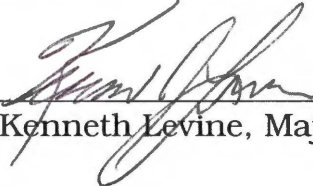


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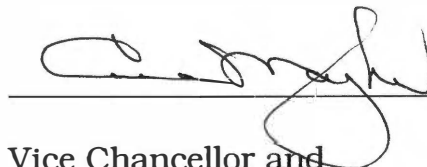
  
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**Extending the Politeness Theory to Mediation Discourse:  
Does Facework Make a Difference?**

**A Thesis  
Presented for the  
Master of Science  
Degree  
The University of Tennessee, Knoxville**

**Andrew Craig Tollison  
August 2005**

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## **Dedication**

I would like to dedicate this thesis to my parents, Kim Andrew Tollison and Mary Lynn Tollison, who have taught me a lot about life, always encouraged me to strive for greatness, and helped make achieving my goals possible.

## **Acknowledgments**

I would like to extend my gratitude to all those who helped me in the completion of my Master of Science degree in Communication.

Foremost, I would like to thank my advisor, Dr. Levine for not only his academic leadership but also his unwavering dedication, and most of all patience. I would like to thank Dr. Violanti for her meticulous attention to detail and teaching me the proper way to research methods. I would also like to thank Dr. Haas for his enthusiastic support and knowledge as well as providing me with many invaluable opportunities.

Lastly, I would like to thank my friends and family who have encouraged me along this journey; I could not have done it without you all.

## **Abstract**

Previous research has failed to determine which mediator characteristics have the greatest affect on participant satisfaction during the mediation process. The four characteristics being analyzed in this study are politeness, facework, eye contact, and trust. The concept of politeness suggests that mediation participants have an interest in maintaining face (i.e. positive and negative) while in the mediation session. To avoid threatening the participants' face, the mediator has five facework strategies to choose from. These facework strategies, when articulated by the mediator, have the potential to combat potential face-threatening acts which can occur during the mediation process. The use of eye contact by the mediator can help regulate the flow of communication with the mediation participant. Finally, trust in the mediator should help to ensure a successful interaction.

The purpose of this study is to investigate the relationship between politeness, facework, eye contact, and trust with the satisfaction of the mediation participant. Respondents included 91 adults who were in the process or had previously completed mediation in Tennessee. The survey was distributed to mediation centers around the state and was also made available online.

Findings revealed moderate to strong correlations among politeness, facework, eye contact, trust and participant satisfaction. To

help produce satisfaction in the mediation participant, the mediator must understand the expectations of the participant, create a working relationship with the participant, and respect the participant's desire to be free from constraints. When utilized by the mediator, the use of eye contact creates feelings of acceptance for the participant, which in turn increases participant satisfaction. Also, the ability of the mediator to eliminate face-threatening acts helps and enhance trust helps determine participant satisfaction. Further analysis and approaches for future research are discussed.

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## **Chapter I**

### **Introduction**

The phenomenon of mediation has created a buzz around the world of dispute resolution. Everyday, individuals, couples, and groups participate in mediation sessions in an attempt to resolve ongoing issues within their lives. Mediation is used to resolve those issues, without the participants having to partake of courtroom litigation. The use of mediation boomed in the 1970s, due in part to the implementation of the no-fault divorce law (Amato, 2003). Since its inception, mediation has become a viable and much more economical alternative to courtroom litigation (Emery, 1995).

Mediation is the process where a neutral third party helps disputants address and resolve pressing issues (Emery, 1995; Jessani, 2002; Weingarten, 1986). Research in the field of mediation has centered on the roles of the mediator as well as the mediation process (Emery, 1995; Jessani, 2002; Weingarten, 1986). However, little research has been conducted to test which communication characteristics of the mediator will produce the greatest amount of satisfaction for the participant during the mediation process. In particular, few studies have examined the communication characteristics of eye contact, facework strategies, trust, and the use of politeness

techniques to understand their impact on the satisfaction of the participant in mediation.

Research on eye contact (Driscoll, 1978; Palmer & Simmons, 1995), the use of politeness techniques (Driscoll, 1978; Lim & Bowers, 1991), and their affect on communication satisfaction have been limited to the aforementioned studies. The three studies demonstrate an indirect link between communication satisfaction, politeness, and eye contact, but fail to reveal what kind of relationship exists and the strength of that relationship. Since previous literature has demonstrated the impact eye contact and politeness techniques have on satisfaction in the interpersonal context, this study looks to determine if that concept holds true in a mediation setting (Driscoll, 1978; Lim & Bowers, 1991; Palmer & Simmons, 1995).

Within the body of this inquiry, the main concepts discussed are; politeness, facework, eye contact, satisfaction, and trust. The study is based on the participants' communication satisfaction levels with the mediator while taking part in mediation. There are four characteristics of the mediator being examined, eye contact, facework, trust, and politeness techniques. The survey will directly ask the mediation participants about their perceptions of not only the mediator but also the degree of communication satisfaction experienced during the sessions.

## **Chapter II**

### **Review of Literature**

There has been little consistency in developing a set of characteristics for mediators that are known to produce satisfaction for the participants in mediation. Previous research has attempted to identify specific counselor characteristics due to the belief that “good counselors have unique and identifiable personal characteristics, and that if identified, those characteristics can be used as counselor trainee selection criteria” (Hiebert, 1984, p. 598). However, specific counselor characteristics have not been evaluated in detail by counseling experts. Instead, counselor characteristics are self-listed as a way to lure clients into signing up for their services (Hiebert, 1984).

Since there is little research into the characteristics of a good mediator, this review of literature will focus on advantages to mediation, roles of mediators, and the four characteristics that are being analyzed: (1) politeness, (2) facework, (3) trust, and (4) eye contact. This study is based on Goffman’s (1959) concept of face, which suggests that all interactants have a desire to maintain a positive public image. It is hypothesized in this study that by allowing mediation participants to save face will produce a greater amount of satisfaction. To comprehend the importance of a mediation participant being able to save face, it is essential to understand the process of mediation.

## Mediation

Disagreements and group or family disbandment are something that happen every day in society (Subourne, 2003). Mediation has been launched as a way to settle disputes and lawsuits instead of having to go to trial. The use of mediation allows the participants to play a role in decisions that will affect their family, finances, custody problems, divorce, business issues, and many other facets of life. One of the goals of mediation is to create a win-win resolution without having to pay high court costs and endure the rigor of trial.

Mediation is the process by which a neutral third party helps disputants address and resolve pressing issues (Emery, 1995; Jessani, 2002; Weingarten, 1986). The third party consists of one or more persons who have no affiliation with the case (Weingarten, 1986). During mediation sessions, “the mediator helps the parties understand what is happening to them and encourages the parties to negotiate in good faith” (Weingarten, 1986, p. 197). The mediator will help both participants reach an agreement by creating a collaborative environment (Subourne, 2003). Once an agreement has been reached, it will then be written into a contract that will be signed by all the participants. The parties are advised to create arrangements that will be put into effect for years to come (Weingarten, 1986).

Jensen (1997) stated that mediation is “part of the arsenal of dispute resolution mechanism being offered as more reasonable and less costly alternatives to litigation” (pg. 55). The purpose of mediation is not to research the history of the disputants, but to handle what is put on the table (Jensen, 1997). In opposition to therapy, which is often open-ended, mediation is “approached in a structured manner” with the participants aware that all issues must be resolved within a specific timeframe (Jessani, 2002).

As Jessani (2002) stated, the role of the mediator is to help individuals, couples, and groups “explore various options and the consequences while bringing forth knowledge to lessen the strain of disbandment” (pg. 119). As people’s relationships evolve and dissolve, mediation can help resolve important issues (Weingarten, 1986). The mediation process attempts to minimize the pain of separation while producing a mutually satisfying outcome (Amato, 2003).

Mediation is currently changing the legal process since more groups are turning to mediation instead of litigation (Emery, 1995). When looking at the mediation process, it is essential to find out what types of results clients are looking for, whether it is to save the relationship or organize the settlement so it is mutually satisfying. Of the different types of mediation, the most common form revolves around divorce (Emery, 1995). Other types of mediation available in Tennessee

are education<sup>1</sup>, civil<sup>2</sup>, medical malpractice<sup>3</sup>, personal injury<sup>4</sup>, workers' compensation<sup>5</sup>, family<sup>6</sup>, grievance<sup>7</sup>, employment<sup>8</sup>, management<sup>9</sup>, and small claims<sup>10</sup>.

Advantages to Mediation. There are other advantages to choosing mediation besides saving on court costs. One advantage of mediation is that the disputants resolve and determine the settlements themselves (Emery, 1995). Unlike in litigation, the people involved in the conflict help control the outcome of the argument (Emery, 1995). Ultimately, mediation has been successful in reducing the number of court hearings while continuing to produce a high percentage of mutual agreements

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<sup>1</sup> Education mediation is the process by which the student and a representative of the educational institution meet alongside a mediator to resolve disagreements, voice concerns, and agree upon program information and requirements.

<sup>2</sup> Civil mediation is for any participant looking to resolve disputes which revolve around accidents, negligence, libel, intentional torts, contract disputes, the probate of wills, trusts, and any other private matter that can be resolved between private parties.

<sup>3</sup> Medical malpractice mediation revolves around negligence by any health care provider which causes some form of injury.

<sup>4</sup> Personal injury mediation deals with auto accidents, injury due to defective produces, and malpractice.

<sup>5</sup> Workers' compensation mediation is for employees who are injured or disable on the job and look for a fixed monetary award.

<sup>6</sup> Family mediation is a voluntary process which gives parents who are separating or currently living apart the opportunity to make their own arrangements for their children's future.

<sup>7</sup> Grievance mediation is a process by which the parties work toward the resolution of a difference which arise from interpretation, application, administration, or alleged contradiction of a collective agreement.

<sup>8</sup> Employment mediation deals with unfair dismissal, wages, hours of work, safety and health standards, health and retirement benefits, work place standards, and contract negotiations.

<sup>9</sup> Management mediation provides organizations with a set of practices that help assess, prevent, manage, and resolve conflicts which help foster a healthier workplace and work relations.

<sup>10</sup> Small claims mediation helps resolve disputes where small amounts of money are involved. In counties with less than 700,000 citizens, the monetary limit is \$15,000. However, in counties with more than 700,000 citizens, the monetary limit is \$25,000.

(Jessani, 2002). Jessani (2002) also declares that since the mediation process attempts to develop agreements between the two parties, they are more likely to comply by the settlement rules.

Additional advantages to mediation are that it promotes the use of communication skills and group cooperation, which are usually not stressed in the courtroom (Mast, 2002). Mediation does not require an attorney be present in most cases; therefore the involved parties save on attorney fees (Jessani, 2002). Mediation is also made a more viable option to those looking to resolve their issues in a speedy and efficient manner (Jessani, 2002). The use of mediation can also help people down the line by teaching them how to properly resolve conflicts (Emery, 1995). Finally, mediation is kept confidential (Jessani, 2002). Issues that are discussed during mediation sessions are not aired publicly, which is always an issue when issues are discussed in a public courtroom (Jessani, 2002).

Mediator Roles. One of the main challenges a mediator must overcome during the sessions is to create a level playing field between the interactants (Emery, 1995). To achieve this, mediators must keep control over the sessions in an attempt to reduce the ability of one side to dominate the process. One example where dominance potentially can play a major factor is in mixed sex relationships (Mast, 2002). Husbands

are seen as more dominant during mediation sessions since they speak more than the wife (Mast, 2002).

It is imperative that the mediator keep all involved parties participating in the sessions and contributing their ideas and feelings (Emery, 1995). In most cases, mediation only involves a small number of participants (usually no more than three to eight including the mediator). However, the larger the group size, the stronger the relationship is between speaking time and perceived dominance (Bales, Strodtbeck, Mills, & Roseborough, 1951). The results from the Bales et al. (1951) study support the concept in that it is essential that each person be given an opportunity to speak an equal amount of time to reduce the chances of dominance and intimidation.

It is the role of the mediator to break down issues of dominance, especially issues revolving around sex and speaking time. If the mediator witnesses one party taking control of the session, it is the mediator's duty to intervene and make sure the other person has a voice (Emery, 1995). However, if intervention does not work, it is the duty of the mediator to speak with each party separately and discuss what is occurring during the sessions and what steps need to be taken to resolve the issues (Mast, 2002). If the issue is not resolved in a mannerly amount of time, it is the discretion of the mediator to allow the sessions to continue or stop the mediation process all together (Emery, 1995).

