

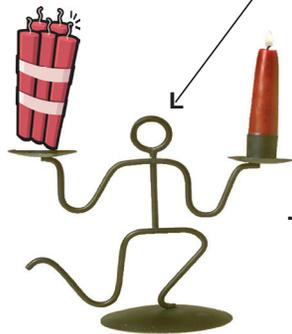
Conflict Management



Conflict means, "strike together." The spark of anger or flame of emotion can result. A conflict response **decision** must be made by each party (disputant) involved.



Decision to focus on **separate** interests



Decision Maker

Decision to focus on **shared** interests



VS

Violence is anger expressed inappropriately and polarizes a campus enforcing separateness.

Mediation dissipates anger appropriately and preserves campus peace and cohesiveness.

Schools are "mistake" clinics! In mediation, mediators help students to clarify needs and to choose again.

The focus of today's seminar on conflict management is mediation. Its goal is to empower you to call upon and to use the *field* mediation techniques and steps that we will discuss. This booklet contains supporting theory and practice information in rich detail and can get you started on any formal mediation activities that you may wish to embark upon. The *Peer Mediation Journal* (included) is provided to assist those learners who prefer diagrams. The **field mediations** that will be studied today contain the very same elements that are found in formal court-ordered mediations.

Here are a few key concepts with which one should be familiar at the conclusion of our work today:

conflict, ego, disputant, catharsis, healing, doable, durable, equal, honorable, tone, self-enforcing, power imbalance, neutrality, neutralizing language, confidentiality, no interrupt rule, separate interests, shared interests, "focus funnel," common ground, Catch a Spark - Stop a Wildfire, The six Steps of Mediation.

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v. 7.7

Current versions of this booklet are available on line at:
http://www.curwen.org/mediation_booklet.html

MarJon Mediation Services
Alternatives to Violence

INTO: *Love may seem to make the world go around, but **conflict** really drives it! As long as we have have egos, we will have conflict!*

In our egocentric lives, we subconsciously use **conflict** to maintain our focus on our *separate* interests whether they be personal or global. **Conflict** ranges from an inward experience where we idly entertain thoughts of judgment against others on up into the range of an outward expression such as nuclear war. Relationships between people (singularly and as groups) are points where lives meet and, perhaps, *strike* together. **Conflict** literally means, “to strike together.” Relationships are a place where **profound learning opportunities** occur - each interactive *lesson* can move us toward inner peace or inner conflict. We must then choose, constantly, the *teacher of each lesson* in each encounter - a teacher of separate interest focus (ego) or the teacher of shared interest focus (non egocentric). The “teacher” is the *power* in the mind of each disputant to *decide* which interest focus shall prevail. Long term relief from conflict can only come through recognition of *shared* (non egocentric) *interests* in relationships. Shared interests are reflected in the *common ground* focus in successful mediations. The outward expression of any common ground focus is found in the form of an *agreement*. How we get from conflict to agreement is the subject of this seminar.

THROUGH: *Inevitable conflict can be managed successfully through the process of mediation which we will now explore.*

Participants (each) share a typical conflict they have seen at school...We *may* use one for our role play section later. Jot conflict notes (as directed) below.

Conflict Management Continuum - next page - separate interests vs shared interests - getting ABOVE the *battleground*.

Solution types: Lose-Lose, Win-Lose, Win-Win

The “case” for mediation - demonstration and discussion.

Goal Today: Participants will be able to successfully conduct a *field mediation tomorrow* using the 6 steps of mediation below.

The steps of the process of mediation.

Discussion/demo & role-play in groups of three (optional). Add your own notes below each step. More in depth information in the pages ahead

