

Mediation



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Activity Overview

Time required

1 to 1.5 class periods

Materials/Resources Needed

Copies of this booklet for each student, scrap paper for brainstorming

Lesson Format

Group work and oral presentation

For the Teacher

This activity is suitable for students in grades 9 to 12, and is especially complementary to Legal Studies module 3020: Dispute Resolution. Students will develop an understanding of mediation by engaging in the actual process. By the end of the lesson, students should be able to analyze the value of mediation as a means of dispute resolution and the situations in which it may be best applied.

This lesson should take 1 to 1.5 class periods, depending on the length of the class. This activity also provides an opportunity to assess students' critical and creative thinking, as well as their oral presentation skills. A suggested rubric is attached.

For the Student

One conflict-resolving process is called *consensus building* and is usually led by a *mediator*. Mediators act as a neutral third party to help people in conflict understand each other's perspective and hopefully reach an agreement which both parties are agreeable to.

Unlike arbitration or litigation, where a solution is decided upon by a third party, mediation is about the interested parties developing solutions together which they can agree upon. The mediator is responsible for creating a neutral and structured setting, and for facilitating discussion and creative solutions. Since all parties have had a hand in contributing to the dispute resolution process they are more likely to stick to the agreed upon solution, and relationships are more likely to remain intact. In addition, the mediation process is often quicker than other dispute resolution avenues.

Sometimes students are better at working out student problems in ways that adults don't think of. They can be great mediators! This is why many schools have set up Peer Mediation groups, where students having conflicts can go to a neutral peer mediator to help them work through their problems. While working through the following activity, think about whether you think a program like this may be useful in your own school.

Challenge

Your group will choose or create a fictional conflict which needs mediation. You will each take on a role in the conflict and together you will work through the mediation process to try and reach a solution. You will track your process in writing and then share the process and results of your mediation with the class.

To get a more solid understanding of what mediation is, read the following example. Focus on the strategies Emily uses to mediate the dispute.

The Unhappy Soccer Games: A Skit about Consensus Building

Setting

A classroom anywhere in Canada. There is a table and white board or chart paper in the background. On the chart paper is written, “Public Brainstorming Wall.”

Cast

Kevin and Richard: students in conflict.

Emily: the mediator.

Tim, Lucy, Amanda and Brendon: four other students chosen to be on the mediation team.

The Scene

Emily: We are here today to solve the reoccurring noon hour conflicts. One of these conflicts ended in Richard and Kevin fighting. I am your mediator and we agreed to use an eight-step method to solve the problem. The method is on the chart board.

[Emily shows the following chart on the chart paper]

Steps that a Mediator can use to Get Consensus

1. Decide who will be on the mediation team or let your teacher decide.
2. Write down the problem - be sure everyone agrees what the problem is.
3. Each party shares how they feel about the problem or situation.
4. Analyze the problem – look deeply – understand the real cause of the difficulties.
5. Brainstorm about and list possible solutions.
6. Eliminate solutions that either side really doesn't want.
7. Discuss the remaining solutions and agree on one solution; or, suggest and agree to change the wording of a proposed solution a bit so everyone agrees.
8. Approve the decision.

Emily: The teams have already chosen the students who are to be on the mediation team, so step one is complete.

Step two is to be sure we all understand the conflict. We wrote the problem down with the supervising teacher after the fight. We are going to read the problem now to be sure it is correct.

Emily points to the problem that is printed on the chart paper or smart board. Emily reads the problem aloud.

The Problem

There are four soccer teams that play at noon hour. There are no referees for our games and it is up to the players to decide if there is a goal or not. Three times this week Kevin (who is the goalie) said there was no goal when Richard (a player from the other team) was sure that the ball went in the net. Yesterday, after Kevin said there was no goal, Richard began shouting at him and then the two boys began fighting. The teacher supervisor asked the boys to pick four other team members to attend mediation and solve the problem of noon hour soccer conflicts.

Emily: If anyone is unclear about the problem or wants to change the way it has been written, please speak now. *[No one Speaks]*

Emily: Step three is to share how the issue makes you feel. I want each of you to take a couple of minutes and then calmly tell the others how the issue at noon time soccer makes you feel and why it is a problem for you. No one should interrupt at any time. *[gives each person a minute]* Richard, why don't you go first?

Richard: I feel like there is no point in playing if my goals, or my teammates' goals, don't count.

Tim: I don't like when people cheat and it seems like some people are always cheating. It takes the fun out of playing.

Amanda: A lot of the players who argue about goals don't know the rules. I've been playing soccer for 5 years, so I know the rules and what counts as a goal, but no one listens to me or the other players who know the rules. It is frustrating!