Mediation Agenda. Mediation follows a proposed agenda so that it is kept efficient (Jessani, 2002). It is essential to give an overview of the process as well as discussing what information will need to be brought forward at some point. The mediator needs to make it known that the purpose of mediation is for both parties to think and discuss collaboratively instead of trying to “win” the situation and “kill” the other party (Jessani, 2002). Ultimately, when disputants decide to dissolve a relationship, it is the concept of mediation to reduce the pain that comes with the separation (Weingarten, 1986).

The job of the mediator is to get as much information as possible when the client first calls for a consultation (Emery, 1995; Jessani, 2002). The reason behind this idea is to decide if mediation is a good option for the disputants before the mediator forms a relationship with the clients (Jessani, 2002). During the inquiry, issues such as referrals, why mediation is being considered, and what the disputants are looking to resolve are discussed. Along with those issues, others include where the estranged couple is in the process of divorce, whether domestic violence exists, financial statuses, and any other situation that affects the client’s life (Emery, 1995).

Mediation Process of Divorce. Before the first session, an outline is created and distributed to let the clients know what is going to be covered during the sessions (Jessani, 2002). In the first session of a

divorce mediation, there is an introduction and overview which includes a mediation description, party's objectives, reviewing the mediation agreement, legal processes, urgent issues, and what needs to be brought to the next meeting (Jessani, 2002). The mediation agreement is given out at the end of the first meeting and each client is asked to review it and bring it back signed to the next meeting (Jessani, 2002). Sometimes it takes a while for the parties to get values assessed on properties and other items, so the next meeting is usually scheduled at least three weeks later (Jessani, 2002).

During the second session, the creation of a plan is the main focus (Emery, 1995). Also during session two, each client has the option to speak with the mediator individually for ten minutes (Jessani, 2002). This can be a dangerous practice, especially if the participants feel secrets are being dispersed (Jessani, 2002). The third session will be scheduled for two weeks later and will look at child support, personal property, assets and liabilities, and other financial issues related to the case at hand (Jessani, 2002). After session three, session four is scheduled for two weeks later and involves the budget primarily; this includes spousal support in cases of divorce (Jessani, 2002). At session five, the rough draft of the resolution is distributed to the participants, at which this point mediation usually stops (Jessani, 2002). This research

focuses on characteristics a mediator should demonstrate to produce satisfaction for the participant in mediation.

### Politeness

By the mediator exhibiting politeness attributes, there is a greater chance for mediation participant satisfaction to occur (Brown & Levinson, 1978, 1987). The politeness theory was introduced by Brown and Levinson (1978) to develop Goffman's (1959) concept of face. The theory proposes three main attributes of politeness: (1) face, (2) face-threatening acts, and (3) facework strategies.

Face. It is a primary assumption of the politeness theory that all interactants have an interest in maintaining face (Goffman, 1959; Brown & Levinson, 1978, 1987; Lim & Bowers, 1991). The concept of face was first introduced in reference to how a person wants to be viewed publicly (Goffman, 1959, 1967). Goffman (1959) viewed public interaction as a "performance, shaped by the environment and audience, constructed to provide others with impressions that are consonant with the desired goals of the actor" (pg. 17).

Brown and Levinson (1978, 1987) acknowledged two types of face needs all interactants possess; positive face and negative face. Positive face is "the consistent self-image or personality (crucially including the desire that this self-image be appreciated and approved of) claimed by interactants" (Brown & Levinson, 1987, p. 61). Lim and Bowers (1991)

took the concept of positive face one step further to include two distinct desires: fellowship face and competence face. Fellowship face refers to a person's desire for affection and inclusion, while competence face centers on the desire for respect. This desire for acceptance and respect are goals of individuals in mediation, especially the mediator.

On the other hand, negative face is "the basic claim to territories, personal preserves, and rights to non-distraction – i.e. to freedom of action and freedom from imposition" (Brown & Levinson, 1987, p. 61). In other words, negative face is about being autonomous and free from constraints and impositions. During interactions, face needs affect not only the receiver but also the sender (Brown & Levinson, 1987).

Face-Threatening Acts. Brown and Levinson (1978, 1987) also introduced the idea of face-threatening acts. These face-threatening acts, when articulated by the sender, are communicative announcements that jeopardize a receiver's ability to control his or her own actions and to be respected for what he or she has to offer. All participants in spoken interactions "emotionally invest in face, and it must be constantly considered" (Goffman, 1967, p. 4). Brown and Levinson (1987) support Goffman's idea in that "it is the mutual interest of interactants to maintain each other's face" (p. 61).

Examples of face-threatening behaviors are "communicative acts such as insults or criticisms which can threaten a receiver's positive face

by conveying disapproval, while requests for favors can threaten a receiver's negative face by constraining the receiver's behaviors and imposing on their autonomy" (Erbert & Floyd, 2004, p. 263). For the most part, face-threatening acts are linguistic in form (criticisms, requests, insults). However, recent research has examined the use of nonverbal behaviors (facial expressions, hand gestures, body movements) as face-threatening acts (Bavelas & Chovil, 1993; Trees & Manusov, 1998).

Bavelas, Black, Chovil, and Mullett (1990) placed limitations on what is actually considered an aspect of interaction. Facial displays, hand gestures, vocalics, and other body movements are considered part of the language if they occur within the immediate conversation (Bavelas et al., 1990). Since nonverbals account for up to 93% of the message, it is important not to let nonverbals complicate the situation (Trees & Manusov, 1998). Facial expressions are the most common form of nonverbal face-threatening act (Trees & Manusov, 1998). Expressions such as long gazes and facial smirks can threaten a receiver's negative and positive face (Trees & Manusov, 1998). When demonstrated by the mediator, long gazes can make the participant feel uncomfortable (i.e. negative face) while facial smirks can make the participant feel unappreciated and respected (i.e. positive face). These expressions can occur in cases of sadness, anger, fear, surprise, disgust, or happiness

just to name a few (Trees & Manusov, 1998). It is essential that the mediator be aware of the potential effects of nonverbal use and, if possible, avoid these acts.

Certain nonverbals communicate characteristics of affection-hostility and inclusion which can be perceived as not only support but also as a face-threatening act. Often times unintentional nonverbal messages express immediacy and affection, such as close proximity and touching (Andersen, 1985; Burgoon, 1991; Burgoon, Buller, Hale, & deTurck, 1984). Feelings of immediacy and affection are likely to bring feelings of constraint upon the receiver. Especially during mediation, the participant is going through some form of conflict which may already be constraining his or her daily activities. By placing even more constraints on the participant, it is extremely unlikely any form of satisfaction will be taken away from the experience.

On the other hand, the dominance-submissiveness theme is demonstrated in negative politeness. During mediation sessions, acts of submissiveness are often communicated nonverbally via raised eyebrows (Keating, 1985), as well as facial pleasantries and excessive smiling (Mehrabian, 1981; Mehrabian & Williams, 1969). In addition to the aforementioned characteristics, hesitancy, lack of a relaxed body position, small gestures, and fear of speaking out also express deference (Mehrabian, 1981; Mehrabian & Williams, 1969). Therefore, the

mediator needs to pick up on the participant's reaction to these types of messages early on during the sessions so as to reduce potential face-threats and make sure everyone is included in the session.

If the sender of message notices that his or her message has threatened either the positive or negative face of the receiver, the sender will be less likely to initiate conversations in the future. Effective mediators need to understand and be aware of the participant's face needs. By understanding the potential for face threats, the mediator can use diverse methods to combat the potential face threatening acts. It is essential for mediators to understand what each participant's goal is, whether it is to be autonomous or included.

Facework Strategies. There are five forms of facework outlined in Politeness theory, all of which are utilized by the sender in an attempt to refrain from threatening the face needs of the receiver and themselves. The five strategies, (1) bald-on record, (2) positive politeness, (3) negative politeness, (4) off-the-record, and (5) avoidance are "theorized to be hierarchically ordered on their degree of politeness, or the extent to which they mitigate face threats" (Brown & Levinson, 1987, p. 65). When a message is delivered as directly as possible, the strategy used is bald-on record. When using this strategy, there is no attempt to lessen the possibility of face threats. For example, if a client approaches the mediator with a new idea and the mediator simply states "this is

terrible,” then he/she is using the bald-on record strategy. The use of bald-on record statements most likely drives the receiver to embarrassment and a feeling of insecurity.

Positive politeness is the second facework strategy and it involves “crafting the message to minimize threats to the receiver’s positive face” (Erbert & Floyd, 2004). An example of positive politeness is if the actor states “you are great at what you do, but this is simply not your best work.” By the actor not accepting the proposal that was put forth by the other, there is a chance the client will feel useless and unvalued. However, by stating the remark as the mediator did, it reinforces that the client is doing a great job and is highly valued, he or she is capable of contributing more.

The third type of facework strategy is negative politeness. Negative politeness involves creating a message that is less likely to place a threat on the receiver’s negative face (Brown & Levinson, 1978). A large amount of work may be expected of the client to make the mediation setting move smoothly, which could be a negative face threat if it is an unwelcomed responsibility. To alleviate such a threat, the mediator might say “bare with me, this process will just take a little longer.” The major focus of the speaker in this strategy is to realize that the receiver’s space may be threatened, which results in the speaker attempting to reduce the awkwardness of the situation.

Off-the-record is the fourth strategy put forth by Brown and Levinson (1978). This strategy involves the message being implied but never actually stated. For instance, when the mediator refuses to accept the client's proposal, he or she could say "you must be extremely busy right now." The statement by the mediator suggests that the proposition is not well constructed, but it is disguised by the spoken statement. The benefit to utilizing off-the-record is if the client takes great offense to the statement, the mediator would be able to deny he meant the proposal was not constructed well.

The final facework strategy is simply to avoid the face threatening act altogether (Brown & Levinson, 1978). In this situation, the mediator might feel the potential face threat of a message could outweigh the benefits of the message to the extent the mediator refuses to articulate the message.

It is hard to distinguish when to use each style of facework strategies, but the goal is to reduce the amount of anxiety felt by the receiver while still getting across the message, or in the final case, refusing to state the message at all. Even though it is difficult at times to determine which type of facework strategy to utilize, mediators need to understand the benefits of using the proper strategy which include increased satisfaction for the participant in mediation.

A major critique of the politeness theory set forth by Brown and Levinson (1978, 1987) is that it only focuses on interaction in informal contexts. Mills (2002) points out that Brown and Levinson (1978, 1987), only based their principles on short interactions. However, Mills (2002) believes that politeness needs to be observed as an act that occurs during long stretches of conversation and dialogue, instead of something that just happens during small spans of communication.

Mediation has the potential to carry on for multiple months. During these sessions, the mediator will have the ability get to know and understand each of the participants in a more intimate setting. Since mediation lasts over long stretches of time, it is important to discover if Mills (2002) concept of politeness occurs during mediation. Therefore, it is essential that the politeness theory be put into the context of the mediation realm to determine if politeness is a strategy that will produce satisfaction for the participant in mediation.

Dimensions of Politeness. To promote satisfaction for the mediation participants, the mediator needs to understand how to accommodate three dimensions of participant face wants. These facewants include “(a) the want to be respected, or *fellowship* face, (b) the want that their abilities be respected, or *competence* face, and (c) the want to not be imposed on, or *autonomy face*” (Lim & Bowers, 1991, p. 420). To serve each of these face wants, there are three types of

politeness strategies. (Leech, 1983; Lim, 1988). Solidarity addresses the fellowship face, while approbation attends to competence face wants, and tact deals with the autonomous face.

It is an assumption that when engaged in conversation people are expected to comply with the other's face wants (Goffman, 1967; Ho, 1984). Therefore, it is essential that the mediator takes into consideration the ability to include the participants in the group, reduce the amounts of constraints put on the participants, and respect the abilities of the participants. It is essential that mediators understand: (1) the face wants of the participants, (2) how to attend to each type of face want, (3) and when to use each of the politeness strategies to produce satisfaction for the participants in mediation.

*Solidarity.* Solidarity is utilized to address the fellowship face (Scollon & Scollon, 1983). This facework strategy is similar to positive politeness as introduced by Brown and Levinson (1978, 1987). Since solidarity is

“oriented toward the fellowship face of the other, it expresses to some degree that one accepts the other as a member of an in-group through the use of in-group identity markers (Brown & Levinson, 1978), expressions of empathetic understanding, demonstrations of personal knowledge (Leech, 1983), and

emphasis on commonalities and cooperation” (Lim & Bowers, 1991, p. 421).

