



## Cultural Competency in Mediation

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### WORKSHOP OBJECTIVES

At the conclusion of this workshop, participants will be able to:

- Define cultural competency and related terminology
- Recognize unconscious biases and judgments
- Discuss diversity and cultural worldview considerations as they pertain to mediation
- Employ strategies to leverage diversity and cultural considerations to better manage conflict and resolve disputes
- Improve ability to mediate with diverse participants



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### Workshop Guiding Principles

You don't know what you don't know

- Remain open and curious
- Commit to seeing through a new/modified set of lenses
- Re-think some things
- Reject enemies of learning
- Be engaged and have fun!



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## What is Culture?

- Customs, beliefs, values, standards, language, thinking patterns, behavioral norms, communications styles, etc associated with racial, ethnic, religious, social, political, professional groups and organizations
- Includes groups one is born into or those we join or become a part of
- An individual can belong to or affiliate with many groups

What is our shared culture?



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## Cultural...

### Competency:

A set of congruent *behaviors, practices, attitudes and policies* that come together in a system or agency or among professionals, enabling effective work to be done in cross-cultural situations

### Competence:

Having the capacity to function effectively as an individual and an organization within the context of the cultural beliefs, behaviors and needs presented by consumer and their communities



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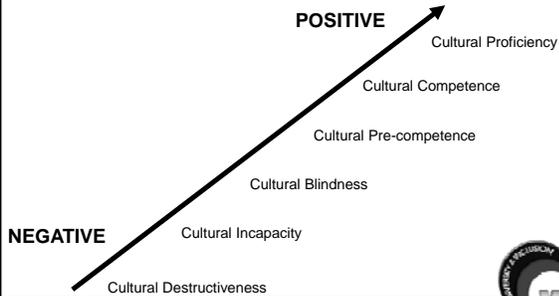
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## Cultural Competence Continuum



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### Cultural Competence Definitions

- **Cultural Destructiveness:** forced assimilation, subjugation, rights and privileges for dominant groups only
- **Cultural Incapacity:** racism, maintain stereotypes, unfair hiring practices
- **Cultural Blindness:** differences ignored, “treat everyone the same”, only meet needs of dominant groups




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### Cultural Competence Definitions

**Cultural Pre-competence:** explore cultural issues, are committed, assess needs of organization and individuals

**Cultural Competence:** recognize individual and cultural differences, seek advice from diverse groups, hire culturally unbiased staff

**Cultural Proficiency:** implement changes to improve services based upon cultural needs, do research and teach




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*Cultural Knowledge > Cultural Awareness > Cultural Sensitivity > Cultural Competency*



**Cultural Knowledge:** Familiarization with selected cultural characteristics, history, values, belief systems, and behaviors of the members of another ethnic group (Adams, 1995).

**Cultural Awareness:** Developing sensitivity and understanding of another ethnic group. This usually involves internal changes in terms of attitudes and values. Awareness and sensitivity also refer to the qualities of openness and flexibility that people develop in relation to others. Cultural awareness must be supplemented with cultural knowledge (Adams, 1995).

**Cultural Sensitivity:** Knowing that cultural differences as well as similarities exist, without assigning values, i.e., better or worse, right or wrong, to those cultural differences (National Maternal and Child Health Center on Cultural Competency, 1997).

**Cultural Competency:** Evolves over time through the process of attaining cultural knowledge, becoming aware of when cultural mores, values, beliefs and practices are being demonstrated, sensitivity to these behaviors is consciously occurring, and one purposely utilizing culturally based techniques in dealing with the workplace and with service delivery




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## What Does This Have To Do With Mediation?

- Culture influences an individual's perspective (i.e. assumptions, expectations, beliefs)
- Differences in perspectives leads to conflict and disputes
- Cultural competency will aid a mediator's ability to navigate the cultural differences/perspectives that may underlie the conflict/dispute



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## Cultural Competency Case Example

Department of Veterans Affairs



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## Generalizations and Stereotypes

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| <p>➤ <b>Generalization</b></p> <ul style="list-style-type: none"><li>➤ Never applies to everyone in every situation</li><li>➤ Only a first "guess"</li><li>➤ Discard when no longer useful</li></ul> | <p>➤ <b>Stereotype</b></p> <ul style="list-style-type: none"><li>➤ Inflexible statements or beliefs applied to every group in every situation</li><li>➤ No exceptions</li></ul> |
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## The Cultural Competence Continuum

- ◆ Where Am I Now?
- ◆ Where Could I Be?
- ◆ What would it take to get me there?



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## Acquiring Cultural Competence

- Starts with Awareness
- Grows with Knowledge
- Enhanced with Specific Skills
- Polished through Cross-Cultural Encounters



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## *Continuing the Cultural Competence Journey*

### What's In Your Knapsack?

#### Exercise



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## Who Is the Norm?



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## *Socialization—Who and what established your ruler???*

- ◆ All encompassing educational process through which Values, Goals, Beliefs, Attitudes, and Gender roles are acquired
- ◆ Primary method of learning culture; That framework of shared designs for living—determines boundaries around what is right/wrong, good/bad, etc.



