



The Air Force Guide to Mediating by Phone While Social Distancing



Even as COVID-19 keeps us all separated physically, Airmen and other employees still have conflict -- maybe even more. **You can help by adapting your good mediation practices for telephonic mediations.**

THINK ahead and **BE INTENTIONAL!**

PREPARE



THINK: Close the distance.



BE INTENTIONAL: Reach out and connect by phone with each party, establish rapport, provide information, and talk through logistics.

Help Each Party Consider:

- ✓ When and where can they have the most privacy and the least disruptions for the call?
- ✓ Who, if anyone else, do they plan to have with them on the call?

Consider Different Scheduling. Try using 2 or 3 shorter sessions if parties are juggling new realities of sharing space with family or others.

ENGAGE



THINK: Be sensitive to what you're *not* seeing.



BE INTENTIONAL: Actively guide the process and listen for signs of heightened emotions.

Adapt your Opening Statement

- ✓ Tell parties that you will play an active role, hold space for silence and intervene, if needed. Ask for their willing cooperation.
- ✓ Remind parties to request a break or to speak with you separately (in caucus), at any time.
- ✓ Explain to parties how to reach you or reconnect if you get disconnected.

Guide the Process

- ✓ If parties talk over or interrupt each other, **TRY:** *"Remember you agreed to not interrupt one another, please speak one at a time."*
- ✓ Be alert to the need for breaks, even if parties don't ask for them. **TRY:** *"We've been going for a while, and you're doing good work. Why don't we take a short break?"*
- ✓ Use caucuses as often as needed if: communicating with both parties by phone is difficult or confusing for you or them; or you are concerned with privacy or interruptions.
- ✓ Review terms of agreement as you go, so both sides work from the same understanding before the settlement document is finalized. **TRY:** *"I want to be sure I have this right. Let me read back what I have, then I'll send you all a draft we can use to make any final revisions together."*

Listen for What you Can't See

- ✓ Be alert to rising emotions if you hear a change in tone of voice, speaking speed or personally-directed language. **TRY:** *"It sounds like something has changed for you. What's come up for you?"*
- ✓ If a party is silent, give them a few moments. If the silence continues, suggest taking a break and use the time to check in with each party. **TRY:** *"Let's take a short break, then let's caucus."*
- ✓ If a party abruptly leaves the call, try to contact them as soon as possible, first by phone or if unsuccessful, by email. It may be more likely for a party to try to leave a mediation session when it's being conducted by phone rather than in-person. If you sense one party wants to end or leave the session, **TRY:** *"Let's take a break. Go ahead and hang up. I'll check back with you in 15 minutes."*



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KNOW YOUR TECHNOLOGY

Send Instructions to the Parties for Telephonic Mediation – Try for example:

- ✓ For a 3-way call, *“At our scheduled start time, I will call you. When I have one of you on the line, I’ll call the next.”* If using a bridge line: *“I will open the call 5 minutes before our start time. Please use the call-in number and passcode below.”*
- ✓ *“For privacy, please use your headset or handset rather than a speaker phone.”*
- ✓ For a 3-way call, *“If you have a representative, plan to be in the same place. I have only two lines.”*
- ✓ *“I need your signed Agreement to Mediate before we begin. You may fax it or scan and return it to me via email. For regular mail, send it to me at the address below so I’ll have it in time.”*

(Also include your office phone number, the number you will call from, your email and office addresses.)

Set-up Your Call Area

- ✓ Find a private location, free of noise or other distractions, with a good internet connection.
- ✓ Test out the phone line and practice in advance with coworkers connecting and managing the phone lines.
- ✓ Have your email set up and visible, with good internet signal, in case you lose phone connection.
- ✓ Obtain accurate phone numbers and email addresses for all participants.

Manage Caucuses to Protect Confidentiality

- ✓ Clearly tell the parties who you will speak to first. Ask the other person to be ready at a certain time and to watch their email in case you need to extend the time.
- ✓ To prevent unintentional or unannounced interruptions in caucus, do not place parties on hold and do not ask one party to hang up. Ask both parties to hang-up. Then place a call to each one in turn.
- ✓ Set a time to resume the joint session. For a 3-way call, reconnect with waiting party. If using a bridge line, open the call again a few minutes before the time you have agreed to resume.

Settlement Agreement: When ready to exchange a settlement agreement for signature, you have a few options.

- ★ **Scan:** Ask each party to sign, scan and return the agreement to you and the other party via email, while you all remain on the line. Parties can submit a photograph from their phones or scanning app, if available.
- ★ **Fax:** Have one party sign and fax it to you so you can scan and send to the other party.
- ★ **Postal mail:** If this is your only option, ask each party to sign a copy, then mail it to you so you can scan and email it to the other for the second signature.

WRAP UP



THINK: Soften the Exit.



BE INTENTIONAL: Before you end the call, thank them, encourage their progress, review next steps and read aloud any final agreement terms they may have reached.

Anxiety over COVID-19 may make it easier for parties to react with emotion. Be ready with extra patience, clear explanations of the process, and more frequent breaks and caucuses to help calm and focus the parties.