Current literature implies two standards for selecting levels of solidarity: the “interpersonalness” or “in-groupness” of a message as well as the directness of the expression. Miller and Steinberg (1975) and Schutz (1971) both argue that the act of inclusion illustrates a person’s goal of allowing another to join the “in-group” by separating that person from the general public. Secondly, Lim and Bowers (1991) “suggest that the act of appreciation shows more solidarity if it is performed in a more direct manner” (p. 428). During mediation, inclusion and directness are essential for all parties to be open and willing to collaborate without the feeling of betrayal.

*Approbation.* Leech (1983) introduced approbation to address the needs of the competence face. The concept behind approbation is to show praise and warm approval for one’s abilities and possessions. According to Leech (1983) and Lim (1988), approbation is used in mediation as an attempt to minimize the amount of blame put on the mediation participants and to increase the amount of praise articulated to those participants (i.e., abilities and accomplishments) as well as understanding (i.e., inabilities and unsuccessful performances). By understanding the chances of failure and the amount of work it takes to complete the mediation process, the mediator should use approbation as

a way to ease the chances of face-threatening acts. As suggested by Leech (1983) and Lim (1988), the main goal of approbation is to provide approval, if at all possible. If approval is not possible, then the goal of approbation is to reduce the quantity as well as the quality of the threatening issue.

*Tact.* Tact is the third facework strategy, which was created to deal with the autonomous face (Leech, 1983). The use of tact was implemented to express “that to some degree a speaker respects the other’s freedom of action or autonomy” (Lim & Bowers, 1991, p. 421). Therefore, the use of tact by the mediator is characterized by the attempt to reduce the loss and maximize the gain of openness for the participants by giving options or being indirect (Brown & Levinson, 1978, 1987; Lakoff, 1972, 1973; Leech, 1983). There are two propositions which go along with the use of tact: reduce the amount of imposition (Brown & Levinson, 1978, 1987; Lakoff, 1973; Leech, 1983) and when having to impose on the other, be as indirect as possible as to ultimately give options to the receiver (Brown & Levinson, 1978, 1987; Ervin-Tripp, 1977; Lakoff, 1973).

For example, debt incurrence during divorce mediation implies “the other will do one a favor by accepting the request” (Lim & Bowers, 1991, p. 421). The statement “I’m really busy at work right now, I’d greatly appreciate it if you could do all the property appraisals,” is asking a favor

of one mediation participant. However, by framing the question as it was, an option was given. If the person chooses to complete the appraisals, it has been implied the other participant will do that person a favor in the future.

### Eye Contact

The main use of eye contact is to help regulate the flow of communication (Pearson, 1983). The correct use of eye contact indicates an interest in what other(s) are saying and has the effect of increasing the speaker's credibility (Butler & Hope, 1996). The utilization of eye contact in communication practices opens the flow of communication while also showing interest, concern, warmth, and credibility (Butler & Hope, 1996). The use of eye contact by the mediator should produce a positive impression in the mind of the participant.

Eye contact is one of the most powerful influences during interpersonal communication (Butler & Hope, 1996). It is an ingredient of a person's body language, which relates to expressions or postures that can be construed as interconnecting a person's psychological state or feelings (Butler & Hope, 1996). Eye contact is ultimately a visual connection established during verbal interactions (Butler & Hope, 1996). During those verbal interactions, direct eye contact plays a role in cooperation between both parties (Brockner, Pressman, Cabitt, & Moran, 1982). However, from the leadership standpoint, eye contact helps

convey greater dominance and control (Burgoon, Buller, Hale, & deTurck, 1984). As eye contact in leadership situations continues to be evaluated, the use of eye contact in real life situations has been shown to increase the chances of desired results. Kleinke (1980) found support for the use of eye contact by leaders in relation to productivity and satisfaction. People are more likely to abide by the rules of a situation and work towards achieving a common objective if eye contact is exchanged between the leader and group (Brooks, Church, & Fraser, 1986).

When eye contact is being utilized, it is important to determine the effect that the length of the gaze has on the outcome. Previous research has supported the concept that direct eye contact with a person for no more than three seconds will likely result in acceptance and a willingness to collaborate by both parties (Brooks, Church, & Fraser, 1986; Droney & Brooks, 1993). While long gazes help produce results, evasive glances tend to lessen compliance and acceptance. An evasive glance involves “looking away as soon as another person looks one in the eyes” (Brooks, Church, & Fraser, 1986). The inability to maintain eye contact is also seen as a sign of untrustworthiness and insincerity. According to the results of Butler and Hope’s (1996) study, direct eye contact directed more participants (66%) to fulfill the request than did an evasive glance (34%).

When involved in interpersonal communication, the use of direct eye contact results in a greater chance of being perceived positively, which in turn “may lead to greater compliance with the request” (Hornik, 1987). Previous studies have even gone as far as to institute a linear relationship between the length of eye contact and the positive judgement of the personality characteristics of the requester (Brooks et al., 1986; Knackstedt & Kleinke, 1991). The ability to uphold eye contact during a conversation is a social skill that shows the speaker he or she is being paid attention to. The utilization of eye contact also allows the spokesperson to witness how the listener will respond to what he or she has declared. According to Burgoon et al. (1984) high eye contact conveys superior intimacy and desirability, while the lack of eye contact signaled greater detachment.

The ability to gaze into another’s eyes arouses strong emotions. Therefore, eye contact “rarely lasts longer than three seconds before one or both communicators experience a powerful urge to glance away” (Bull & Gibson-Robinson, 1981). By breaking eye contact, stress levels are reduced. In mediation sessions, stress is already at an optimal level, so if there is a capacity to reduce that stress, chances are it will be utilized. One aspect of mediation that increases stress is the introduction of criticism and the inability to accept it.

While speaking, the speaker will alternate between gazing away and periods of direct eye contact (Argyle & Dean, 1965; Kendon, 1967). Ultimately in situations where the communicators share a likeness for each other, high eye contact is preferred (Argyle & Dean, 1965). On the other hand, high levels of gazing away can be witnessed if the people share a dislike for each other or if the communicators disagree about a topic (Argyle & Dean, 1965). Through evolution, high levels of eye contact have been seen as a sign of dominance while avoidance originated as a submissive tactic (Altmann, 1967). Even though high levels of eye contact are not an easy task, direct eye contact by the mediator demonstrates a sign of trustworthiness, which is needed during mediation sessions (Palmer & Simmons, 1995).

### Trust

One of the most important components of mediator-participant exchange is trust. Trust is the concept that links politeness and eye contact to satisfaction. Research by Driscoll (1978), Mayer, Davis, and Schoorman (1995) support the notion that there is a relationship between trust and satisfaction, which plays a major role in collaboration, especially during mediation participant interaction. Trust “results in distinct (main) effects such as more positive attitudes, higher levels of cooperation (and other forms of behavior), and superior levels of performance” (Dirks & Ferrin, 2001). Typically, trust has a positive

impact on participant satisfaction because there is an expectation of reciprocity.

It is this expectation of reciprocity that makes trust possible in group situations (Dyer & Chu, 2003). During mediation, it is essential for reciprocity to occur or the participants will separate himself or herself from the group. Trust creates the expectation that when a person does a favor for another, not only will reciprocity occur, but it will occur with serial equity (Axelrod, 1984; Heide & Miner, 1992). For collaboration to occur in the mediation setting, participants must practice reciprocity to create a trusting environment.

To achieve “true” collaboration, communication of trust must occur between the parties (Lewicki, McAllister, & Bies, 1998; Mayer et al., 1995). In addition, there has to be a willingness and ability to deliver a message accurately (O’Reilly & Anderson, 1980). It is the duty of the mediator to identify with all communication that occurs during the sessions and ask questions for validity. If validity of a statement is questionable, then it is extremely difficult to have a trusting relationship (Mayer et al., 1995). From a mediation standpoint, trust affects the participant’s perception of messages delivered by the mediator. If the mediator is trusted by the client, it “reduces the screening of knowledge received” by the participants (McEvily, Perrone, & Zaheer, 2003, p. 97). As proposed by previous research (Mellinger, 1959; O’Reilly & Roberts,

1974; Roberts and O'Reilly, 1974; O'Reilly, 1978) the participant's trust in the mediator will help determine the amount of information exchanged during the sessions, as well as the accuracy of the information shared. Trust "encourages knowledge sharing by increasing the disclosure of knowledge to others and by granting others access to one's own knowledge" (McEvily et al., 2003, p. 97).

During mediation sessions, "higher levels of trust in a partner increases the likelihood that one will take a risk with that partner (i.e. cooperate, share information) and/or increases the amount of risk that is assumed" (Dirks & Ferrin, 2001). By taking risks, cooperating, and sharing information, higher levels of individual and group performance are achieved (Larson & LaFasto, 1989). A study by Oldham (1975) supports the concept that trust of the mediator has a positive effect on task performance. As trust for the mediator is established, it is possible for greater amounts of mediation satisfaction to occur for the participants.

To gain trust, the mediator needs to make all efforts possible to make sure the participants understand his or her position during the mediation sessions (Mayer et al., 1995). By sharing his or her ideas and information with the participants, there is a greater chance the participants will be satisfied with the progress made during the mediation sessions (Dirks, 1999). However, it is essential for the

participants to share his or her information with the mediator to create a trusting environment. Trust has the ability to facilitate interaction in mediation by discussing behaviors, perceptions, and outcomes (Dirks & Ferrin, 2001). During mediation interaction, “trust provides the conditions under which cooperation, higher performance, and/or more positive attitudes and perceptions are likely to occur” (Dirks & Ferrin, 2001, p.455).

There are certain characteristics that the mediator needs to display to help gain the trust of the participant during mediation.

Confidentiality, respect, honesty, reliability, and sincerity are the most important characteristics a mediator should demonstrate (Hosmer, 1995). By displaying these characteristics, it is possible for the mediator and the participants to have a positive working relationship. Once a positive working relationship is established, the mediator may begin to ask for assistance from the participants during the mediation sessions. By allowing the participants to take on extra opportunities during the sessions, the mediator will gain trust from the participants (Ellis & Shockly-Zalabak, 2001).

In summary, trust is at the center of building a strong relationship (Brower, Schoorman, & Tan, 2000), especially for participants during mediation since it is hard to allow a “stranger” (mediator) to help determine his or her future (Brower et al., 2000). Trust from the

participants needs to be gained by the mediator to develop a successful working relationship and create a collaborative environment.

Previous research by Rich (1997) suggests that by trusting a superior figure like a mediator will result in greater levels of satisfaction for the mediation participants. Since mediators are responsible for multiple duties during the mediation sessions which all have an effect on the participant's life, it is essential to consider trust when looking at the satisfaction of the participant during mediation. When participants in mediation have trust for the mediator, the mediation process will be shortened due to perceived validity of messages and expectations of reciprocity, which help achieve an overall greater amount of satisfaction for the mediation participants.

### Satisfaction

Indirectly, previous research has linked the use of eye contact (Palmer & Simmons, 1995) and politeness techniques (Lim & Bowers, 1991) to satisfaction (Driscoll, 1978). The "willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to them" helps produce that satisfaction (Mayer, Davis, & Schoorman, 1995, p. 712).

In most cases, mediation results in the disbandment of a relationship. However, there is no reason why both parties cannot leave satisfied. Ashforth and Mael (1989) found that if individuals identify with

the situation they are in, they will be more likely to be supportive and trustworthy of that given situation. For this identification to occur, goals and values need to be communicated early within the relationship (Dutton, Dukerich, & Harquail, 1994). However, during mediation, it is not uncommon for individuals to identify strategies to achieve those goals (Campione, 2003). Whether it occurs through lying, playing the role of the abused spouse, or message overload during the sessions, it is the goal of the mediator to alleviate the use of these strategies to achieve a true win-win outcome. It is essential the mediator discusses the goals of each participant during the first meeting if not during the consultation.

Despite the desire to win the process, research has found that “mutual accountability, common goals, and the tone of the initial meeting are contributors to group satisfaction” (Rockett, Valor, Miller, & Naude, 1998, p. 174). During mediation, the mediator needs to make great strides at making sure both parties are working towards the same goal. If both parties are not willing to compromise, then it will be extremely difficult to have a mutually satisfying outcome.