- 1. Inquiry or opening.** State that you have observed an apparent conflict and offer (in a *way they can't refuse) to mediate it. Create a *private space*, secure their *agreement* to your **rules** of, 1. No interruptions, 2, Listen carefully. Witnesses are NOT needed as this is not a “court.”
- 2. Storytelling or initial statements.** *Actively listen equally* to disputants, repeat what they say, as necessary, note power imbalances, and enforce rules of mediation. Conclude each storytelling time with, “Anything else?” Then finally, to both, “Is there anything else we need to hear?”
- 3. Agenda setting.** What are the apparent *and* hidden *issues* driving this? Make your mental list. Get *agreement* on your **list** of elements of the problem. Every time there is *agreement* on ANYTHING, congratulate the disputants. We are establishing *common ground* for later.
- 4. Discussion or Surfacing the conflict, etc.** Dig in and bring the issues into **discussion**. “Lance the boil.” *Actively listen*. Ask each if they heard what the other said. Have them state what they heard. Ask the other if this is what they meant. Thoroughly “air” the issue(s). Was there a problem before today? **Ask what each expected** of the other leading up to this issue. After *catharsis*, end with, to both, “Anything else?”
- 5. Solutions and agreements.** After *fully* discussing agenda items, discuss what *each wants* or what each wants the other to stop, etc. Doable and durable are key points here. Discussing separate interests (needs) helps to build an awareness of the even greater need for the shared interest need of meeting each other's needs. The shift of focus, if only briefly, from *self* to *shared* helps to dissipate the driving energy of the conflict. **Balance** should be apparent in agreements and all that you do. Ask, “Can you make this happen?” along the way. At this point, all motivation for continuing this conflict should be dissipated as disputants are carried above their battleground of separate (ego) interests to their common ground of shared interests (agreement). ****The ultimate points of agreement are sincerely offered and accepted apologies.** They are reflective of a forgiving attitude insuring successful self-enforcement of their agreement.
- 6. Closure.** Thank them and review the agreement points (common ground of shared interests) and promises. Remind them of the confidential nature of the discussion and agreement (usually verbal) and warn them about others wanting to see them “fight.” Review the consequences of their failure to keep the agreement - *discipline instead of discussion! Tell them to seek someone in authority immediately if issue appears to be returning.

** Please see page 6, paragraph 2, of *A Beginner's Guide to Mediation at a School Site* for an in depth explanation of this concept.

ROLE PLAY PROCESS: *(and/or demonstration, as time permits and, according to group size)* Please use your notes above.

Acting School notes: *Act out your role, briefly, in the scenario assigned as best you can. You probably know somebody who has acted this way. Always show respect for the persons serving as mediators, but try once (only) to break the no interrupt rule just a bit. After a short while, be ready to act cooperatively with the other disputant. Remember, you might be playing mediator next time!*

Administrative sales pitch for mediation vs adjudication - time, paper, money, phone calls, campus “tone.” & the supervision “Monkey on the Back” concept.

Tap Stevens **poem** (as time permits).

BEYOND: *Conflict is here to stay! You can now manage it effectively! Be the mediation maven for your school campus!*

Master the field mediation information. **Read** the materials provided herein for greater depth of process mastery. Check for (your) understanding - terms on the front cover. Offer to become a resource at your school. Mediation promotes campus safety by providing an honorable alternative to violence.

Conflict (to strike together) Management Continuum

Some origins of conflict:

Relationships* each person brings in their own separate interests.

When our interests clash (strike together) we have conflict. All relationships of any kind will have some sort of conflict. WE CAN MANAGE IT!

All learning (schools are for learning) involves change. This may cause conflict.

Growth + Learning = Change. Expectations may "violated" >>> conflict happens!

Examples of conflict... _____

**Relationships are where learning opportunities occur as "classrooms." Mediators can help disputants find the correct teacher for the "classroom" we call conflict. Mediation is the means, then, for disputants to rediscover their decision maker and decide on a different teacher to interpret the events of the "classroom" of their life.*

