

Mediating Our Conflicts

Introduction

This unit is designed to help students resolve conflict without the need for more formal court proceedings. Court procedures are often costly and time-consuming. They also rest on the assumption that one person will win, the other lose. Although not all conflicts are amenable to mediation, the process creates win-win solutions where possible. Ultimately, students should learn how to negotiate—without depending on a neutral third party. However, mediation will give them a solid basis on which to build.

In this unit, high school students teach upper elementary students a five-step process to learn how to mediate using school-based examples.

Note

CRFC recommends that high school teachers first conduct and reflect on this unit with their students before the students attempt to teach younger students.

Objectives

High School Students will:

- § recognize that conflict is a normal part of life
- § recognize that conflicts can be solved without violence or government intervention
- § understand the meaning of key concepts and roles related to mediation
- § learn and apply a five-step conflict mediation process to hypothetical, classroom, and historical conflicts
- § prepare a role-play conflict to illustrate opportunities for mediation
- § help younger students think about under what circumstances mediation can work

Elementary Students will:

- § recognize that conflict is a normal part of life
- § recognize that conflicts can be solved without violence or government intervention
- § understand the meaning of key concepts and roles related to mediation
- § learn and apply a five-step conflict mediation process to hypothetical, school-based conflicts
- § think about when mediation might and might not work

Student Handouts

- Student Handout 1 — Mediation
- Student Handout 2 — Steps in the Mediation Process
- Student Handout 3 — Mediation Simulations
- Student Handout 4 — Our Mediation
- Student Handout 5 — To Mediate or Not to Mediate?

Adapted from: Unit 2, “Working It Out Together: Mediating Our Conflicts,” in *VOICE: Violence-Prevention Outcomes in Civic Education*, a Program for Elementary Social Studies. © 1997, 2003, 2004, 2006 Constitutional Rights Foundation Chicago. Many of the ideas and processes in Unit 2 unit are based upon *Creating the Peaceable School*. Thanks to Donna Crawford, Richard Bodine, and Fred Schrupf for their help.

Lesson One: What Is Mediation?

Objective

Students will become familiar with the ground rules and roles for the mediation process.

Resources

Student Handout 1 — Mediation

Chart paper/newsprint

Procedures

1. Explain that the reason we have rules is to reduce (or manage) conflict. Explain that a **conflict** is a disagreement between two or more people. Conflicts are a normal part of life that people deal with every day. Conflicts exist at school, at work, at home, in the community, and in the government. Discuss with students what they think causes conflict.
2. Tell students that there are several ways of managing or resolving conflict. These include asking a parent, teacher, or police officer for help, or taking an issue to court. In this unit, they will learn about mediation, another way to resolve conflict. **Mediation** is when a neutral person or people help two sides of a conflict (the **disputants**) resolve their problem peacefully. Conflict mediation requires **mediators** — trained people who are not a part of the conflict — who will help the **disputants** (the people in conflict) solve their conflict themselves. **Peer mediation** is when a student mediates a dispute between other students. Ask pupils if they can give an example of a student helping others resolve a conflict.
3. Have students read **Student Handout 1** (Mediation) and go over the roles of the mediator and disputants. Check for understanding before proceeding.
4. Model a quick skit that presents a conflict from your own experience. Simpler is better— all you need to do is introduce a conflict that students can easily recognize and that you think could be resolved through mediation. Model the conflict but don't resolve it.
5. Next, either as a class or in small groups, ask students what kinds of conflicts they think are appropriate for mediation. Give examples to get them started, such as arguments over who gets to use art supplies or who gets in line first.
6. Once students have had an opportunity to share examples, tell them that they will enact a sample mediation in class.

Lesson Two: Mediation Simulations

Objectives

Students will:

- § practice using the mediation process
- § evaluate the effectiveness of both their solutions and the participants

Resources

Student Handout 1 — Mediation
Student Handout 2 — Steps in the Mediation Process
Student Handout 3 — Mediation Simulations
Student Handout 4 — Our Mediation

Procedures

- 1 Explain to students that, in groups, they will be role playing situations requiring mediation. There are no scripts for these mediations, but the situations will be described.
- 2 Check for understanding by reviewing **Student Handout 1** with students and explain that they are now ready to look at one of the ways to mediate conflict.
- 3 Post the steps in the mediation process on chart paper and explain briefly what happens at each step and distribute **Student Handout 2** (Steps in the Mediation Process).
- 4 Have the class count off by threes. Assign a simulation to each group—**Student Handout 3-1** to Group 1, **Student Handout 3-2** to Group 2, and **Student Handout 3-3** to Group 3). In each group, identify with the teacher two students to serve as mediators and assign four students to serve as two disputants.
- 5 Discuss with all students the need for **mediators** to:
 - § state the problem,
 - § summarize what disputants have to say, and
 - § clarify for understanding.
- 6 Let them know that both **disputants** and **mediators** should:
 - § face the speaker,
 - § establish and keep eye contact with the speaker,
 - § take turns and not interrupt, and
 - § be alert and attentive.
- 7 Give students their background and have them practice the mediation. Have all three groups working at once; students do not need to “perform” their mediation for the entire class. As they work, have students complete **Student Handout 4** (Our Mediation). .
- 8 Discuss, as a class, the results of mediation. Ask students:
 - § What was the role of the mediator?