During the first meeting, it is essential that the mediator set guidelines for how the sessions will progress, the conduct expected during the sessions, and to determine each participant’s desired outcome. The mediator must make sure his or her rules are followed so

potential strategies that could jeopardize the other participant's satisfaction are not used. By doing this, there is a greater chance satisfaction will be the result of the mediation process. If participants are to achieve satisfaction in mediation, it is important to determine if politeness, facework, eye contact, or trust are influential factors.

### Purpose and Objectives

The characteristics that will produce satisfaction for participants during mediation have not been empirically tested. This study is designed to introduce the politeness theory, facework, trust, and eye contact into the realm of mediation. As these mediators help in resolving a pressing issue which will change the participant's life in some way, it is essential that the characteristics of mediators are identifiable and work towards enhancing satisfaction for participants in mediation.

### Hypotheses and Research Question

H1: The decision not to use communicative face-threatening acts by the mediator is more likely to increase the satisfaction of the client in mediation.

H2: Participants are more likely to feel satisfied during the mediation sessions if the mediator uses positive eye contact.

H3: The use of approbation by the mediator is more likely to increase the satisfaction of the client in mediation.

H4: Solidarity between the mediator and the client increases the satisfaction of the client in mediation.

H5: The use of tact by the mediator increases the satisfaction of the client in mediation.

H6: The greater the amount of trust the mediation participant has for the mediator increases the overall satisfaction of the participant in mediation.

RQ1: Which, if any, of the five facework strategies (bald-on record, positive politeness, negative politeness, off-the-record, or avoidance) influence satisfaction when communicated by the mediator?

## **Chapter III**

### **Methodology**

#### **Subjects**

Participants included 91 adults (51.6% male, 37.4% female, and 11% did not specify) who were recruited from Tennessee mediation centers. Most (83.5%) of the participants identified themselves as Caucasian. African American, Asian American/Pacific Islander, and Hispanic/Latino(a) were each identified 3.3% respectively, while 2.2% of the respondents identified with being racially mixed, 1.1% were other, and 3.3% did not specify race/ethnicity. The types of mediation entered were education (45.1%), civil (15.4%), medical malpractice (6.6%), divorce (4.4%), personal injury (3.3%), worker's compensation (3.3%), family (2.2%), grievance (2.2%), employment (1.1%), management (1.1%), small claims (1.1%), and 14.2% failed to specify which type of mediation they completed. Respondents' ages ranged from 19 to 69 years of age with a mean age of 31.08 years (sd= 15.12).

The initial recruitment came from the Community Mediation Center of Knoxville, TN. The other mediation centers were recommended by Mary Rose Zingale, the Programs Manager of the Rule 31 Mediation Program for the Tennessee Supreme Court. Respondents were then contacted directly by their mediator and asked to complete the survey.

## Overall Method and Design

This correlational survey was distributed at mediation centers around Tennessee, as well as available online. The overall purpose of this study was to measure the mediation participants' satisfaction with the mediator. Participants responded to scripted items (likert-style) about their perceptions on the use of politeness strategies, eye contact, and trust while in the mediation setting. The items revolved around the participants' satisfaction with the outcome of the mediation sessions as well as their interaction with the mediator.

## Instruments

The independent variables in the study were the politeness theory, facework strategies, eye contact, and trust of the mediator. In addition to the independent variables, the dependent variable in the study is the satisfaction of the participant in mediation. A copy of the survey can be found in Appendix A.

Politeness. To study the use of politeness techniques, a scale introduced by Kerssen-Griep, Hess, and Trees (2003) was utilized. The scale was initially introduced for education, but was modified to measure the behavior of a mediator instead of a teacher. Instead of using the original seven-point Likert scale as introduced by Kerssen-Griep et al. (2003), responses were based on a six-point Likert scale. The neutral/no opinion category was discarded to push respondents to take a

position. The politeness scale has three dimensions, (1) solidarity, (2) approbation, and (3) tact.

*Soldiarity.* Solidarity is a union of interests among all involved parties. Items utilized to test solidarity revolved around “the mediator seems concerned about my feelings” and “the mediator seems attentive to me as an individual.” Scores for solidarity ranged from 2.5/6 to 6/6 with a mean response of 4.39/6 (sd= .74). The original study by Kerssen-Griep, Hess, and Trees (2003) produced a reliability coefficient of  $\alpha$  = .86 (N= 423). In the current study, the reliability coefficient for solidarity was  $\alpha$  = .77 (N=91).

*Approbation.* Approbation is an expression of warm approval or praise from the mediator to the participant. Items that dealt with approbation included “the mediator worked to avoid making me look bad” and “the mediator let me know he/she thought highly of me.” Scores for approbation ranged from 3/6 to 6/6 with a mean response of 4.39/6 (sd = .74). The original study by Kerssen-Griep, Hess, and Trees (2003) produced a reliability coefficient of  $\alpha$  = .71 (N= 423). In the current study, the reliability coefficient for approbation was  $\alpha$  = .53 (N=91).

*Tact.* Finally, tact is the ability of the mediator to speak without offending the mediation participant. Examples of the items testing tact were “the mediator leaves me free to choose how to respond” and “the

mediator makes it hard for me to propose my own ideas in light of his/her feedback.” For tact, responses ranged from 2.4/6 to 6/6 with a mean response of 4.69/6 (sd= .73). The original study by Kerssen-Griep, Hess, and Trees (2003) produced a reliability coefficient of  $\alpha = .74$  (N= 423). In the current study, the reliability coefficient for tact was  $\alpha = .65$  (N=91).

As a whole, the response range for the politeness scale was 3.27/6 to 5.53/6 with a mean response of 4.59/6 (sd= .56). The reliability coefficient for the entire politeness scale was  $\alpha = .77$  (N=91), which is acceptable.

Eye Contact. As no eye contact scale existed, a scale was developed using major aspects of the theory, including the flow of communication, signs of interest, and credibility. The scale had two dimensions, observed and expected use of eye contact by the mediator. Responses for the eye contact scale were based on the same six-point Likert scale used for politeness.

To test the reliability of the scales, a pre-test was given to an introductory Communication Studies course (6.9% freshmen, 24.1% sophomores, 51.7% juniors, 18.5% seniors, and 1.7% failed to specify class) at the University of Tennessee following an in-class dyadic interview assignment. There were 58 participants (70.7% female, 29.3% male) in the study with a mean age of 21.24 years (sd= 2.6). Of the

participants, 93.1% identified themselves as Caucasian, while 5.2% were black, and 1.7% were mixed. In the pre-test of the scales, the observed use of eye contact produced a reliability coefficient of  $\alpha = .78$  ( $N=58$ ) while the reliability coefficient of the expected use of eye contact was  $\alpha = .79$  ( $N=58$ ). The results of the pretest indicated that the scale was reliable.

An example item testing observed eye contact was “when speaking to the mediator, the mediator made eye contact with me.” For observed eye contact, the response range was 3.25/6 to 6/6 with a mean response of 5.04/6 ( $sd = .77$ ). In this study, the items revolving around the observed use of eye contact yielded a reliability coefficient of  $\alpha = .78$  ( $N=91$ ).

To test the expected use of eye contact by the participant, items were inserted like “an appropriate amount of eye contact shows concern.” Scores for expected eye contact use ranged from 2.33/6 to 6/6 with a mean response of 4.79/6 ( $sd = .89$ ). In this study, the reliability coefficient for the expected use of eye contact scale was  $\alpha = .78$  ( $N=91$ ).

For the entire eye contact scale, the response range was 2.8/6 to 6/6 with a mean score of 4.87/6 ( $sd = .82$ ). The overall reliability coefficient for the entire eye contact scale was  $\alpha = .91$  ( $N=91$ ).

Facework. As no facework scale existed, a scale was created using individual items based on the five facework strategies as outlined by Brown and Levinson’s (1978, 1987) study of the politeness theory. The

five facework strategies being tested were bald-on record, positive politeness, negative politeness, off-the-record, and avoidance. The mean score for bald-on record was 2.62/6 (sd= .88) with a minimum response of 1/6 and a maximum response of 5/6. Positive politeness had a mean response of 4.67/6 (sd= .86) with a minimum response of 3/6 and a maximum response of 6/6. The mean score for negative politeness was 4.15/6 (sd= .95) with a minimum response of 1/6 and a maximum response of 6/6. Off-the-record facework produced a mean score of 2.88/6 (sd= 1.11) with a minimum response of 1/6 and a maximum response of 5/6. Finally, avoidance facework had a mean score of 2.67/6 (sd= 1.06) with a minimum response of 1/6 and a maximum response of 6/6. Responses to this scale were also answered on the same six-point Likert scale.

Trust. The final independent variable was trust. The 15 items measuring trust were based on a semantic differential scale, where 1 indicated the least amount of trust and 7 indicated the highest amount of trust (Wheless & Andersen, 1978). The response range for the trust scale was 2.8/7 to 6.6/7 with a mean response of 5.65/7 (sd= .86). Previous research of the trust scale produced a reliability coefficient of  $\alpha$ = .81 (N= 668). The reliability coefficient for the trust scale was  $\alpha$ = .89.

Satisfaction. The dependent variable in the study was the satisfaction level the participant developed with the mediator. To

measure the participants' satisfaction level, two scales were utilized. Responses to these scales were based on the previously mentioned six-point Likert scale with responses ranging from "strongly disagree" (1) to "strongly agree" (6). The first scale consisted of items that were recommended by Mary Rose Zingale (Rule 31 Programs Manager for the Tennessee Supreme Court), which revolved around progress made, the mediator, and participation. Through contact with Ms. Zingale, the items were suggested based on her knowledge in the field of mediation and what topics need to be addressed in future literature. An example of the Zingale satisfaction items was, "I am satisfied with the politeness of the mediator." Items were based on the same six-point Likert scale as identified previously. The mean score for the Zingale satisfaction scale was 4.54/6 (sd= .80) with a response range of 2.2/6 to 6/6. During the pretest of the scale, the reliability coefficient was α= .76 (N=58). In the current study, the satisfaction scale proposed by Ms. Zingale produced a reliability coefficient of α= .82 (N=91).

The second satisfaction scale utilized was a communication satisfaction scale adapted from Hecht (1978) which consisted of 14 items. The mean score for the Hecht (1978) satisfaction scale was 3.59/6 (sd= .43) with a minimum response of 2.86/6 and a maximum response of 5.9/6. Research by Hecht (1978) produced a reliability coefficient of α= .97 (N= 252). Within the current study, the reliability

coefficient was  $\alpha = .83$  ( $N=91$ ). For the purpose of analysis, the two satisfaction scales were combined since they had closely related reliabilities. The overall mean score for the combined satisfaction scale was 4.04/6 ( $sd = .42$ ) with a minimum response of 2.68/6 and a maximum response of 6/6. The reliability coefficient for the two combined scales was  $\alpha = .88$  ( $N=91$ ).

### Statistical Analysis

Once data collection was completed, SPSS data analysis software was utilized to analyze the responses received from the survey. The main test run was a correlation test to determine if relationships between multiple items existed and if they were statistically significant.

## **Chapter IV**

### **Results & Discussion**

#### **Face-Threatening Acts and Participant Satisfaction**

Hypothesis 1 looked at the relationship between the mediator's use of communicative face-threatening acts and mediation participant's satisfaction (See Table 1). There is a strong positive relationship between the mediator choosing not to use communicative face-threatening acts and mediation participant satisfaction ( $r(79) = .51, p = .01$ ) with an explained variance of 26.01%. The mediator's choice not to use communicative face-threatening acts is strongly related to mediation participant satisfaction. From this research, 26.01% of mediation participant satisfaction can be explained by the mediator refraining from using communicative face-threatening acts.