The Conflict Management Continuum

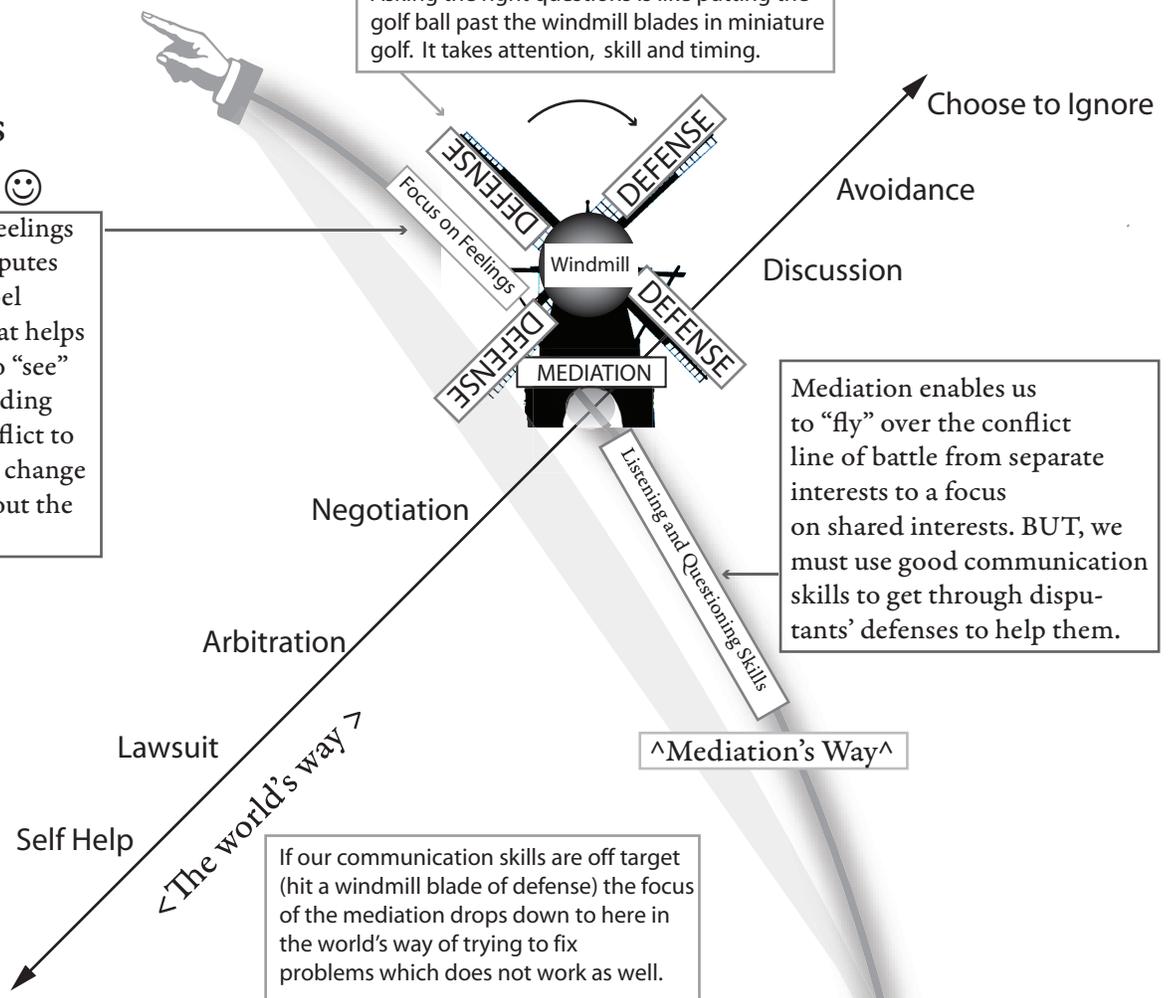
Decision maker - **more** options
Peace Thoughts Become Possible

Shared Interests



A focus on feelings affecting disputes helps to dispel them and that helps disputants to "see" past the blinding anger of conflict to the possible change of minds about the issues.

Asking the right questions is like putting the golf ball past the windmill blades in miniature golf. It takes attention, skill and timing.



Mediation enables us to "fly" over the conflict line of battle from separate interests to a focus on shared interests. BUT, we must use good communication skills to get through disputants' defenses to help them.

If our communication skills are off target (hit a windmill blade of defense) the focus of the mediation drops down to here in the world's way of trying to fix problems which does not work as well.

Separate Interests

Decision maker - **less** options
Attack Thoughts Mostly

A Beginner's Guide to Mediation at a School Site Mediation as an Effective Non-violent Conflict Management Strategy

Many schools have an on-going mediation program wherein trained student mediators work with their peers to diffuse minor disputes before they become major problems leading perhaps to violence, injury, and disciplinary consequences. Other schools have adults serving as mediators and may begin their involvement in this manner as they gather resources to train student (peer) mediators. In any event, mediation can lead to long term (durable) self-monitoring solutions to disputes as students in dispute can be encouraged to strive to experience a "win-win" resolution to their dispute.

The information below will enable adults to work with students in conflict and to mediate student problems. Trained student mediators learn to apply the same basic principles as they work with their peers. This information is presented for school personnel, but, it has universal application. Where there is life, there is change. Growth requires change. Learning requires change. Conflict, which certainly can be seen as crisis, appears to be linked to change. The Chinese symbol for problem (or crisis) and opportunity is one and the same. Treat your clients' conflict problems, then, as opportunities for growth and change.

For those who would like to try doing some peer mediation immediately, I provide this basic information distilled from thirty hours of class work and many hours of mediations. Thanks go to the late Bill Hobbs of Dispute Resolution Services, Los Angeles County, for his incredible and insightful training and to the late Mary Spring along with Rosemary Lalli, Volunteer Mediation Services, Newhall, California for their dedicated coordination of our local program. Honorable mention goes to my mediation training buddy, Richard Freifeld, Director of Student Services, Wm. S. Hart School District, who helped to create the first version of this document, helped to pioneer mediation programs in the Hart District and was my co-presenter at various school administrator seminars. And, finally, thanks to Dianne Sindermann, school counselor, for her long time coordination of the peer mediation program at Sierra Vista Jr, High School in the Hart District. Cindy Klinger, counselor, continues her valuable work.