- § How were the disputants able to come to a solution?
 - § Did the solution meet the needs of both disputants? Did both sides win?
- 9 Use **Handout 1** and **Handout 2** to evaluate how well each mediation went. Ask students:
- § Were some simulations easier to mediate than others?
 - § What solutions did they agree on?
 - § What makes reaching an agreement easier or more difficult?

Lesson Three: To Mediate or Not to Mediate?

Objectives

Students will learn:

- § that mediation is not the best solution to every conflict
- § think critically about the best way to solve some hypothetical situations

Resources

Student Handout 5 — To Mediate or Not to Mediate

Procedure

1. Tell students that while mediation is often an excellent way to resolve disputes, it is not always the best way. Sometimes, it is appropriate to rely on established rules instead of trying to find a compromise. Today, students will think about when mediation is appropriate.
2. Distribute **Student Handout 5**. Have students indicate whether each situation should be mediated or not by writing Yes or No next to it. Tell students to think about the reasons for their decisions, because they will be discussing them with other students. If they answer No to any of the situations, they should think about what the best way to solve the problem would be.
3. Break the class into small groups, one for each scenario. Students should discuss the reasons for their answers and attempt to come to a consensus about the appropriate course of action.
4. Each group should present their decision and reasons to the rest of the class. If they did not come to a consensus, they can explain the reasons for the alternatives. Students from outside the group may want to comment on why they agree or disagree with the group.
5. Repeat this process for each scenario.
6. **Journal Writing Assignment:** Have students write their group's decision and why they think it will work.

Student Handout 1

Mediation

Mediation is when trained people help others work together to resolve conflicts peaceably.

Disputants...

- Try to understand each other's point of view.
- Take turns telling each other what they want and how they feel.
- Are willing to cooperate in solving a problem.

Mediators...

- Do not take sides.
- Do not solve the problem, but help the disputants solve their problem.
- Do not tell people what to do.
- Listen to understand both sides.
- Are respectful.
- Keep information private.
- Help people work together.

Student Handout 2

Steps in the Mediation Process

Step 1: Agreeing to Mediate

- The mediator welcomes the disputants and introduces him/herself.
- The mediator explains that everyone must take turns speaking and listening, that disputants need to cooperate to solve their problem, and that everyone must be honest.
- The mediator asks the disputants, “Are you willing to follow the rules?”

Step 2: What Is the Problem?/Listening and Understanding One Another

- The mediator asks each person to tell his or her side of the story.
- The mediator summarizes what each person says.
- The mediator asks each person:
“Did I summarize what happened correctly?”
“How did you feel about what happened?”
“Do you have anything to add?”

Step 3: Generating Options

- The mediator explains the brainstorming rules:
Say any idea that comes to mind.
Do not judge or discuss ideas.
Suggest as many ideas as possible.
Try to think of unusual ideas.
- The disputants brainstorm their options.

Step 4: Evaluating Choices

- For each choice, the mediator asks both disputants:
“Would this be fair to both of you?”
“Can you combine various ideas or parts of ideas to make a win-win situation?”
“Do you think you can make a workable plan?”
“Can you keep your part of the agreement if this choice is made?”

Step 5: Reaching an Agreement

- Disputants write an agreement to answer the questions “Who, what, when, where, and how?”
- The disputants summarize the points of the agreement.
- The mediator asks each person:
“Is the problem solved?”
“Are you willing to sign the agreement?”
- The disputants and mediator set up a date to review progress made on the agreement.

Student Handout 3-1

MEDIATION SIMULATION 3-1

MEDIATOR *Situation*

Student A has requested a mediation between him or herself and Student B. Student A and Student B were arguing over the last ball in the basket at recess. The playground supervisor took the ball away from them and wouldn't let either of them have it. You have been asked to mediate their conflict.

CUT HERE _____

MEDIATION SIMULATION 3-1

STUDENT A *Situation*

There was only one ball left in the basket, and you and Student B both wanted it. You were arguing when the playground supervisor took it and would not let either of you have it. You have requested the mediation.

Your Viewpoint

You got to the basket before Student B and had the ball first. You were going to ask your friends to play a game with the ball.

Background Information

You don't have many friends and don't get invited to play with others as much as you would like. Some of the other students play with you when you ask them to. Student B is not nice to you most of the time and does not seem to like anyone who will play with you.

CUT HERE _____

MEDIATION SIMULATION 3-1

STUDENT B *Situation*

There was only one ball left in the basket, and Student A and you both wanted it. You were arguing when the playground supervisor took it and would not let either of you have it. Student A has requested the mediation.

