

Reputation and Mediation: Why Mediation is important for Reputation.

CONFLICTS are a constant part of our lives and may affect our reputation at all times.

Whether or not you are the aggressive type of person that looks for conflicts or if you are a peaceful person that just comes upon them, you will still have to deal with conflicts which you find are thereby issues in your life. Conflicts arise for different reasons and can affect people or companies, such as NGOs, firms, homes, schools, universities. Mainly they arise because of 1) Cultural differences; 2) Personality conflicts 3) Not attentively listening; 4) Operating on assumptions; 5) General misunderstanding.

All of these five causes of conflicts listed above are possible integral parts of our lives. How many times we had misunderstandings at our work place? Or misunderstandings with our spouse? How many times did we just pretend to listen to a colleague or friend that came to us but not really hear or comprehend the subject he/she was presenting? Perhaps we were even silently arguing with him or her.

Did you ever have to deal with a person who had some troubling issues? He could have acquired those issues as a consequence of a different cultural background because of upbringing or coming from a different country. How many times have you find it difficult to get along with someone just because you cannot tolerate his/her personality?

Those encounters happen in everyday life, and this is where conflict resolution becomes a necessary tool to perfect a resolution and protect your reputation as well. Any of the listed encounters could create conflicts and, consequently, harm your reputation.

Reputation⁽¹⁾ is a person's and a company's most valuable asset. It is primary and all transactions flow from its status. *Like it or not* every individual, every company, and every organization develops a reputation that is based on the public perception of that person or organization over time. Though a good reputation often takes years to form, it can be ruined in an instant. So nothing is more priceless than preserving a good reputation. The reputation and integrity are the only real assets held by the associates in professional services firms and organizations; when that reputation is lost, everything else goes down the tubes with it.

Life grants every person the choice of managing ones decisions or letting others do it. The question for companies is whether they will passively let others form opinions about them or will actively manage and maximize that most valuable asset.

What shapes corporate reputation? Most people mistakenly equate reputation with corporate social responsibility and ethics. But these are only two elements. Other considerations include (A) production and service quality which must be par excellence; (B) behaviour must be above reproach; (C) financial results must show consistent growth, and (D) they must be likeable and trustworthy. So one not only has the complex interactions of financial performance, workplace environment, product quality, corporate leadership, corporate vision, the emotional bond between a company and its stakeholders, but also a company's good name can be effected every time a customer sees a company's truck or makes a phone call. So it is very important that each and every one of the employees is trained in the matters of conflict resolution since they effect the reputation on a daily basis. Yes indeed, reputation is affected by every single person or employee that works under the organization's name.

(1) Sources: The 18 Immutable Laws of Corporate Reputation by Ronald J. Alsop; Reputation Management by John Doorley and Helio Fred Garcia; Principle-centered Leadership by Stephen R. Covey

(2) Source Bridge-Mediation LLC, San Diego www.bridge-mediation.com

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A good Reputation requires Integrity, Consistency and Clarity and associated Transparency.

Integrity is comprised of Responsibility, Reliability, Credibility and Trustworthiness. Trust is the cornerstone of reputation and is built by being trustworthy and through consistent actions. Mendacity is the quickest way of destroying trust. So if you made an agreement, you have to behave accordingly. A strong reputation is a commendable (and profitable) burden that carries with it extra responsibility. The public wants to see that a company takes full responsibility for its actions and show contrition if it errs. A confession of error may even end up creating good will and fortifying your reputation.

Consistency is based on a simple thing: *act as you say*. Aristotle was a deep believer in the virtue of practice and taught that “Moral virtue comes about as a result of practice”. In fact “we are what we do”. We are judged as fair by our actions and, thusly, found *temperate* by doing temperate acts, *brave* by doing brave acts and *smart* by doing smart acts. Moreover, it is impossible to perform consistently in a manner inconsistent with the way we see ourselves. In other words, we usually act in direct response to our self-image. People respect people with high integrity and ethical behaviour - even though sometimes, it seems it doesn't payoff in the short term, it does payoff in the long term! Never overpromise and then fail to meet the expectations of your audience.

Clarity\Transparency. A leader must not have dissonance between his/her private beliefs and associated public actions. There must be a consistency in the positions. A leader's private beliefs and behaviour shape his public posture. In fact the head of a company/CEO's own reputation directly affects a corporation's reputation. The CEO is the ultimate spokesperson of the company; he is the embodiment of the brand, and the official storyteller who knits together the company's past, present and future. The way a leader behaves and acts in his professional – *and personal* – life is the surest way of building trust or the quickest way of destroying it. A leader has to be and has to act in a transparent way and has to have a clear communication to gain and maintain public trust. This same model of credibility is mandatory for companies.

