substantive issues -agenda setting -generate alternatives	-expressing or showing -sympathetic listening	-reassurance -encouragement -subtle probing	-needs/wants -clarify issues -reflexive skills (paraphrase) -interests/positions

Note: Ability and Willingness are an interactive system. A change in one will affect the whole.

VILLET, HYLTON, JAMES. Ph.D. August 1998
Organizational Communication

Situational Mediation: An Investigation of Disputant Influence on Mediator Style Selection and Disputant Assessment of Mediator Style Effectiveness. (141 pp.)

Director of Dissertation: Daniels, Tom D., Ph.D.

This investigation extends previous research on contingent mediator behavior by proposing a contingency model of mediation, called Situational Mediation, and testing the prescriptions of this model. This model proposes that mediators assess disputant readiness and then select the most appropriate style to move the disputant or disputants to the able and willing level (mediation zone) where disputants are able and willing to engage in the process or to resolve the controversy. Readiness refers to how ready a disputant is to resolve a controversy using mediation, or how ready a disputant is to perform certain tasks related to mediation. Readiness has two components, ability and willingness. The investigation specifically aims to assess mediator style adaptation given the state of disputant readiness, as well as disputant assessment of contingent mediator style effectiveness.

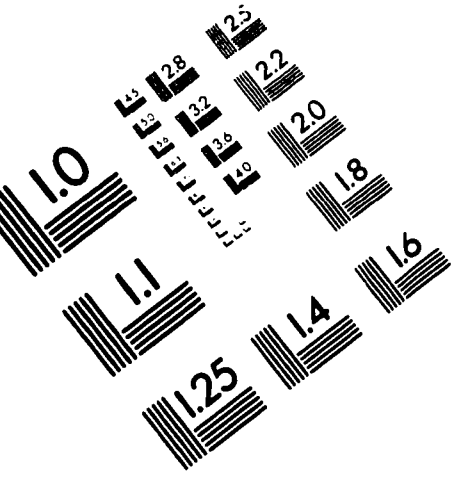
A total of 259 persons participated in this study. Eighty eight were practicing mediators, and one hundred seventy one were upper

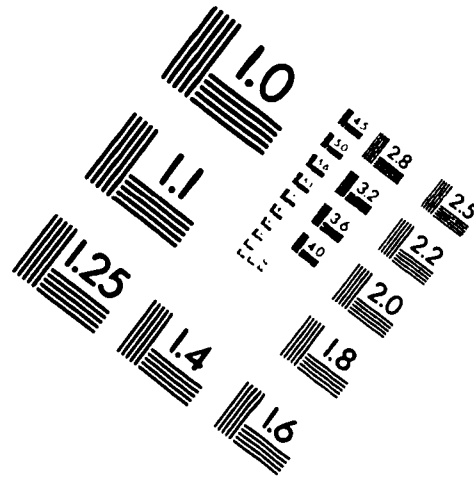
class students at a medium sized Midwestern university. Readiness served as the independent variable and had four levels: unable and unwilling (Readiness 1), unable but willing (Readiness 2), able but unwilling (Readiness 3), and able and willing (Readiness 4). The dependent variable was mediator style. Scenarios constructed from veridical case information portrayed disputants at each of the four levels of readiness. Participants were randomly assigned to each of the four scenarios.

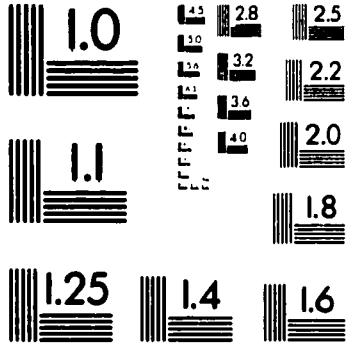
The results of this study suggests that mediators adapt their style given the state of disputant readiness. This finding is consistent with the Situational Mediation model. The results on disputants' assessment of contingent mediator style effectiveness are not statistically significant. However, mean comparisons highlight shifts in the assessment of mediator style effectiveness. This observation suggests that mediator style might be contingently effective. Further, while disputant readiness/mediator style matches occurred inconsistently, it is interesting to note that these matches occur with the four styles across all four readiness levels.

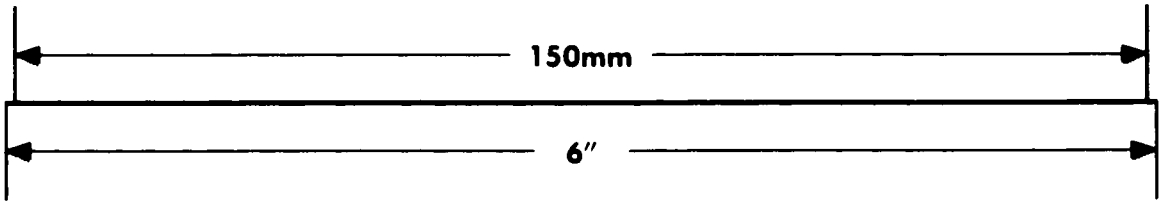
Approved:_____
Signature of Director

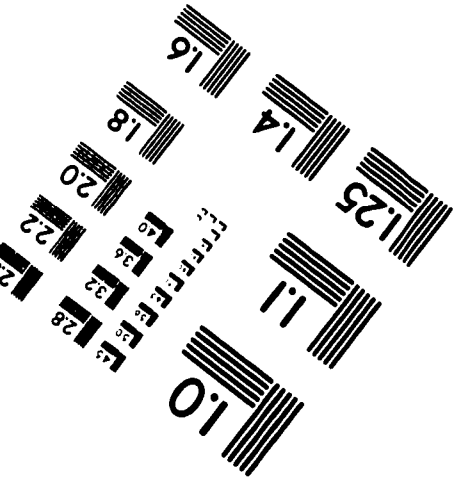
IMAGE EVALUATION
TEST TARGET (QA-3)

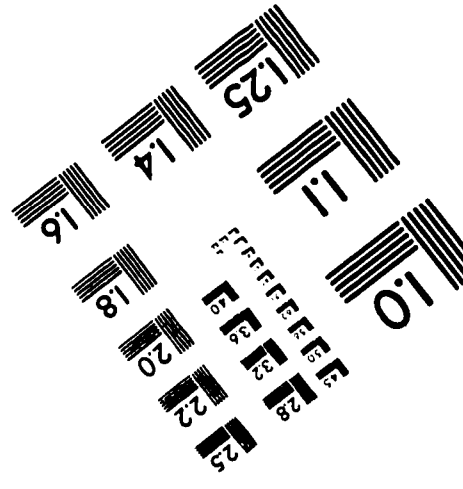












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