*This information, in addition to your training and experience working with people, should give you enough information to start your own student mediations. Read it several times to help develop your "comfort" with the process. Your skill as a mediator will grow rapidly with each mediation. An abridged form of mediation is termed, **field mediation (FM)** and each section of the formal mediation process is accompanied by some **FM information**. The principles are the same.*

MEDIATION IS A PROCESS TOTALLY DIFFERENT FROM ADJUDICATION!

The timing and subtleties in the use of this information and one's skills as educators make all the difference in effecting a successful mediation process. Mediation is a process that mediators facilitate rather than force upon the disputants (those in conflict). A mediator is not a judge, makes few if any decisions, and offers few if any opinions. In mediation, the disputants own the problem and are totally responsible for developing solutions to the problem. A skilled mediator will help disputants to see their problem fully and, also, to see their way to a mutually satisfactory solution. The unique strategy of producing "win-win" solutions to disputes through the process of healing relationships (brief or longtime) prevents the spawning of more disputes via the attack-revenge cycle. These "lingering issues" are common with adjudication processes which result in a winner and a loser - often a sore loser! Sore losers on a school campus can wreak havoc in an overt and/or subtle manner. Mediation, as its root *mediare - to heal*, would suggest, helps us to avoid those festering sores of losing being carried away by a disputant who then displaces anger or who plots revenge of some form.

THE MEDIATOR IS A NEUTRAL PARTY!

A mediator must demonstrate complete and absolute neutrality in the dispute. Both disputants should feel that they are equally valued as worthy human beings by the mediator. This is tough to do sometimes, but essential. This neutrality extends to the seating arrangement, mediator body language, facial expressions, time of eye contact, volume of note taking and all manner of subtleties. Disputants should also be ushered into the mediation room at the same time. An exception to the neutrality principle might occur when there appears to a "power" imbalance as a result of size, age, or verbal ability differences between disputants. A mediator may need to make things "more equal" via increased active listening techniques with the "weaker" disputant. No disputant should be a junior partner to the proceedings. One way of doing this is to use questions that begin with, "Help me to better understand. . ." which make it appear that you are needing help with your understanding rather than the weaker disputant needing help with their story telling.

FACE TO FACE COMMUNICATION IS ESSENTIAL!

Direct, face to face open communication, often at an intense feeling level, is another important element in mediation. While the process initially starts with the disputants seemingly "telling" on each other to the mediator, a skilled mediator will get the disputants facing and talking directly to each other and sharing those feelings as soon as possible and productive. And, of course, we "communicate" in many ways beyond mere words.

THE MEDIATION ATMOSPHERE/SETTING IS IMPORTANT!

All of the above should occur in an atmosphere of trust, safety, and confidentiality. A mediator, who can get disputants to work collaboratively as a result of the mediation process to meet each others needs as much as possible, is truly a master of his/her art. Atmosphere helps the artist immensely.

THE ACTUAL MEDIATION PROCESS IN DETAIL

With the above “mentality” as a guide, let’s look at the steps of the mediation process in enough detail to get started. Before the first process step, there are some preliminary activities.

PRE-MEDIATION

- A) Set up the mediation environment
- B) Get into a mediator “mind set.”
- C) Prepare to gather the players

A) Get supplies and arrange the furniture.

- 1) Get a pad of paper and something with which to write. An option is to provide the same for the disputants, especially if this is a mediation involving adults.
- 2) Structure the seating so that you will be equidistant from the disputants - one to the right, one to the left, for example.
- 3) Be able to close the door to ensure privacy during the mediation.

B) Get into a mediating, neutral, frame of mind with the feeling-related characteristics below.

You are about to enter the exciting and rewarding realm of people’s feelings and their relationships and you need to be “tuned in” from the start to be most effective. These characteristics as described by Webster, et al:

- 1) **caring** - (adj) keenly aware of the emotional needs of others
- 2) **compassionate** - (adj) showing or expressing affectionate interest in another
- 3) **empathetic** - (adj) keenly aware of the emotional needs of others

These characteristics should be at the heart of your work in mediation. Life’s greatest lessons are learned via relationships. Peoples feelings are experiential in nature and rich with textures for learning some of their lives’ lessons. Mediation processes are experiential, also. You are then an educator and peacemaker as you provide an alternative to violence AND assist people to develop conflict management skills. Very often you are helping disputants to heal some relationship in some manner.

C) Prepare to gather the “players.”

- 1) Usher the disputants into the room at the same time.
- 2) Tell them that at this point (to relax the disputants) something like, “Nobody’s in trouble. I understand that one or both of you may have some anger. We’re just here to talk about a possible problem and to solve it before there is a more serious problem.”