As George Washington said: “*Associate yourself with men of good quality if you esteem your own reputation, for 'tis better to be alone than in bad company.*” Sometimes it seems easier to stay in a risky relationship, but comfort isn't worth harm such relationship does to your reputation.

It is important to always keep in mind that people will respond to how you act and you behave, so, when you speak, it is better to always tell the credible truth. People will respond with trust and credibility when you speak, and that remains the essence of your reputation.

In any case we are always free to choose and what we choose creates our reputation.

It is fundamental for all professionals, such as mediators, negotiators, managers, CEO, entrepreneurs, business people, politicians, attorneys, as well as people, and every human being, to have a spotless reputation. So that the clients, friends, spouses and general audiences know who they are dealing with and be able to trust them, the reputation of the professionals must precede them. The targeted audience must know what to expect, and the professional has to deliver what is expected. If that professional does not deliver as expected, his/her reputation is at stake. I again emphasize, IT TAKES A LOT OF RESPONSIBILITY AND INTEGRITY, AND DISCIPLINE TO CREATE AND MAINTAIN A GOOD REPUTATION.

So when you mediate or negotiate a conflict, it is very important that you are seen and evaluated as a person of high morale, integrity, ethics, trustworthy, competence. The important thing for the client who comes to you and trusts you and your work is what precedes you, and that is your reputation. If you have always worked and behaved in a “good” manner, people will acknowledge that and come to you. If you haven't, either people with low values and principles will come to you or –in the long term, nobody will want you as a consultant.

When you have to resolve a conflict with a co-worker, employee, in a divorce or a dispute, a mediation is the better resolution and preferable to an arbitration or going to court, as mediation preserves you reputation and is important for your reputation.

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MEDIATION⁽²⁾ is a peaceful method of conflict resolution that can benefit both individuals and business. Mediation is less expensive, faster, and more confidential than traditional litigation. This is especially true in the international business context, where transaction costs are high and disputes over choice of law and choice of forum are both challenging and time consuming when an international conflict arises. MEDIATION is a voluntary and non-binding negotiation process that occurs outside the courtroom. In mediation, a third impartial and neutral party manages the interaction between disputing parties to ensure constructive negotiation, thus helping them to agree on a resolution that is fair, durable, and workable. In MEDIATION, the **disputants**, not the mediator, create, and agree on the final decision.

MEDIATION allows building stronger relationships between the parties and focuses on people cohesion more than the actual problem. Additional benefits of MEDIATION are its non-bureaucratic and completely confidential approach to resolving conflicts. Moreover, all statements made and all documents presented during the mediation process are confidential, unless otherwise agreed by all parties involved. MEDIATION allows disputants to share information in total legal confidence with the mediator, a privilege not granted by the public litigation system. Confidentiality is essential for corporations, as any publicized lawsuit or negative business relationship have the potential to significantly harm a company's reputation.

Before you start a MEDIATION, all parties have to sign two documents; a Confidentiality and a Mediation Agreement⁽³⁾ that will provide the rules, regulations and privacy norms of the mediation process.

The Confidentiality Agreement discloses the confidentiality rules in order to promote honest communication among parties, their counsel and representative, and the mediator. All that is said or disputed in MEDIATION will and can neither be used in court room nor outside the mediation office; such information remains non-discoverable and inadmissible for any purpose in any later legal or administrative proceeding and no aspects of the mediation can be introduced as evidence in any legal or administrative or other proceedings, unless prior agreed upon by the parties.

The Agreement governs all aspects of the mediation process, including those that pre-date the execution of the Agreement, such as the selection of a mediator, the convening of the mediation, all phone calls, correspondence, e-mail and other documents relating to the mediation and the mediation process, all person to person meetings, site visits, or conferences of any kind, and any post-mediation communications or conferences relating to the mediation. Furthermore, disclosure of any records, reports, or other documents received or prepared for or by the mediator cannot be forced. The mediator shall not be subpoenaed or otherwise compelled to testify in any later proceedings, be it civil, criminal, and administrative proceedings, and shall not be required to produce any notes or documents, as to any aspect of the dispute that was the subject of the mediation proceedings or was otherwise communicated to the mediator in confidence.

Since the parties disclose sensitive information in reliance upon this contracted privilege of confidentiality, any opposing party to this agreement may obtain an injunction to prevent disclosure of any information in violation of this agreement.

Therefore, by listening to each other, companies and/or people can find better resolutions, enforce or reinforce their relationships or partnerships in order to come up with *win-win* strategies on a long term basis. In other words, mediation allows a more detailed and open problem-solving strategy that helps companies to strengthen their relationships and keep their reputation, preserving and protecting both their good name and the company's reputation.

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The purest treasure mortal times afford is a spotless reputation. William Shakespeare, Othello II:3

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