Face-threatening acts are verbal as well as non-verbal acts that jeopardize the participant's ability to be respected for what he or she has to offer. The mean of the politeness scale shows that most participants believed their mediators demonstrated a polite mediation style. With the highest mean score of the face-threatening scale, 5.25/6, abstaining from bluntly criticizing the participant's abilities is the most important characteristic a mediator should demonstrate. When confronted with blunt criticism, the participant's competence face is being threatened. Once the participant's competence face has been jeopardized, it is likely

**Table 1: Means, Standard Deviations, and Correlations for Relevant Study Variables**

| Variable              |        | Sat           | FTA           | EC            | App           | Sol           | Tact          | Trust         |
|-----------------------|--------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Satisfaction          |        | 4.04/6<br>.42 | 81            | 77            | 83            | 81            | 83            | 80            |
| Face-Threatening Acts | r<br>p | .505<br>.000  | 4.59/6<br>.56 | 79            | 89            | 89            | 89            | 85            |
| Eye Contact           | r<br>p | .500<br>.000  | .150<br>.186  | 4.79/6<br>.89 | 81            | 79            | 81            | 78            |
| Approbation           | r<br>p | .312<br>.004  | .694<br>.000  | .149<br>.186  | 4.39/6<br>.74 | 89            | 91            | 87            |
| Solidarity            | r<br>p | .406<br>.000  | .720<br>.000  | .136<br>.233  | .333<br>.001  | 4.39/6<br>.74 | 89            | 85            |
| Tact                  | r<br>p | .444<br>.000  | .766<br>.000  | .147<br>.191  | .430<br>.000  | -.291<br>.006 | 4.69/6<br>.73 | 87            |
| Trust                 | r<br>p | .650<br>.000  | .453<br>.000  | .258<br>.023  | .359<br>.001  | .306<br>.004  | .386<br>.000  | 5.65/7<br>.86 |

Note: The diagonal contains the means and standard deviation for each variable. The upper triangle contains the sample size for each correlation.

identity issues will ensue, which makes it more difficult for the mediator to have full group inclusion during the sessions.

The goal of mediation is to have the participants work together with the mediator to produce a mutually satisfying outcome. However, if the participant feels a lack of respect for his or her abilities by the mediator, it becomes even more difficult to produce satisfaction for that participant. To combat this problem, mediators should make all efforts possible to not cast the participant in a negative light. Also, mediators need to avoid making the participant look bad. To achieve this, mediators need to make sure the participants know they approve of them and think highly of them.

Another important characteristic mediators should possess to avoid threatening the client's face is to not make it hard for the participant to propose his or her own ideas. By not allowing the participant to respond as desired, the mediator is threatening the receiver's autonomous face. If the participant feels like he or she cannot actively participate during the mediation sessions, the participant will likely become ostracized. By ostracizing the participant, it is almost impossible to instill any form of satisfaction and contribution into that individual.

In an attempt to not threaten the participant's autonomous face, mediators should allow the client to respond as desired to his or her

feedback. By leaving the participant free to choose how to respond, it is likely greater amounts of satisfaction will ensue. Mediators also need to give the participants a choice when responding to given items that do not permit free response. Producing participant satisfaction is a goal of mediators and by not threatening the client's autonomous face, there is a greater chance satisfaction will be produced.

The final type of face mediators need to be aware of is the fellowship face, which desires group inclusion. To ensure group inclusion, mediators must demonstrate an understanding for the participants' feelings. Mediation can be a difficult situation for someone to participate in, so mediators need to make the participants feel as important as possible. To achieve this, mediators have an obligation to stay attentive to the participants at all times. Also, it is important that mediators make sure the participant knows he or she cares about their experience. By doing this, mediators are more likely to produce satisfaction for the participants in mediation.

In addition to the current findings on face-threatening acts, literature on persuasion increases the ability of the mediator to produce satisfaction for the participants in mediation. Through persuasion, it is the goal of the mediator to be perceived as competent and trustworthy as to not threaten the face of the mediation participants (O'Keefe, 1990). However, it depends on "the nature of the position the communicator

[mediator] advocates on the persuasive issue that can influence perceptions of the communicator's [mediator's] competence and trustworthiness" (O'Keefe, 19990, p. 136).

Since the goal of mediation is to allow the participant's to reach a resolution, it is essential that the mediator fully explores each position (O'Keefe, 1990). Each participant has an expectation on what the mediator believes and what he or she supports, but when the mediator argues an unexpected viewpoint, perceived competence and trustworthiness for that mediator are expressed by the participants. The ability of the mediator to explore alternative options demonstrates to the participants an unbiased viewpoint which is ultimately less threatening (O'Keefe, 1990). When a mediator comes across as competent and trustworthy, there is a greater chance the participants will experience satisfaction with the mediation process.

### Eye Contact and Participant Satisfaction

Hypothesis 2 investigated the relationship between the mediator's use of eye contact and satisfaction of the participant in mediation (See Table 1). There is a strong positive relationship between eye contact use and satisfaction ( $r(75) = .50$ ,  $p = .01$ ) with an explained variance of 25.00%. The mediator's use of eye contact is strongly related to mediation participant satisfaction. From this research, 25.00% of mediation participant satisfaction can be explained by the mediator's use

of eye contact. When used by the mediator, eye contact creates credibility, feelings of warmth, and signs of acceptance.

One of the most important concepts of mediation is that the participant feels accepted for what he or she has to offer. In an attempt to produce these feelings of acceptance, it is important that the mediator create a friendly and warm setting for the sessions. By feeling accepted, there is a greater possibility of the participant being active during the sessions. To promote these feelings of acceptance and more importantly satisfaction, the mediator needs to use eye contact.

When conveyed by the mediator, the use of eye contact shows a sign of interest and regulates the flow of information. By the mediator showing interest to the participant, the participant is more likely to be vocal about certain feelings that normally would not be shared. It is essential that the mediator opens the flow of communication and makes the participant feel comfortable, which is done through positive eye contact and signs of interest. However, if interest towards the participant is not demonstrated by the mediator, the participant will quit sharing private information that could affect the outcome of the mediation process. If the outcome of the mediation sessions is jeopardized by the mediator not using eye contact, satisfaction of the participant in mediation will decrease.

The use of eye contact by the mediator demonstrates signs of interest, concern, and acknowledgment. Regression analysis suggests that eye contact be used to produce satisfaction for participants in mediation. However, it should not be completely relied on to produce that satisfaction. Eye contact helps produce satisfaction for participants in mediation, but it cannot be relied upon as a sole predictor of satisfaction. When used with other characteristics, such as politeness, trust, and facework, eye contact has the ability to increase the chance of producing participant satisfaction.

When used with eye contact, verbal delivery can influence the perceived credibility of the mediator (O'Keefe, 1990). As the amount of credibility generated by the mediator increases, so does the ability of the mediator to use persuasive messages. During mediation sessions, it is essential that the mediator remains unbiased and open to all suggestions. However, during mediation there are times when it is appropriate for the mediator to use his or her authority to persuade the participants. These times usually revolve around the inability to resolve conflict, which holds up the mediation process.

The ability of mediators to cite sources of evidence increases their perceived competence, which in turn increases their persuasiveness (Fleshler, Illardo, & Demoretcky, 1974; McCroskey, 1967, 1969, 1970, McCroskey, Young, & Scott, 1972; Ostermeier, 1967; Whitehead, 1971).

When confronted with gridlocked sessions, mediators should attempt to persuade a resolution by including “relevant facts, opinions, and information” to support their claim (O’Keefe, 1990, p. 135). Even though the concept of persuasion by the mediator is generally untouched, there are those few cases which require it. In addition, the ability of the mediator to use positive eye contact helps increase the perceived credibility of the mediator, which in turn increases the mediator’s ability to be persuasive.

### Approbation and Participant Satisfaction

Hypothesis 3 proposed that the use of approbation by the mediator increases the satisfaction of the participant in mediation (See Table 1).

Approbation is the expression of praise and approval. There is a moderate and positive relationship between approbation and satisfaction ( $r(81) = .31, p = .01$ ) with an explained variance of 9.61%. The mediator’s use of approbation is moderately related to mediation participant satisfaction. From this research, 9.61% of mediation participant satisfaction can be explained by the mediator’s use of approbation.

The goal of approbation is to cater to the competence face, which deals with the participant’s desire to be respected for what he or she has to offer. From this research, the mediator will better understand how to create satisfaction for the participant during the mediation sessions.

The mediator needs to be aware of what the participant expects and how that person wants to be viewed. To help create satisfaction for the participant in mediation, the mediator should make sure not to cast anyone in a negative light or make them look bad. Once a participant has been disrespected, it will be extremely difficult to get that person to cooperate and participate.

The mediator ultimately needs to understand why he or she is using approbation. It is not to build up a participant's ego or create a friendship. Rather, it is to attempt to save face when delivering a possibly threatening message to that person. There are certain characteristics the mediator should be aware of that hold the potential to increase or decrease a face-threatening act.

Quite possibly, the most important principle of approbation is to increase approval and decrease the quantity and quality of pressing issues. When at all possible, the mediator should attempt to compliment the participant and praise his or her accomplishments. By minimizing blame and maximizing praise, the participant will feel a greater connection to the process that in turn will create satisfaction. Even if the outcome is not exactly as desired, if the participant is active in the process, he or she will be willing to give a little and still leave satisfied.

Through research on persuasion, the use of approbation by the mediator increases the opportunity to produce satisfaction for the

participants in mediation. The main concept of persuasion that demonstrates this increase in satisfaction is the liking for the mediator by the participants. There is “evidence indicating that the receiver’s [participant’s] liking for the communicator [mediator] can influence judgments of the communicator’s trustworthiness” (O’Keefe, 1990, p. 139). As mentioned earlier, the goal of approbation is to express warm approval and praise when at all possible. However during times of mediation it is not possible to give unconditional praise and approval.

If the participant establishes a liking for the mediator, it “is much more likely to influence one’s [the participant’s] judgments about the communicator’s [mediator’s] dispositional trustworthiness (the communicator’s general honesty, fairness, and open-mindedness)” (O’Keefe, 1990, p. 139). When this liking arises during mediation practices, it is possible for the participants to lower their expectations of vocalized praise and approval. Once this liking and trust is established in mediation, approval and praise do not have to be continually articulated, instead it is simply assumed. When paired with approbation, research on persuasion increases the opportunity to produce satisfaction for the participant in mediation.

### Solidarity and Participant Satisfaction

Hypothesis 4 studied the relationship between solidarity and satisfaction (See Table 1). Solidarity is a union of interests among

members of a group. There is a strong positive relationship between solidarity and satisfaction ( $r(79) = .41, p = .01$ ) with an explained variance of 16.81%. The mediator's use of solidarity is strongly related to mediation participant satisfaction. From this research, 16.81% of mediation participant satisfaction can be explained by the mediator's use of solidarity.

Expressions of understanding and cooperation help determine the levels of solidarity used by the mediator. Solidarity caters to the fellowship face of the participant, which allows the participant to feel included in the group. The mediator has to maintain a working relationship with his or her clients. It is important for the mediator to get to know the clients as a group as well as on an interpersonal level. By getting to know the client, the mediator will gain a better understanding as to what the participant is expecting out of mediation. If that participant's expectations are unreasonable, then the mediator must pay attention for strategies used by that participant to create an equal ground for all parties to stand on.

Other ways for the mediator to create satisfaction for the participant are to seek agreement, imply close relationships, appreciate aspects of the other, and show understanding. When used properly, solidarity will show acceptance to the group, demonstrate empathic understanding, and exhibit cooperation. It is extremely difficult to create

a cohesive mediation environment if the mediator is disrespecting others. By understanding that solidarity impacts the satisfaction of the participant in mediation, the mediator can use different strategies outlined above to create inclusion and satisfaction.

In opposition to approbation, there are times when liking hinders the involvement of the mediation participants (O'Keefe, 1990). On issues that hold importance to the mediation participant, the overall effects of liking minimize the persuasive ability of the mediator (Chaiken, 1980). In times like this, the mediator needs to step back and allow the participants to reach a mutually satisfying agreement as to not threaten anyone's face.

As the involvement of the participants increase, the liking of and reliance on the mediator is minimized (O'Keefe, 1980). However, when the involvement of the mediation participant is low, the liking of the mediator will increase which in turn will increase participation and decrease the liking again (Chaiken, 1980; O'Keefe, 1990). Through this research, it has been demonstrated how the use of solidarity and the liking of the mediator influences mediation participant satisfaction.

#### Tact and Participant Satisfaction

Hypothesis 5 looked at the relationship between tact and the satisfaction of the participant in mediation (See Table 1). Tact is sensitivity to what is proper when dealing with people. There is a strong

positive relationship between the use of tact by the mediator and client satisfaction ( $r(81) = .44, p = .01$ ) with a variance explained of 19.36%. The mediator's use of tact is strongly related to mediation participant satisfaction. From this research, 19.36% of mediation participant satisfaction can be explained by the mediator's use of tact.

One principle of tact is to be as indirect as possible when imposing on others to give that person an option to decline. By being indirect, the mediator does not come across as imposing, but instead as asking for someone to volunteer. Even if the same amount of work is requested, it does not come across as such a burden since the participant volunteered to complete the work. By having the participant volunteer, he or she will take more pride in the assignment and ultimately become more satisfied with the process.