Field Mediations (FM)

On the playground, class room or other sometimes less structured situations, one can conduct field mediations which can often quickly and effectively head off major conflicts. (Catch a Spark, Stop a Wildfire)

If the school has a mediation consciousness established via school startup orientation sessions, field mediations occur more naturally. The scene may be different from a formal mediation described herein, but the concepts and steps of a field mediation are essentially the same. In my supervisory roles at various schools I very likely conducted ten field mediations for every office mediation because the school campus provides so many opportunities for students to develop “issues.” To begin a field mediation, one simply establishes a private “space” close by where one can still appear to be watching things in one’s supervision area and yet be a peacemaker. Gawkers can be dispersed by offering disciplinary action-related consequences for interfering with your work. Field mediation information will appear in italics below each of the more formal steps. The PRE-MEDIATION steps (A,B,C) above, of FM involving some improvising, of course.

Now that the stage is set, we are ready to proceed with the formal mediation.

STEP I: OPENING STATEMENT (by the mediator)

Introduce yourself and ask both disputants to state their names again, if necessary. Write their names on the pad of paper which you have divided in half, right and left, placing their names at the top of the column corresponding to the direction of their chairs. This helps you to use their correct names from the start which in turn helps you to build a trusting relationship with them. Leave about a quarter of the page at the bottom for agenda item possibilities, i.e. those “issues” which emerge as driving this conflict.

Next state that you understand that there is a conflict between the students and that you are offering mediation as an opportunity to solve the conflict most likely without disciplinary action or parent involvement. Exceptions are noted below. (Occasionally, there is no conflict and you then merely reinforce that fact and excuse the students). Next, get up and close the door and indicate that by doing so that you are creating a safe, private, and confidential place for them to work out their conflict without the pressure of a crowd pushing them into a fight.

(FM) Step 1. After separating the disputants from a growing crowd or group and having chased away gawkers, say, “Looks like you guys have a problem. Do you want to go to the office or try to work it out without a bunch of discipline stuff? Right now, nobody’s in trouble with me. We might be able to keep you from getting into big time trouble. Can we all agree to try? This is nobody else’s business. Can you keep this conversation private?”

Mediation Has Ground Rules.

Explain and get the disputants to agree to these “ground rules” of mediation. Look at back and forth at each as you read each rule.

A. Everything said in this room must and will be kept confidential *except* for information about:

- 1) drugs, alcohol, or weapons on campus or at school events, and
- 2) child abuse or significant danger to the disputants or others such as impending violence.

(Note: your credibility as mediator in the future greatly depends on YOUR ability to maintain this confidentiality also!)

Mediators do, however, have more confidentiality flexibility than, say, doctors or therapists.

B. You, as disputants, must agree to:

- 1) work hard to settle your problem,
- 2) be as open and honest as you can be,
- 3) go ahead and express your anger, but, without physical violence or name calling, and
- 4) do not interrupt while another is talking. (This is the no interruption rule which we will relax in step IV)

Ask if they, the disputants, can agree to try this mediation with what they’ve heard so far. If either or both won’t continue, which is rare, warn them of the possible consequences of allowing their dispute to go unresolved by not taking advantage of this mediation opportunity. Assuming agreement with the ground rules, you’re ready to move to step II. Please note that you have obtained disputants’ agreement on six points thus far. Express your pleasure by pointing this out to them to help to foster an atmosphere and momentum of agreement.

Mediation Has a Reality

A deeply disturbed person in need of psychiatric treatment will most likely NOT respond to the mediation process successfully. But, as in all school matters, there are exceptional circumstances. Pre-consultation by the mediator with teachers and other professionals who know the disputant may help. Out of the mediation arena, I have, in disputes between students with “challenges” and those apparently without, discreetly led the non-challenged student to his/her own consciousness of the challenged student’s situation and how that may be exacerbating a situation. This must done in a manner which maintains the challenged student’s confidentiality. Asking a series of well crafted questions will usually draw the observed behavior pattern and conclusion from the non challenged student which then gives you an opening for an appeal by you for some tolerance and consideration. This worked for me virtually without exception in these cases. This practice appears to appeal to young peoples’ sense of fairness.

STEP II: INITIAL STATEMENTS (by each disputant)

Get agreement on which disputant should go first by involving them in the decision. The mediator could say to B, "Since A contacted us first, is it OK if A goes first?" If one disputant seems more eager to begin and it's OK with the other, let the eager one go first. Find some way for them to agree on who goes first.