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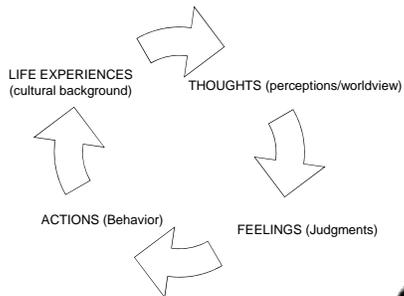
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## SOCIALIZATION



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## Worldview... Seen Through Your Cultural Lenses

- ◆ Age
- ◆ National origin
- ◆ Race
- ◆ Sexual orientation
- ◆ Religion
- ◆ Ability/Disability
- ◆ Gender
- ◆ Education
- ◆ Work role/experience
- ◆ Personality
- ◆ Customs
- ◆ Geographic location
- ◆ Functional discipline
- ◆ Languages used
- ◆ Values
- ◆ Communication style
- ◆ Work Style
- ◆ Learning style
- ◆ Economic status
- ◆ Family situation
- ◆ Military experience
- ◆ Philosophical perspective




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## TAE CAT




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## ICEBERG

Primarily in awareness

Primarily out of awareness



Just as nine-tenths of an iceberg is out of sight, so is nine-tenths of culture out of conscious awareness. The out-of-awareness part of culture has been termed "deep"




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## What is Unconscious Bias?

- ◆ Our fundamental way of looking at and encountering the world is driven by a “hard-wired” pattern of making unconscious decisions about other based on what feels safe, likeable, valuable, and competent. (Ross, 2008)
- ◆ Everyone has some biases, which can be either positive or negative and which we maybe unaware of i.e. they are unconscious.



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## Unconscious Bias, cont.

- ◆ Our traditional paradigm has generally assumed that patterns of discriminatory behavior in organizations are conscious: that people who know better do the right thing and those who don't cause bias.
- ◆ As a result, we have developed somewhat of a “good person/bad person” paradigm of diversity: a belief that good people are not biased but inclusive and that bad people are the biased ones. Consequently, one of the core drivers behind diversity and inclusion work, almost since its inception, has been to find the “bad people” and fix them to eradicate bias



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## Case Examples--Biases

- ◆ Less than 14% of American men are over six feet tall, yet almost 60% of corporate CEOs are over six feet tall.
- ◆ Résumés with “typically white” names received 50 percent more callbacks than those with “typically black” names. Average “typically white” named candidates received more callbacks than highly skilled “typically black” named candidates.

Source: Bertrand, Marianne and Mullainathan, Sandhil. Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination, University of Chicago Graduate School of Business, NBER and CEPR, MIT and NBER, 2004



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## Case Examples--Biases

### **Maternal Wall:**

*When women encounter severe bias once they have children*

The leading study on maternal wall stereotypes found that, compared to women with identical resumes but no children, mothers were:

- 79% less likely to be hired
- 100% less likely to be promoted
- Offered \$11,000 less in salary for the same position
- Held to higher performance and punctuality standards

Source: [http://www.genderbiasbingo.com/stereotype\\_maternalwall.html](http://www.genderbiasbingo.com/stereotype_maternalwall.html)



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## Suspending Judgment

*"A cognitive process and a rational state of mind in which one withholds, particularly on the drawing of moral or ethical conclusions."*

*-Wikipedia*



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## Prejudgment vs. Suspending Judgment

- ◆ **Prejudgment:** drawing a conclusion or making a judgment before having the information relevant to such a judgment
- ◆ **Suspending Judgment:** waiting for all the facts before reaching a conclusion



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### Tool for Mediators When Dealing With Diversity and Cross Cultural Issues

- Actively listen without judgment
- Be willing to recognize their cultural lenses and impact on their worldview
- Help parties identify and describe their worldview (perceptions, beliefs, assumptions, and values) as it relates to the conflict/dispute
  - What is the perception of issue?
  - What judgment/value led to the perception?




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### Tool for Mediators When Dealing With Diversity and Cross Cultural Issues

- Bridge the perception gaps--help both parties understand the different cultural worldviews and impact on the dispute/conflict
- Allow people to feel what they feel




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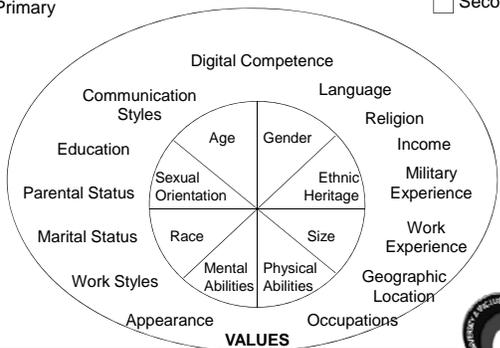
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### Diversity Dimensions

Primary

Secondary




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## Exploring Diversity and Cultural Considerations for Mediators

### Exercise



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## Cultural Competency Impacts the Way We Do Business:

- Recruit people
- Mentor employees
- Assign projects
- Offer training opportunities
- Listen to people's ideas and suggestions
- Interact with colleagues
- Make promotional choices
- Give performance reviews
- Decide policy
- Treat customers



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*"The magic of dialogue is that it really does enhance respect and acceptance of others."*

*Daniel Yankelovich*



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**“The Speed of Trust”**

*“To be open inspires credibility and trust; to be closed fosters suspicion and mistrust.” Stephen Covey*

Covey writes you can evaluate your openness with questions such as:

1. Do I believe that the way I see the world is totally accurate and complete—or am I honestly willing to listen to and consider new viewpoints and ideas?
2. Do I seriously consider differing points of view, and am I willing to be influenced by them?
3. Do I believe there may be principles that I have not yet discovered? Am I determined to live in harmony with them, even it means developing new thinking patterns and habits?
4. Do I value—and am I involved in—continual learning?



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