The mediator needs to recognize and respect the participants' desire to be free from imposition. By leaving the participants' free to choose how to respond, the mediator stands a better chance at gaining compliance and creating a satisfactory environment.

In addition to the current findings on tact, research on trustworthiness judgments adds to our knowledge on mediation participant satisfaction. Trustworthiness judgments revolve around similarities between the mediator and participant (O'Keefe, 1990). These similarities between the mediator and participant "influence the

receiver's [participant's] liking for the communicator [mediator], and enhanced liking for the communicator is commonly accompanied by enhanced judgments of the communicator's trustworthiness" (O'Keefe, 1990, p. 151).

Therefore, it is expected through this trust that impositions placed on the participant by the mediator will not be viewed as a constraint (O'Keefe, 1990). Instead, it is likely the participant will view propositions made by the mediator as trustworthy and reply to the suggestion without hesitation. Through this gained trust and the use of tact, there is a greater chance the mediation participant will not feel imposed upon by the mediator, which in turn will increase his or her participation in the sessions and overall satisfaction level (O'Keefe, 1990).

### Trust and Participant Satisfaction

Hypothesis 6 investigated the relationship between trust and the satisfaction of the participant in mediation (See Table 1). There is a strong positive relationship between trust and the satisfaction of the participant in mediation ( $r(78) = .65, p = .01$ ) with an explained variance of 42.25%. Trust for the mediator is strongly related to mediation participant satisfaction. From this research, 42.25% of mediation participant satisfaction can be explained by the amount of trust the participant holds for the mediator. As the mediator gains the trust of the participant, the overall satisfaction of that participant will increase. In

order to create trust, there are several characteristics the mediator needs to display.

Perhaps the most important characteristic the mediator must display to gain the trust of the participant is sincerity, which produced the greatest mean score of all the trust items (6.12/7). The concept of sincerity is that the mediator will be open, serious, and most of all honest. This means, the mediator should tell his or her opinion on certain topics without worrying about not agreeing with the participant. Even though the mediator's opinion might not be the opinion of the participant, the mediator will gain more trust by being honest. By displaying these characteristics, the mediator will show sincerity for the participant, which will lead to satisfaction of the participant.

With the second highest mean score, 6.09/7, the mediator needs to be considerate of the participant's needs at all times. To be considerate means the mediator must take into careful thought the requests and appeals of the participants before responding to the situation. By being considerate, there is a less likely chance the mediator will threaten the face of the participants.

Coinciding with consideration is respect. Being respectful of the participant's needs produced a mean score of 5.92/7. The mediator must make all efforts to avoid violating the needs of the participant. To

help produce trust, the mediator needs to be respectful to not damage the participant's esteem.

The mediator must make sure the sessions are occurring in a safe environment at all times. Safety generated the third highest mean score for the trust scale, which was 6.08/7. At times during a mediation's heated discussion, it is possible for the participants to slander each other. It is the duty of the mediator to prevent these situations from arising by using his or her authority and creating a new topic to work on. By creating this safe environment for the participants, the mediator stands a greater chance at gaining the trust of the participants.

By eliminating emotional threats to the participant, there is a greater chance the mediator will gain the trust of the participants. As trust for the mediator increases, the satisfaction of the participant in mediation also increases.

In addition to the current findings, literature on mediator credibility adds to our knowledge on what produces trust for the mediator by the participants. To be viewed as a credible communicator by the mediation participants, the mediator needs to demonstrate communication competence (O'Keefe, 1990). Signs of communication competence include the mediator always being informed, showing sincerity towards the participants, and not having a reporting bias (O'Keefe, 1990).

To be considered as a competent communicator, the mediator should be aware of his or her use of nonfluencies. Nonfluencies include “vocalized pauses (“uh, uh”), the superfluous repetition of words or sounds, corrections of slips of the tongue, and articulation difficulties” (O’Keefe, 1990, p. 135). As the mediators use of nonfluencies increases, his or her perceived competence decreases (McCroskey & Mehrley, 1969; Miller & Hewgill, 1964; Schliesser, 1968; Sereno & Hawkins, 1967). If the mediation participant feels the mediator is competent and not misleading, there is a greater chance that trust for that mediator will ensue (O’Keefe, 1990).

#### Facework and Participant Satisfaction

A regression analysis was performed to determine if any of the five facework strategies were predictors of mediation participant satisfaction (See Table 2). The first regression looked at the relationship between bald-on record facework and mediation participant satisfaction. Bald-on record facework is when no effort is made by the mediator to reduce the face-threatening act to the participant. From this research, the coefficient between mediation participant satisfaction and bald-on record facework was significant ( $\beta = -.29$ ,  $p = .00$ ) demonstrating that bald-on record facework is a negative predictor of mediation participant satisfaction.

**Table 2: Facework Regression Analysis**

| Model |                     | Unstandardized Coefficients |            | Standardized Coefficients | t      | Sig. |
|-------|---------------------|-----------------------------|------------|---------------------------|--------|------|
|       |                     | B                           | Std. Error | Beta                      |        |      |
| 1     | (Constant)          | 51.127                      | 9.032      |                           | 5.660  | .000 |
|       | Bald-On Record      | -4.486                      | 1.133      | -.288                     | -3.957 | .000 |
|       | Positive Politeness | 8.315                       | 1.134      | .529                      | 7.331  | .000 |
|       | Negative Politeness | 4.984                       | 1.085      | .328                      | 4.594  | .000 |
|       | Off-The-Record      | -3.109                      | 1.059      | -.248                     | -2.936 | .004 |
|       | Avoidance           | -.822                       | 1.133      | -.062                     | -.725  | .471 |

Logically, it would come across that bald-on facework and satisfaction of the participant in mediation should be negatively related. As the mediator's use of bald-on record facework increases, the mediation participant's satisfaction ultimately decreases. These findings go to show mediators that there is a need by the participants to have face-threatening acts minimized as much as possible. By minimizing these threats, satisfaction of the participant in mediation will increase.

The second facework strategy being studied was positive politeness and its relationship with mediation participant satisfaction. Positive politeness is when the mediator expresses a solid interest in what the participant has to say. From this research, the coefficient between mediation participant satisfaction and positive politeness facework was

significant ( $\beta = .53$ ,  $p = .00$ ) demonstrating that positive politeness facework is a positive predictor of mediation participant satisfaction.

Of all the facework strategies, positive politeness is the greatest predictor of mediation participant satisfaction. Positive politeness usually occurs among a group of friends and is not used as often when conversing with strangers. However, from this research it has been demonstrated that participants notice when the mediator is making an effort to reduce a risk to his or her positive face.

This research does not determine if the attempt at positive politeness was successful or a failure. However, it supports the concept that making the effort to reduce the risk will increase the satisfaction of the participant during and after the mediation sessions.

By using negative politeness techniques, mediators will be less likely to threaten the participants' desire for autonomy. From this research, the coefficient between mediation participant satisfaction and negative politeness facework was significant ( $\beta = .33$ ,  $p = .00$ ) demonstrating that negative politeness facework is a positive predictor of mediation participant satisfaction.

In addition to positive politeness, negative politeness facework is the only other positive predictor of mediation participant satisfaction. When in the mediation sessions, mediators need to pay close attention to imposing on the participant's autonomy. As the use of negative

politeness by the mediator increases, so does the satisfaction of the participant in mediation. Even if the mediation sessions ended exactly like the participant desired, the inability to use negative politeness will adversely impact the satisfaction of the participant in mediation.

The fourth facework strategy is off-the-record. This concept is demonstrated when face-threatening messages are implied, but never actually stated by the mediator. From this research, the coefficient between mediation participant satisfaction and off-the-record facework was significant ( $\beta = -.25$ ,  $p = .00$ ) demonstrating that off-the-record facework is a negative predictor of mediation participant satisfaction.

As a mediator, it is essential to attempt to minimize the face-threatening act by addressing and working out the issue instead of simply implying the face threat. For the most part, face-threatening acts will not go away and in mediation, it is the job of the mediator to reduce and resolve face-threatening acts.

Avoidance facework is the final facework strategy available to mediators during mediation sessions. When using avoidance facework, mediators simply ignore threats to the participants. From this research, the coefficient between mediation participant satisfaction and avoidance facework was not significant ( $\beta = -.062$ ,  $p = .47$ ) demonstrating that avoidance facework is not a predictor of mediation participant satisfaction.

During avoidance facework, there is no attempt to imply or directly state the message, it simply goes unarticulated. As the mediator, it is essential to comprehend issues that are threatening to the participants and offer advice as well as guidance. The mediator choosing to ignore a threatening message simply so he or she does not have to deal with it is an unacceptable practice that should be punishable.

With five distinct facework strategies for mediators to keep in his or her arsenal for dispute resolution, it is easy how one could get confused about which type of facework to utilize. However, mediators are trained professionals who make a living by helping others resolve pressing issues. From this research, mediators will be able to determine which type of facework should be used and when to minimize a threat to the mediation participant to produce the greatest amount of satisfaction. It was demonstrated through this research that bald-on record, positive politeness, and negative politeness facework are positive predictors of mediation participant satisfaction, while off-the-record facework is a negative predictor of mediation participant satisfaction. Avoidance facework does not predict participant satisfaction.

### Further Analysis

For additional analysis, a regression was run looking at the remaining independent variables and the dependent variable (See Table 3). The purpose of the regression was to determine if any of the

**Table 3: Regression Analysis**

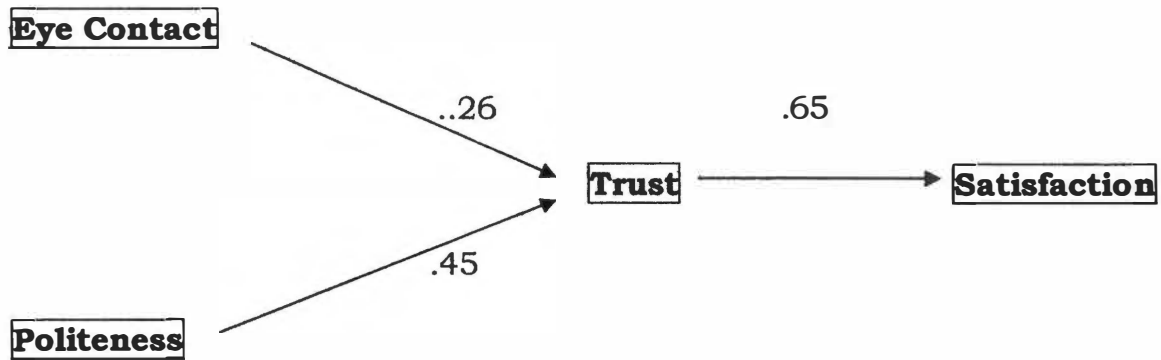
| Model |                       | Unstandardized Coefficients |            | Standardized Coefficients | t      | Sig. |
|-------|-----------------------|-----------------------------|------------|---------------------------|--------|------|
|       |                       | B                           | Std. Error | Beta                      |        |      |
| 1     | (Constant)            | -30.915                     | 10.990     |                           | -2.813 | .007 |
|       | Face-Threatening Acts | -.315                       | .663       | -.185                     | -.475  | .636 |
|       | Eye Contact Scale     | -.011                       | .130       | -.006                     | -.082  | .935 |
|       | Approbation           | .358                        | .803       | .079                      | .446   | .657 |
|       | Solidarity            | .698                        | .697       | .157                      | 1.001  | .321 |
|       | Tact                  | .499                        | .744       | .135                      | .671   | .505 |
|       | Trust                 | .458                        | .093       | .387                      | 4.935  | .000 |

independent variables were predictors of mediation participant satisfaction. The regression demonstrated that trust was a positive predictor of satisfaction for the participant in mediation; eye contact, face-threatening acts, approbation, solidarity, tact were not (See Table 3).

Due to correlations between the independent variables, additional analyses were conducted to determine whether a causal-chain existed. From the literature, it was hypothesized that both eye-contact and politeness would be exogenous variables<sup>11</sup> leading to trust that would lead to satisfaction (See Figure 1).

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<sup>11</sup> Exogenous variables are factors in a causal model or causal system whose value is independent from the states of other variables in the system.