Joni: Even if someone makes a decision, no one listens. Then they end up fighting again 5 minutes later about what the real score is and what goals actually counted. I would rather spend that time playing than arguing.

Kevin: I'm the goalie but I can't always see what's gone in and what hasn't. Sometimes it is too close for me to call and I need an outside perspective. It seems like everyone blames me no matter what I decide.

Lucy: I just want to enjoy playing. It is hard to play and referee at the same time.

Emily: Good! Now that we all know how everyone feels about the situation, we need to analyze the problem and brainstorm about what is really causing the problem. The question is, "Why is there so much fighting in the noon hour soccer games?" Each of you will be given post notes and you will privately write your thoughts about the answer to that question.

[The members of the mediation team privately write their thoughts]

Emily: Now we will post your thoughts on the public brainstorming wall. As you post them you will read them out loud. Why do you think there is so much fighting at noon hour soccer?

[Students post their notes on the chart paper and read what they wrote]

Richard: We can't agree on whether there are goals or not.

Tim: Some people always cheat.

Amanda: Players who try to say what should happen don't know the rules.

Joni: Some people won't listen to the decision.

Kevin: I am a goalie and it is hard to watch the ball and also see if it is in or not.

Lucy: It is hard to play and referee at the same time.

Emily: Good – now let's look at the answers. Are there any answers that you want to change or eliminate?

Lucy: I don't agree that some people *always* cheat. I would like to change it to, "It seems that some people cheat sometimes."

Emily: Does anyone disagree?

[No one disagrees]

Emily: Are there any other problems?

Emily: So we have reached consensus about the underlying problem.

Emily: We are now going to step five – brainstorm about possible solutions. The procedure will be the same – we will write our ideas on post notes and post them for discussion and agreement.

[Students write and post their Ideas. After they post them, Emily reads them out loud]

Ideas for Solutions to the Problem

- Get students from grade eight to referee our games.
- Eliminate soccer if there is fighting.
- Don't let anyone who argues play anymore.
- Take turns refereeing.
- Don't keep score.
- Just let the ones that know the rules referee.
- If players argue they can't play any more that week.
- Make someone have a final say every day.

Emily: These are good ideas! Step six is to eliminate solutions that we don't want. If there are any that you can't live with even if you change the wording a bit, please go up and remove the post note.

Kevin, Lucy, Brendon and Richard each remove one post note. They explain why they removed the note. They have removed numbers 1, 2, 3, and 5.

Emily: Now we are left with four possible solutions. They are:

Revised Ideas for Solutions to the Problem

1. Take turns refereeing.
2. Just let the ones that know the rules referee.
3. If you argue you can't play any more that week.
4. Make someone have a final say every day.

Emily: Step Seven is to write a proposed solution. Let's now discuss the solutions before us. We can agree with them or change them a bit to make them better.

Tim: I like the idea of taking turns refereeing, but also just having the ones that know the rules ref.

Brendon: I like that too, but I know the rules and then I don't get to play that much because I am always refereeing.

Lucy: I like the idea of someone who knows the rules having the final say.

Kevin: Let's take turns refereeing, but if there is an argument, have a player that we all like have the final say.

Richard: I like that.

Emily: I will write that solution on the board. *[Emily writes]*

Proposed Solution One

Every player on the soccer teams will have to take a turn refereeing. If there is an argument, a player chosen before the game has final say.

Emily: Do we need to add any details to this proposal?

Amanda: How will we pick the person that will have the final say?

Kevin: I was on a team once where one team took turns suggesting two possible people to have final say and the other team picked which one of the two they wanted. I think that would work if we alternated so that one week the first team suggested and the other team picked and then switched.

[Emily writes the suggestion on the chart paper]

Emily: The proposal for the solution now looks like this.

Proposed Solution Two

Every player on the soccer teams will have to take a turn refereeing. If there is an argument, a player chosen before the game has final say.

The player with final say will be chosen as follows:

- one team will suggest two people, and the other team will make the final decision; and
- the team who chooses and the team who suggests will change every week.

Emily: Is there anything else to add?

Tim: I think we should say that if you argue with the person with the final say, you can't play any more for three games because if you say for the rest of the week and it is Friday you get off too easy.

[Emily changes the wording and adds it to the solution]

Emily: Step eight is to finalize one solution. We will now all read the last solution and if no one says anything, it means we have reached a consensus.

The Solution

Every player on the soccer teams will have to take a turn refereeing. If there is an argument, a player chosen before the game has final say.

The player with final say will be chosen as follows:

- One team will suggest two people and the other team will make the final decision.
- The team who chooses and the team who suggests will change every week.

If a player argues with the person with final say, he or she can't play for three games.