Your Viewpoint

You and your friends always play ball at recess, and it was your turn to get the ball. Student A took the ball just before you got there. Student A does not like to play ball games and chooses not to join you and your friends in your activities. You think Student A should have found something else to do.

Background Information

You have a special group of friends who like to play active games, and you are all good players. You are looked up to by several members of your group of friends because you are often the best player in the game.

Student Handout 3-2

MEDIATION SIMULATION 4-2

MEDIATOR *Situation*

Student A has requested mediation between her or himself and Student B. Student A gave you a note that says, "Student B keeps bugging me and talking about me. Student B throws food at me in the lunchroom all the time." You have been asked to mediate their conflict.

CUT HERE _____

MEDIATION SIMULATION 4-2

STUDENT A *Situation*

You accidentally dropped a piece of pizza in Student B's lap today in the cafeteria, and Student B was ready to fight you. You have requested mediation.

Your Viewpoint

Student B sits two tables away from you in the lunchroom and keeps making faces and whispering to friends about you. Student B even throws food at you when the teacher is not looking. However, you do feel bad about dropping the piece of pizza.

Background Information

You were friends with Student B last school year, but the friendship broke off when the new school year began. You are not sure why the relationship changed.

CUT HERE _____

MEDIATION SIMULATION 4-2

STUDENT B *Situation*

Student A dropped a piece of pizza in your lap in the cafeteria today. You were ready to fight. Student A has requested the mediation.

Your Viewpoint

Student A was your friend until this year. You believe Student A acts superior to everyone else and is always putting other people down. You don't think dropping the slice of pizza in your lap was an accident. You want Student A to pay to have your pants dry-cleaned.

Background Information

You think Student A is acting this way because Student A is in a "gifted" classroom. Student A only hangs around with students from the gifted class.

Student Handout 3-3

MEDIATION SIMULATION 3-3

MEDIATOR *Situation*

Student A has requested mediation between her or himself and Student B. Student A wrote a statement that says, "I share a locker with Student B. I was waiting for Student B to arrive at school this morning. I got into a loud argument with Student B over stuff that was missing." You have been asked to mediate their conflict.

CUT HERE _____

MEDIATION SIMULATION 3-3

STUDENT A *Situation*

You and Student B are arguing about things missing from the locker.

Your Viewpoint

Yesterday you opened your locker, and your lunch money and your math book with your completed homework in it were missing. You had to stay after school to redo the homework, and when you asked Student B about it, Student B would not say anything.

Background Information

You are a messy person and Student B is very neat. You and Student B were good friends before you became locker partners.

CUT HERE _____

MEDIATION SIMULATION 3-3

STUDENT B *Situation*

You and Student A are arguing about things missing from the locker you share.

Your Viewpoint

Last week some of your pictures inside the locker were gone, as well as your math book. The locker is always a mess, and you just take the first book you see. You admit taking the book and the money from Student A because you were not sure whose they were.

Background Information

You are a neat person and have given up on trying to keep the locker clean because Student A is so messy.

Student Handout 4

Our Mediation

This form will help you through the steps of mediation. Fill out the form as a group. You may use additional paper if you run out of space.

Step 1: Agreeing to Mediate

Step 2: What Is the Problem?

This is the problem between the disputants: _____

Step 3: Generating Options

These are the options we thought of: _____

Step 4: Evaluating Choices

These are the pros (good parts) and cons (problems) for our options:

Plan	Pros	Cons

Step 5: Reaching An Agreement

Write your agreement on the back of this page. All participants in the mediation should sign the agreement.

Student Handout 5

To Mediate or Not to Mediate?

You have learned that mediation can be a good way to solve problems. It is not always the best way to solve a problem. Decide whether you think each situation should be resolved through mediation or in another way. Write **Yes** next to the situation if you think it should be mediated. Write **No** next to the situation if you think it should be resolved another way. If you say No, think about how the problem should be resolved. Discuss your reasons with your group.

- _____ 1. During art class, you leave your desk for a minute to get a piece of paper. You leave your crayons on top of your desk. When you come back, your crayons are gone. You ask the students around you, but no one will say that they took your crayons.
- _____ 2. Today in gym class, you can play a bunch of different games. You want to shoot some hoops, but another kid takes the last basketball.
- _____ 3. You are standing in line, waiting to leave your classroom. The person behind you shoves you hard, and you fall down.
- _____ 4. There's a table you and your friends always sit at for lunch. Today another group of kids are already sitting there, and there isn't enough room for you and your friends.
- _____ 5. You are near the front of the line for the drinking fountain. Some students ahead of you call to a friend of theirs, and their friend cuts in line ahead of you.
- _____ 6. You broke your nose in a bike crash a week ago, and your nose is very swollen and gross-looking. You feel bad about how it makes you look. A boy in your class is always making fun of your nose.
- _____ 7. An older kid always threatens to beat you up if you don't give him your lunch money. You have been giving him the money.