**Figure 1. Theoretical Path Model: Relationships Among Eye Contact, Politeness, Trust, and Satisfaction.**

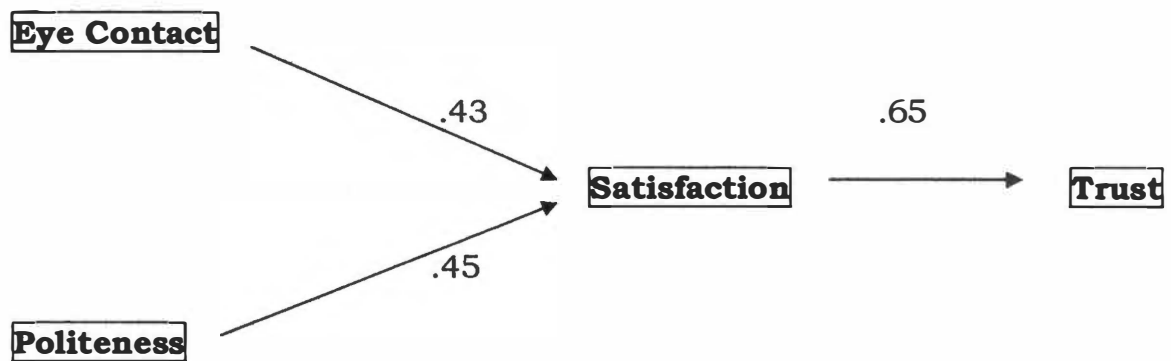
However, using the PATH program developed by Hunter and Hamilton (1992), these data did not fit the model. Looking at the individual links of this causal string, the path was modified to place satisfaction as the first-level endogenous variable<sup>12</sup> leading to the variable trust (See Figure 2). The path coefficients are: (1) politeness to Satisfaction = .45; (2) eye-contact to Satisfaction = .43; and (3) Satisfaction to Trust = .65 (See Figure 3). The chi-square goodness-of-fit test was non-significant  $\chi^2 (2, N= 91) = 1.04, p = .66$ , signifying a good fit of the model to the observed data.

The path coefficients from both exogenous variables to satisfaction were significant (politeness to satisfaction  $\beta = .41, p = .00$  and eye-

<sup>12</sup> Endogenous variable: A factor in a causal model or causal system whose value is determined by the states of other variables in the system.



**Figure 2. Updated Theoretical Path Model: Relationships Among Eye Contact, Politeness, Trust, and Satisfaction.**



**Figure 3. Path Coefficients.**

contact to satisfaction ( $\beta = .44, p = .00$ ) as was the coefficient between satisfaction and trust ( $\beta = .64, p = .00$ ).

The additional analyses to this study added an interesting explanation to these results. While the expected causal linkage between the variable would place satisfaction as the outcome variable, the path analysis found a chain that places trust after satisfaction. It appears that if the participant in the mediation is satisfied with the mediator, he/she may not also have trust in the mediator. However, if they have trust in the mediator, then they were highly satisfied with the process. The results mirror this assumption as a t-test of satisfaction between those high and low in trust found a significant difference ( $t = -5.79, p = .000$ ). Future research should continue to examine trust as the dependent variable rather than an independent variable in these studies.

## **Chapter V**

### **Conclusions**

This study examined the effects of politeness theory, facework strategies, eye contact, and trust on the satisfaction of mediation participants. When speaking directly with mediation leaders throughout the state of Tennessee, it became evident that little research has been completed on any aspect of mediation. Therefore, the results of this study will be made available to these leaders in an attempt to help in their mediation training programs. The attention this topic has generated by industry professionals helps justify the necessity for this study. By implementing these characteristics into the mediation training process, it opens up doors to investigate and research ways to make the mediation experience more satisfactory with a greater chance of group collaboration.

Not only does this research address new avenues of research, it also raises several new questions about the politeness theory. Without previous empirical research, this research looks to establish guidelines for future research opportunities. In addition, the results of this study can assist mediators in improving their techniques by incorporating the discussed behaviors.

It is sometimes difficult to produce satisfaction for the participant during mediation sessions due to the intensity of the issue. However, by

researching ways to increase the possibility of satisfaction for the participant in mediation, this research will help give an advantage to the mediator.

### Recommendations to Mediators

The following section includes examples of the study variables as used in the field. The examples that follow are general in context, as there are numerous ways to express each variable during mediation.

Scenario. The setting is a small claims mediation office with two disputants and the mediator. The disputants names are Roger Thomas and Ted Irving. Mr. Irving was driving home from work one day when he lost control of his vehicle and ran into Mr. Thomas's yard tearing up his grass and running over his mailbox. Mr. Thomas expects Mr. Irving to pay for a new mailbox as well as the cost to repair his yard. However, Mr. Irving does not want to pay for the damages since his car hydroplaned due to rain and he does not feel a couple of tire marks in a yard are a big deal. Instead of relying on courtroom litigation, Mr. Thomas and Mr. Irving agreed to participate in mediation in an attempt to reduce legal costs as well as agreeing on a mutually satisfying outcome.

Examples. The first variable is the mediator's use of face-threatening acts. Since Mr. Thomas wants his yard repaired and mailbox replaced, the mediator stating "this whole situation is not a big

deal, the grass will eventually grow back and the mailbox will be cheap to repair” is a face-threatening act to Mr. Thomas. While it would most likely bring joy to Mr. Irving, this act by the mediator jeopardizes Mr. Thomas’s participation as well as his desire for satisfaction from the mediation process.

The next variable is eye contact. In an attempt to regulate the flow of communication and positively engage Mr. Irving and Mr. Thomas in conversation, the mediator will use positive eye contact with both parties. If the mediator were to use positive eye contact with only one party, it is extremely possible the party not receiving the eye contact will feel like he is at a disadvantage. The mediator choosing to use eye contact with both parties will make them feel their ideas are important, which will increase the chances of full group participation as well as participant satisfaction.

The three dimensions of politeness, (1) approbation, (2) solidarity, and (3) tact are the next variables discussed. An example of approbation would be the mediator praising the participants for actively seeking a collaborative resolution during the first meeting. The goal of approbation is to show as much praise as possible for the participants in an attempt to produce satisfaction. By using approbation, the mediator has a greater chance of both Mr. Irving and Mr. Thomas being actively involved and working towards a collaborative agreement.

The mediator's use of solidarity is to make sure both parties feel included in the group during the mediation sessions. In an attempt to gain this feeling of inclusion for both parties, the mediator should ask for individual accounts of what transpired on the day Mr. Irving ran into Mr. Thomas's yard in an attempt to create a collaborative environment. By asking both parties for their opinions and ideas, it almost guarantees that both parties will stay active and vocal during the sessions.

Tact addresses the participants' desire to be free from constraints and impositions. In an attempt to not alter the behaviors of the participants, the mediator needs to state as much as possible in a voluntary manner. An example would be the mediator asking Mr. Thomas to get an estimate for the repairs and asking Mr. Irving to get information regarding lawn repair as well as costs. By asking the participants to engage in these activities, the mediator is giving an option to decline. The outcome of this practice is that both parties feel as if they volunteered for their duties which will ultimately produce satisfaction for each participant.

When face-threatening acts arise during mediation, the mediator has five facework strategies to choose from. The first of which is bald-on record facework. Bald-on record comes about when the mediator states the threat as directly as possible without an attempt to alleviate the threat. An example would be if the mediator felt as if Mr. Thomas and

Mr. Irving should have been able to resolve the issue without having to enlist his services. Therefore, during the sessions the mediator would say, “you all are ridiculous, you should have been able to resolve this by yourselves, you are adults.” By stating the remark as the mediator did, it is extremely possible that Mr. Irving and Mr. Thomas will feel as if their face was threatened.

An example of positive politeness would be if the mediator stated, “you all are working together great, but you are just a little off track right now.” By making this remark, the mediator is letting Mr. Irving and Mr. Thomas know they are highly respected but a little more work is required to complete the mediation process. Since the goal of positive politeness is to let the participants know they are valued in the mediation process, the mediator made sure Mr. Irving and Mr. Thomas understood that. By doing this, the mediator is increasing the possibility of both parties leaving satisfied.

The goal of negative politeness facework is to reduce the threat to the participants’ desire for autonomy. However, during the mediation session, Mr. Irving and Mr. Thomas were asked to get estimates and lawn care information. To alleviate the possibility of this becoming a face threat to the participants, the mediator stated, “I know this requires a lot of work on your parts, but I really appreciate you getting the estimates and information.” By making the remark as the mediator did, it is likely

both Mr. Irving and Mr. Thomas will volunteer for future actions without hesitation.

The next facework strategy available to the mediator is off-the-record. Here the mediator implies the possible threat without directly stating it. If the mediator feels both parties are not putting enough effort into the sessions as well as the work required outside the sessions, the mediator might state, “summer is a busy time of year.” By articulating the statement as the mediator did, if the participants took offense to the message, the mediator could deny any threat was implied by delivering the message. The use of this strategy allows the mediator to imply messages that need to be stated without threatening the face of the participants.

The final facework strategy is avoidance. During the mediation session, Mr. Thomas and Mr. Irving get into a heated argument about the amount of work required to repair Mr. Thomas’s yard. The mediator may disagree with both parties but refuses to articulate his opinion because the potential of threatening the participants’ face is too great. Instead, the mediator simply says nothing and lets the participants work out their own issues.

To gain the trust of the participants, the mediator should be open and honest at all times. As regression analysis demonstrated, as the amount of trust for the mediator increases, so does the satisfaction for

the participants in mediation. While it is difficult for these variables alone to produce mediation participant satisfaction, this section has given examples for mediators to use during mediation sessions to aid in producing satisfaction for participants in mediation.

## **Chapter VI**

### **Limitations & Future Research**

The sample size is a limitation to this study. Data collection was extremely difficult because it was necessary to rely on mediation centers to forward the survey to their participants. By depending on third parties to receive data, a majority (45.1%) of the respondents participated in education mediation. Education mediation is the process by which the student and a representative of the educational institution meet alongside a mediator to resolve disagreements, voice concerns, and agree upon program information and requirements. It is extremely important to get a greater diversity of mediation participants to determine if the type of mediation being entered has an effect on perceived satisfaction of the participant.

Also, the overall length of the survey proved to be a limitation due to the amount of feedback received on the topic. The survey was five pages long with over 100 items. Since the survey was so long, some people chose not to participate at all. Coinciding with data collection issues, a major limitation is the unreliability of the online server at the University of Tennessee. The online survey would randomly be online and offline with no warning from the statistics department. This is a major factor in the sample size of this survey.

Another limitation of this study is the measurement of the politeness theory itself (Brown & Levinson, 1978, 1987). Previous research has failed to show support for tact, approbation, and solidarity being highly reliable scales. It needs to be determined if in fact these three subscales belong with the politeness theory or if new scales need to be developed. To do this, research needs to be conducted to determine individual items of politeness and then look to group the items into subscales by running a factor analysis. There is a future research opportunity if it is determined the three subscales do or do not measure the politeness theory.

The final limitation to this study is that the politeness theory itself lacks diversity and explanatory power (Lim & Bowers, 1991). The model concentrates mainly on verbal acts such as disagreements or criticisms that threaten the positive face of the receiver. A limitation of the current research is that it did not inquire as to what type of face threat, if any, the participant felt he or she was receiving while in the mediation sessions. Also, when looking at the facework strategies used by the mediator during the sessions, there was not a context identified to respond to those items in. By setting up the facework items differently, it is highly possible different responses would have been received. In addition, by only having single items for each of the facework strategies, it is difficult to determine if responses were reliable. Obviously, the lack

of prior research hindered the success of this study. However, through this research, avenues have been found that require future research.

As previously stated, the politeness theory is not as tightly knit as it should be. Future research should examine what characteristics people view as being polite. Once all the input is received, new dimensions of politeness and a new politeness scale can be developed. Then the survey will be used to further expand on the politeness theory and to determine what effect the use of politeness might have on different aspects of life. Other future research will investigate the variables of communication apprehension and argumentativeness in a mediation setting.

### Conclusions

From this research, it is the goal to develop a mediator training program and manual. The program will offer an intensive one-day course which will provide mediators with hands-on opportunities to facilitate mediation and learn the skills needed to produce satisfaction for participants in mediation. This research has helped develop the concepts to be covered, which will discuss the importance of avoiding face-threatening acts and the proper use of politeness, trust, and eye contact. This research supports the idea that gaining the trust of the participant while also using eye contact, politeness techniques, and

facework strategies, will assist in producing satisfaction for the participant in mediation.

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## LIST OF REFERENCES

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## **APPENDIX**

## APPENDIX

This survey is designed to measure your attitudes and beliefs about mediators and the mediation process. By completing this survey, you certify that you are at least 18 years of age. There are no physical or psychological risks involved. Your participation is strictly voluntary. However, if you should feel uncomfortable for any reason, you may discontinue the survey at any time.

