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Accessibility in Mediation Includes Neurodiversity

When people think about accessibility in mediation, they often think about physical accommodations, language interpreters, or disability access.

But accessibility extends much further than that.

Many participants may process information differently because of autism, ADHD, dyslexia, anxiety disorders, sensory sensitivities, traumatic experiences, or other forms of neurodiversity.

Some participants may openly disclose these needs.

Others may never mention them.

As mediators, our role is not to diagnose anyone or make assumptions about why someone communicates differently.

Our responsibility is to observe the mediation process itself.

Is someone struggling to process information?

Would additional breaks help?

Would a quieter room reduce distractions?



Would written notes alongside verbal discussion improve understanding?

Would virtual participation feel safer?

Would a support person, interpreter, or other reasonable accommodation help someone participate more comfortably?

Sometimes a small accommodation can make a significant difference in helping participants fully exercise their right to self-determination.

At the same time, mediators must continually assess whether each participant has the capacity to participate voluntarily and meaningfully in mediation.

Certain medical or cognitive conditions—including significant dementia, severe cognitive impairment, or other circumstances that substantially interfere with informed decision-making—may make mediation inappropriate without additional safeguards or may indicate that mediation should not proceed.

Every situation deserves an individualized assessment.

Creating an accessible mediation environment is not about treating people differently.

It is about removing unnecessary barriers so every participant has the greatest opportunity to communicate, understand, and make voluntary decisions.

Understanding precedes resolution.

In Practice

Accessibility in mediation begins with thoughtful observation rather than assumption. Consider asking participants before the session whether there are any accommodations that would help them participate comfortably. During mediation, remain attentive to signs that someone may benefit from additional time, written information, a quieter environment, scheduled breaks, or another reasonable accommodation. Small adjustments can reduce barriers to participation while preserving the fairness, neutrality, and self-determination that are central to the mediation process.

Reflection Questions

- How might someone experience the mediation process differently than I do?
- What barriers—visible or invisible—could affect a person’s ability to fully participate in an important conversation?

- How can I create an environment where people feel comfortable expressing their needs without fear of judgment?
- In my own conversations, do I focus more on equal treatment, or on ensuring everyone has an equal opportunity to participate meaningfully?

Key Takeaway

Accessibility in mediation is not about making assumptions or providing special treatment—it is about thoughtfully removing unnecessary barriers so that every participant has the greatest opportunity to understand the process, communicate effectively, and exercise meaningful self-determination. A truly accessible mediation process recognizes that fairness is strengthened when participants are able to engage fully and voluntarily.

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