Emily: Does anyone have anything else to say? [*No one says anything*]. Great! We have reached a solution through consensus. I will take the solution back to the teachers. Thank you for being part of the mediation. I hope this solves our noon hour sports problems.

Your Turn

Read the following situations that caused conflict. Can you imagine a mediator using the eight steps when mediating this conflict?

Conflict One

Joni and her brother Curtis often fight about doing chores around the house. They both hate doing dishes. One week it was Joni's turn to wash the dishes and Curtis' turn to dry. Curtis and Joni's parents went out for the evening and said that the dishes had to be done when they returned. Curtis immediately washed the dishes even though it was his turn to dry. Joni then did not do anything, and when their parents returned, the dishes were not done. Joni was grounded for a week for not doing her share of the dishes. She became very angry with both her parents and Curtis and they began fighting.

Conflict Two

Grace just got a new haircut that she thought was too short, but her mom told her just to live with it and it would soon grow back. Grace went to school and during lunchtime she noticed some other girls giggling and talking about her behind her back. She asked her best friend Lisa what they were talking and laughing about, but Lisa just walked away and sat with the group of girls who were laughing. Grace was very upset and she went to sit at another table with different girls. Then the girls at the two tables began calling each other names. The teacher overheard and suggested that the groups of girls try to work with a mediator to solve their problem.

Conflict Three

Edmond was an ESL student whose first language was Mandarin. Edmond and his friend Donny were working on a Social Studies project together when Edmond wrote the word *ancient*. Donny told Edmond that he had spelled the word incorrectly.

Edmond asked him what he wanted to bet, and Donny said that he would buy him an I-Pod if he was correct. Edmond then went to the computer and proved that he was right. When Edmond excitedly told their teacher that Donny owed him an i-Pod, Donny said that he was joking and that he couldn't afford an I-Pod. The two boys began to fight and the teacher suggested that they use a mediator to try and come to a consensus.

Challenge

Your group will use one of the conflicts above, or write your own. Then, you will decide who will be the mediator and the role each other group member will play within the context of the conflict. As you act out or work through the mediation process, fill in the following sheet to help you record your progress. The mediator should use the eight steps followed in the example skit to help the group work through the problem. Use the attached Tracking Sheet to help you track your progress as you work through the problem together.

You will then share the process and results of your mediation session with the rest of the class.

Assessment

The following three-point rubric will be used to evaluate your application of mediation skills and strategies.

Three points

demonstrated highly creative problem-solving strategies; followed the eight mediation steps accurately; gave a clear and effective presentation to the class; participated actively in the assignment.

Two points

demonstrated somewhat creative problem-solving strategies; adequately followed the eight mediation steps; gave a functional presentation to the class; participation was moderate.

One point

demonstrated weak problem-solving strategies; did not clearly follow the eight mediation strategies; presentation to the class was hard to follow; participation in activity was minimal.

Extension

When companies, unions, organizations, or countries have a dispute, mediation is a common first step in their dispute resolution process. Use the internet and/or newspaper to research recent examples where mediation has been used in large scale dispute resolution. What was the dispute? What was the outcome? Why do you think mediation was or was not successful?

Additional Online Resources

Mediation and Restorative Justice Centre: www.mrjc.ca/

Alberta Arbitration and Mediation Society: www.aams.ab.ca/

Alberta Justice: Mediation Homepage:

http://justice.alberta.ca/programs_services/mediation/Pages/default.aspx?WT.svl=programs

Community Mediation Calgary Society: www.mediation.ab.ca/

Articles about Mediation, Arbitration and Conciliation in the real world

http://topics.nytimes.com/topics/reference/timestopics/subjects/a/arbitration_conciliation_and_mediation/index.html

Article: Mediation in Schools (ERIC Digest)

www.ericdigests.org/1995-2/mediation.htm

Guide to organizing and conducting peer mediation in your own school:

www.studygs.net/peermed.htm

Mediation Process Tracking Sheet

1. Write down the problem in your own words.

2. Does everyone agree that this is what the problem is?

(If there is a disagreement, make changes until everyone is in agreement)

3. Analyze the problem – what is the real cause of the difficulties? Look deeply and take everyone’s feelings into account. Write everyone’s feelings about what the real problem is below.

4. Are there any changes to the above statements that anyone feels needs to be made? Indicate these changes below.

5. Brainstorm about possible solutions.

6. Eliminate solutions that one or more parties can't live with. Write the revised list below.

7. Using the above list, start trying to pull ideas together to make a proposed solution everyone is happy with. You may need to come up with several drafts before you reach a final one. Write your drafts below.

8. Write your final solution, one which all parties have agreed upon, in the space below.