This survey is anonymous, no one will be able to associate responses with individual subjects. **DO NOT WRITE YOUR NAME OR ANY IDENTIFYING INFORMATION** on any page.

**Directions:** Think about the mediation process you just completed. This survey is going to ask you questions regarding your experience. Please use the following scale in responding to the items below.

- 1=Strongly Disagree
- 2=Disagree
- 3=Partially Disagree
- 4=Partially Agree
- 5=Agree
- 6=Strongly Agree

**While participating in the mediation sessions, to what degree did the mediator...**

- |                                                                               |             |
|-------------------------------------------------------------------------------|-------------|
| 1. Work to avoid making me look bad.                                          | 1 2 3 4 5 6 |
| 2. Leave me free to choose how to respond.                                    | 1 2 3 4 5 6 |
| 3. Make sure that s/he didn't cast me in a negative light.                    | 1 2 3 4 5 6 |
| 4. Seem unconcerned about my feelings.                                        | 1 2 3 4 5 6 |
| 5. Let me know that s/he thought highly of me.                                | 1 2 3 4 5 6 |
| 6. Leave me without a choice about how to respond to the given items.         | 1 2 3 4 5 6 |
| 7. Show understanding.                                                        | 1 2 3 4 5 6 |
| 8. Sound like s/he disapproved of me.                                         | 1 2 3 4 5 6 |
| 9. Make me feel pushed into agreeing with his/her comments.                   | 1 2 3 4 5 6 |
| 10. Show that s/he cared about my experience.                                 | 1 2 3 4 5 6 |
| 11. Express blunt criticism of my communication abilities.                    | 1 2 3 4 5 6 |
| 12. Make me feel like I could choose how to respond to his/her feedback.      | 1 2 3 4 5 6 |
| 13. Make me feel like an important person.                                    | 1 2 3 4 5 6 |
| 14. Make it hard for me to propose my own ideas in light of his/her feedback. | 1 2 3 4 5 6 |
| 15. Seem attentive to me as an individual.                                    | 1 2 3 4 5 6 |

**To what extent did the mediator...**

- |                                                                           |             |
|---------------------------------------------------------------------------|-------------|
| 16. Make an effort to reduce a risk to me.                                | 1 2 3 4 5 6 |
| 17. Express a solid interest in what I have to say.                       | 1 2 3 4 5 6 |
| 18. Understand when he/she is intruding in my personal space.             | 1 2 3 4 5 6 |
| 19. Imply messages that are a risk to me, but never actually states them. | 1 2 3 4 5 6 |
| 20. Ignore messages that are a risk to me.                                | 1 2 3 4 5 6 |

**Please answer the following items using your experience during the mediation process.**

- |                                                                                  |             |
|----------------------------------------------------------------------------------|-------------|
| 21. I would like to work with the mediator again on a different subject.         | 1 2 3 4 5 6 |
| 22. When speaking to the mediator, the mediator made eye contact with me.        | 1 2 3 4 5 6 |
| 23. The mediator engaged me with eye contact.                                    | 1 2 3 4 5 6 |
| 24. An appropriate amount of eye contact shows credibility.                      | 1 2 3 4 5 6 |
| 25. I am satisfied with the progress the mediator and I made during the process. | 1 2 3 4 5 6 |
| 26. An appropriate amount of eye contact shows warmth.                           | 1 2 3 4 5 6 |
| 27. I view the use of eye contact as a sign of politeness.                       | 1 2 3 4 5 6 |
| 28. I would be willing to participate in another mediation session.              | 1 2 3 4 5 6 |
| 29. I am satisfied with the outcome of the mediation process.                    | 1 2 3 4 5 6 |
| 30. An appropriate amount of eye contact shows concern.                          | 1 2 3 4 5 6 |
| 31. The use of eye contact regulates the flow of communication.                  | 1 2 3 4 5 6 |
| 32. When listening to the mediator, the mediator made eye contact with me.       | 1 2 3 4 5 6 |
| 33. An appropriate amount of eye contact shows acceptance.                       | 1 2 3 4 5 6 |
| 34. I am satisfied with the politeness of the mediator.                          | 1 2 3 4 5 6 |
| 35. The use of eye contact is a sign of interest.                                | 1 2 3 4 5 6 |
| 36. The mediator let me know I was communicating effectively.                    | 1 2 3 4 5 6 |
| 37. Nothing was accomplished in the mediation sessions.                          | 1 2 3 4 5 6 |
| 38. I would like to have another mediation experience like this one.             | 1 2 3 4 5 6 |
| 39. The mediator genuinely wanted to get to know me.                             | 1 2 3 4 5 6 |
| 40. I was very dissatisfied with the mediation sessions.                         | 1 2 3 4 5 6 |

41. I felt that during the mediation sessions I was able to present myself as I wanted the mediator to view me. 1 2 3 4 5 6
42. I was very satisfied with the mediation sessions. 1 2 3 4 5 6
43. The mediator expressed a lot of interest in what I had to say. 1 2 3 4 5 6
44. I did not enjoy the mediation experience. 1 2 3 4 5 6
45. The mediator did not provide support for what s/he was saying. 1 2 3 4 5 6
46. I felt I could talk about anything with the mediator. 1 2 3 4 5 6
47. I got to say what I wanted in the mediation sessions. 1 2 3 4 5 6
48. The mediator frequently said things which added little to the conversation. 1 2 3 4 5 6
49. The mediator and I talked about some things I was not interested in. 1 2 3 4 5 6

**Directions:** On the scale that follows, please indicate your reaction to the mediator. Circle the number that represents your immediate “feelings” about this person. Circle in the direction of the end of the scale that seems to be most characteristic of this person. Circle only one number for each scale and please complete all scales.

|                                |   |   |   |   |   |   |   |                         |
|--------------------------------|---|---|---|---|---|---|---|-------------------------|
| 50. Trustworthy                | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Untrustworthy           |
| 51. Distrustful of this person | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Trustful of this person |
| 52. Confidential               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Divulging               |
| 53. Exploitive                 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Benevolent              |
| 54. Safe                       | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Dangerous               |
| 55. Deceptive                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Candid                  |
| 56. Not Deceitful              | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Deceitful               |
| 57. Tricky                     | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Straightforward         |
| 58. Respectful                 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Distrustful             |
| 59. Inconsiderate              | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Considerate             |
| 60. Honest                     | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Dishonest               |
| 61. Unreliable                 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Reliable                |
| 62. Faithful                   | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Unfaithful              |
| 63. Insincere                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Sincere                 |
| 64. Careful                    | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Careless                |

**Directions:** Please use the following scale in responding to the items below.

1= strongly disagree

2= disagree

3= neutral

4= agree

5= strongly agree

1. I dislike participating in group discussions.

1      2      3      4      5

2. Generally, I am comfortable while participating in a group discussion.

1      2      3      4      5

3. I am tense and nervous while participating in group discussion.

1      2      3      4      5

4. I like to get involved in group discussions.

1      2      3      4      5

5. Engaging in a group discussion with new people makes me tense and nervous.

1      2      3      4      5

6. I am calm and relaxed while participating in group discussions.

1      2      3      4      5

7. Generally, I am nervous when I have to participate in a meeting.

1      2      3      4      5

8. Usually I am calm and relaxed while participating in meetings.

1      2      3      4      5

9. I am very calm and relaxed when I am called on to express my opinion at a meeting.

1      2      3      4      5

10. I am afraid to express myself at meetings.

1      2      3      4      5

11. Communicating at meetings usually makes me uncomfortable.

1      2      3      4      5

12. I am very relaxed when answering questions at a meeting.

1      2      3      4      5

13. While participating in a conversation with a new acquaintance, I feel very nervous.

1      2      3      4      5

14. I have no fear of speaking up in conversation.

1      2      3      4      5

15. Ordinarily I am very tense and nervous in conversations.

1      2      3      4      5

16. Ordinarily I am very calm and relaxed in conversations.

1      2      3      4      5

17. While conversing with a new acquaintance, I feel very relaxed.

1      2      3      4      5

18. I'm afraid to speak up in conversations.

1      2      3      4      5

19. While in an argument, I worry that the person I am arguing with will form a negative impression of me.

1      2      3      4      5

20. Arguing over controversial issues improves my intelligence.

1      2      3      4      5

21. I enjoy avoiding arguments.

1      2      3      4      5

22. I am energetic and enthusiastic when I argue.

1      2      3      4      5

23. Once I finish an argument, I promise myself that I will not get into another.

1      2      3      4      5

24. Arguing with a person creates more problems for me than it solves.

1      2      3      4      5

25. I have a pleasant, good feeling when I win a point in an argument.

1      2      3      4      5

26. When I finish arguing with someone I feel nervous and upset.

1      2      3      4      5

27. I enjoy a good argument over a controversial issue.

1      2      3      4      5

28. I get an unpleasant feeling when I realize I am about to get into an argument.

1      2      3      4      5

29. I enjoy defending my point of view on an issue.

1      2      3      4      5

30. I am happy when I keep an argument from happening.

1      2      3      4      5

31. I do not like to miss the opportunity to argue a controversial issue.

1      2      3      4      5

32. I prefer being with people who rarely disagree with me.

1      2      3      4      5

33. I consider an argument an exciting intellectual challenge.

1      2      3      4      5

34. I find myself unable to think of effective points during an argument.

1      2      3      4      5

35. I feel refreshed and satisfied after an argument on a controversial issue.

1      2      3      4      5

36. I have the ability to do well in an argument.

1      2      3      4      5

37. I try to avoid getting into arguments.

1      2      3      4      5

38. I feel excitement when I expect that a conversation I am in is leading to an argument.

1      2      3      4      5

**Finally, please indicate the following:**

I am:      \_\_\_\_ Male      \_\_\_\_ Female.

I was born in: 19\_\_\_\_

What type of mediation are/ did you attend: \_\_\_\_\_

I identify with this racial/ ethnic group:

- |                                                     |                                             |
|-----------------------------------------------------|---------------------------------------------|
| 1. <input type="checkbox"/> African American/ Black | 5. <input type="checkbox"/> Native American |
| 2. <input type="checkbox"/> Asian/ Pacific Islander | 6. <input type="checkbox"/> White/Caucasian |
| 3. <input type="checkbox"/> Hispanic/ Latino(a)     | 7. <input type="checkbox"/> Other: _____    |
| 4. <input type="checkbox"/> Mixed                   |                                             |

What is your highest level of education:

- |                                                  |                                              |                                          |
|--------------------------------------------------|----------------------------------------------|------------------------------------------|
| 1. <input type="checkbox"/> Some High School     | 4. <input type="checkbox"/> College Graduate | 6. <input type="checkbox"/> Law Degree   |
| 2. <input type="checkbox"/> High School Graduate | 5. <input type="checkbox"/> Masters Degree   | 7. <input type="checkbox"/> M.D. or Ph.D |
| 3. <input type="checkbox"/> Some College         |                                              |                                          |

Currently I am: ☐ Single ☐ Married ☐ Divorced ☐ Separated ☐ Widow(er)

My employment status is:

- |                                     |                                              |                                           |
|-------------------------------------|----------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Full-time  | <input type="checkbox"/> Part-time/Temporary | <input type="checkbox"/> Stay Home Parent |
| <input type="checkbox"/> Unemployed | <input type="checkbox"/> Retired             | <input type="checkbox"/> Student          |

## Vita

Andrew Craig Tollison was born on May 9, 1981 to Kim Andrew and Mary Lynn Tollison in Knoxville, Tennessee. He attended Karns High School where he excelled in academics, was an active member in the National Honor Society, and was nominated for *Who's Who Among America's High School Students* four years in a row. After high school, Andrew went directly to Pellissippi State Technical Community College. At Pellissippi, Andrew continued to excel in academics and became Vice-President of Phi Theta Kappa, the international honor society of two-year colleges. After two years at Pellissippi, he transferred to the University of Tennessee. While at the University of Tennessee, he became a member of the Phi Sigma Theta honor society. In 2003, Andrew graduated Cum Laude with a degree in Communication from the University of Tennessee. After his undergraduate career, he proceeded to work on his Masters, also at the University of Tennessee. While in his Masters Program, Andrew worked as a Graduate Assistant, Research Assistant, and a Graduate Teaching Associate. Andrew graduated in 2005 with a Masters of Science in Communication. Currently Andrew is employed at the University of Tennessee as a lecturer in Communication Studies.

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