Invite the first disputant to tell his/her side of the conflict as completely as possible starting at the beginning. Vigorously, but politely, enforce the no interruption rule, as necessary, during each initial statement. Take brief notes for agenda purposes, actively listen, and ask clarifying questions and make your own reflective statements during each initial statement. Your eye contact should be 80% with speaker and 20% with the other disputant as you look back and forth for non-verbal data. When the first speaker finishes, thank him/her, ask if there is anything else and if not, repeat in your own words, briefly, what you just heard. Then ask if you "got it" correctly. Next, thank the other disputant for listening politely and following the rules and invite that disputant to begin speaking. Thank, repeat, confirm, as you did with the first. Try to take what appears to be an equal amount of notes.

When both disputants have completed their initial statements, the mediator and disputants need to decide on step III, the mediation "agenda", i.e. those issues creating or driving the conflict.

(FM) Step 2. "Each of you will have a chance to talk and listen along with me without interruption and without interrupting." Choose the one who is most excited to begin and enforce the no interrupt rule vigorously. Then allow the other to do the same. Assuming that they follow the no-interrupt rule, thank them in turn for listening quietly and alternately ask the other to also follow the rules.

STEP III: SETTING THE AGENDA (by mediator and disputants)

One to four issues is typical as you combine related issues from your notes and suggest them as agenda items to the disputants. Issues should be stated with non-volatile words and in neutral terms which indicate joint ownership of the issue. For example: A called B a "pig" and B called A a "bitch" in return. These inflammatory words are defused to become, "words exchanged" as an item in the agenda. Seek agreement on your agenda items to make certain that the agenda is complete and accurate. Via a "focus funnel" thought process, reduce each item to a word, or two, item title. This promotes disputant focus and helps facilitate discussion. You as mediator, *mentally*, can begin to look for areas of possible *shared* interest as students share their *separate* interest needs.

Disputes often contain hidden agendas which could be ego-related or relationship-centered and which are rich with hurt and anger feelings that must be expressed and dealt with eventually during the mediation. They are strong conflict drivers. Probing questions may reveal them now as you set the agenda or they may become apparent later, overtly or subtly. After you have agreement on the agenda, congratulate the disputants for their efforts so far. You're now ready for step IV.

(FM) Step 3. State what you believe to be their issues and check with them to see if you are correct. Get the issues clear and in the open. Something like, "I hear X saying ... and I hear Y saying ... It seems like ... is (are) the problem(s)" Hidden agendas can often be revealed with, "Was there any problem before today?"

STEP IV: SURFACING THE CONFLICT, PROMOTING COMMUNICATION, STRUCTURING THE NEGOTIATION (by the mediator and disputants)

The long title of this step is indicative of its possible complexity. In this step, the skilled mediator will effectively get the disputants to expand their initial statement information, express anger as needed, communicate any hurts and needs and help them to find their own path to points of agreement. This is the *catharsis* section of mediation and like lancing a boil to promote healing.

Start this step by obtaining agreement on which issue will be discussed first. Then suggest that the disputant who shared second in step II be the one to begin the sharing in this step, if that can be mutually agreed upon. At this point, then, you will have encouraged the disputants to *agree* nine times - so far, so good. The next agreements may be a bit tougher. At this point you can begin to relax the no interrupt rule as long as interruptions are not abusive or so numerous as to persistently impede a disputant's ability to express himself/herself. Ask the disputant who will share first in this step to begin talking about the selected agenda issue. Things can get heated here, let it, within the ground rules. Get them to speak to each other as you supervise. Pause and reflect as needed.

The mediator, as necessary, draws out emotions and ideas with active listening techniques through body language, eye contact, and appropriate questions. *Feeling* related questions are helpful here. Work to get the disputants to begin to direct their statements toward each other at this point as much as possible. For example, if one says something like, "I don't know why he/she is picking on me", you can say, "That person is here, go ahead and ask him/her."

Allow, permit and encourage the communication to continue and take brief notes on any new information, either issue-related or possibly solution-related. Don't try to rush this process. But, when disputants begin to repeat themselves, you may, at that point, have your clue as to what's most important in their minds. This is a good time to summarize the arguments as you understand them to this point. Then ask, "Is there anything new that we need to add?" If the conflict has been fully surfaced i.e. arguments, feelings, etc. have been stated or expressed, it may well be time to explore solutions to the conflict.

(FM) Step 4. Balancing your number of questions to each, be certain ask lots of, "How did you feel when..." and "What were you thinking when..." Make some, "It looks like... to me..." to check for your understanding AND to let the other hear the information again. It's important that each disputant gets a glimpse of the inner processing and feelings of the other here. A summary question near the end of this part is, "Is there anything else we need to know?"

FINDING SOLUTIONS Some solutions may have been revealed as "needs" or "wishes" during the activity above. A skilled mediator will have captured this information as the conflict was surfaced via written or mental notes. Sometimes it's good to simply ask, "What do you want to happen?" Check out possible solutions by asking the other disputant if and how he/she could meet the other's need. If you've still not heard any solutions, you could ask each disputant, "What do you want things to be like?" Then ask each, "What would it take for you to help make that happen?" If you still can't seem to get anywhere at this point, you'll probably need to do some more conflict surfacing, perhaps looking for hidden agendas or pent-up feelings, or both. Students rarely have this problem. Adults in conflict have stronger "defenses" which may be ego-related and generally take more time to mediate through the layered defenses. A *shared interest* observation comment may help.

Rarely, you may need to hold a private caucus with each disputant to get things moving. Issues involving a great amount of anxiety or very personal information are often aided by caucuses. To hold a caucus, describe what it is - a private confidential discussion with each disputant while the other waits outside - and ask them if they would agree to trying it. Promise confidentiality during the caucus, but if helpful information comes forth (e.g. a possible compromise), try to find a way in which the disputant would be comfortable in revealing part or all of it that which seems helpful in reaching a solution. If not, don't force it! Finally, both disputants should be in caucus for about the same amount of time before reconvening the mediation.

MORE TACTICS Another tool to break an impasse in the proceedings has the mediator serving as an agent of reality for the disputants. For example, the mediator working to avoid a potential campus fight between two disputants could say, "Consider the consequences of settling your conflict here through mediation versus fighting it out on campus." Face-saving logic may be just what two "macho" disputants need to gracefully back down from confrontation. It's desirable to help them to find the right way out. Questions which reveal their pre-dispute expectations are sometimes helpful if couched in sensitive language. *Unfulfilled expectations are at the core of many conflicts.* A question such as, "What did you expect. . .?" may help promote dialogue. Books on how to conduct negotiations describe many other tactics that a mediator can use to keep mediations moving toward solutions. Sometimes, however, you simply cannot get disputants to agree, especially if one or both are in need of psychotherapy! A "stay away from each other" admonition, along with a standing invitation to come back to mediation if either changes his/her mind, may be the best that you can do in these rare cases.

(FM) Step 4, (continued). Ask what each wants. Ask the other each time if they can make it happen or stop doing something. Do this for each "want" of each disputant. "Can you do that, stop that, etc? What would help? We really need to try to keep you out of trouble here and at home."

STEP V: AGREEMENT (by the mediator and disputants)

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The agreement in student mediations can be verbal or written. Key factors of the agreement are that it:

- 1) be created by the disputants,
- 2) appears to be fair and equal to the disputants, (even if the mediator can think of something “better.”)
- 3) describes behaviors and any performance time lines, (who, what, when, where...) and
- 4) can be reasonably performed and enforced by the disputants.

***The ultimate points of agreement are the sincerely offered and accepted apologies. They are reflective of a forgiving attitude. Forgiveness is the most effective method of breaking the attack-defense cycle that often drives conflicts. Virtually all other issues fall away in the face of forgiveness of each other by both of the disputants. This is the “pure” form of forgiveness which is free of anger, bargaining, condemnation and comparison. It comes from above the “battleground” of the conflict and reflects disputants’ overwhelming focus on their shared interests as opposed to their individual separate interests. It reveals the healing aspect of a successful mediation process and gets us back to the root meaning (mediare - to heal) of the term, mediation.*

Craft the agreement point by point. From your notes read it to the disputants when you think it’s complete to check for their concurrence. Written copies for disputants in student mediations are optional in which case they are signed with great ceremony. In any event, have the disputants shake hands - even if they cannot be friends just yet. Once done, you are ready for step VI.

(FM) Step 5. “Student A, you said you want ...and would be willing to ... in return. Student B, you said you want... and in return you would be willing to... in return. Any reason now this all can’t happen? Do you each promise that you will do your best to settle this problem this way, then? If this problem continues, it may be an office problem with discipline and parents involved. Anybody want that???. By shaking hands, you agree to keep your promise made here. In the real world, your handshake is your solemn pledge of honor to keep an agreement.”

STEP VI: CLOSURE (by the mediator)

Thank the disputants for working hard together to settle their conflict, repeat (read) the agreement aloud, and invite the disputants to return if new problems arise. If you failed to reach an agreement (rare), thank them for trying and invite them back for another attempt at a later date. Warn them that others may want them to continue their dispute. Excuse the disputants and date and file your notes for statistical purposes.

(FM) Step 6. “Others may try to get you angry with each other again because they want to see a fight and don’t care if you get into big trouble. Where do you go if trouble starts up again? (Answer is you, if possible, because you now have a ‘history’ with them). I heard you make promises here today and I expect that they will be kept by BOTH of you.”

EPILOGUE

Having a mediation process on campus is most beneficial when students and staff are aware of its availability and when it’s tied into school rules. Here’s a sample monthly bulletin notice. *Students who are angry with another student or who believe another student is angry with them are required to report to the office so that a student mediation can be arranged. Do not attempt to settle your differences on campus.* With this “rule” one can get after those confrontational students who stir things up on campus as they rush about in anger up to others and draw swarming crowds looking to see a campus fight. Strong suggestion: Have each student experience a brief introduction to the mediation program and process during fall orientation. Additionally, if there is some space in the school’s curriculum, students could have opportunities to learn more about mediation. Short of that, all students can benefit from learning to communicate using “I” statements in place of the often inflammatory and accusative, “You,” statements when in confrontational situations. Language arts teachers might consider discussing that technique within their curriculum. Such a student skill would enhance the mediation experience as well as day to day communication among students discussing even the most minor of issues.

Our experience of inner peace starts with the successful management of one conflict at a time.

In brush fire prone Southern California, our ongoing theme is

“Catch a Spark - Stop a Wildfire.”

1. Mediators welcome disputants, ask their names & introduce themselves. 2. Ask disputants if they want to try mediation to settle their dispute.

3. If yes...**READ OUT LOUD** each rule below *after you write their names according to where they are sitting across from you.*

Print the name of disputant X _____ Print the name of disputant Y _____

4. Both disputants must agree (by saying, "yes") to *each* of the following rules of the mediation which mediators check off as they read them to the disputants.
 ___ No name calling or threats ___ No interrupting others ___ Keep this mediation discussion confidential, ___ Always tell the whole truth
 ___ You must work hard to solve the problem, ___ Listen carefully to each other's story. ___ Cell phones are off? ___ ***If information about things that can seriously hurt people (civil rights violations, drugs, weapons, violence, etc.) is discussed, mediators must report this to supervisors immediately.***
 X _____ <<< Disputants' Signatures >>> Y _____

5. Mediators **decide** who will speak first (X or Y) and take brief notes in the space below as *each* disputant speaks. Use your active listening skills as needed. 6. After each disputant speaks, **repeat back** to the disputant what s/he said. Correct your notes, if needed. 7. As the problem becomes clear to you, use the *Agenda* section near bottom of this journal to **write down** what probably needs to be discussed. 8. Make certain they tell their *whole* story.

Disputant X's concise story information notes by mediator

Disputant Y's concise story information notes by mediator

Initial statements, non verbal language, responses to other's story, hidden agendas, etc. Draw out each story with *open* questions, *active* listening, Reflect back what is said by the disputants with, "I hear you saying..." or, Are you saying...? Ask, "How did that make you feel?" Any hidden agendas? Record information *equally* below. "Help me to better understand..." "How did that make you feel." "How do you feel about what s/he said?" - "Let me see if I heard you" and then summarize their story.

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9. **Agenda: We need to use our FOCUS FUNNEL now.** What problems, items, money, possessions, behaviors REALLY need to be discussed? Read your Possible agenda items notes (below, right & left) list and check with disputants for their accuracy. Then ask, "Anything else?" As disputant's agree with your list, a) first, convert **each** possibility to about 5 words or less., and finally, b). give each of the 5, or so, word agreed upon agenda possibility a one or two word title. A material issue would be an object's name (e.g. iPod) while a relationship issue would be about their relationship (e.g. relationship).

(Possible agenda item notes)

(Possible agenda item notes)

Enter agreed upon agenda items
(1 or 2 word each) in the box below.

Copy these to top left box, over. >

Agenda Items from other side

10. Discuss each item. Allow disputant who told his/her "story" second, to pick the first item to discuss. Lance the boil for each item, as needed, BEFORE looking for solutions. Focus on feelings! Mediators do not offer solutions! Here are some probes: What do/did they expect from the other regarding material, monetary, relationship, behaviors, etc. Ask each what they want. Ask the other if that is possible. What would it take to make each of you happy? What needs to happen? What were things like before this dispute? If they were friends, ask "Do you want to try to get your friendship back?" Any feelings from hidden agendas in play? Help us to understand what you mean/feel/want/need. . . As each item is discussed, and a solution agreed upon, write it in ROUGH form, BELOW in 12 - "ROUGH solution ideas." Scratch pad (11) is for your use.

11. Scratch Pad for mediators to collect disputant thoughts for solutions to their issues. Got Balance? We may need 2, or more, ideas per item.

12. ROUGH solution points agreed upon by disputants. Get ready to write WHO does (or stops doing) WHAT with WHEN (and maybe HOW and/or WHERE) sentences.

Large empty rectangular box for writing rough solution points.

Please Fold Here (hide area above) Before Copying

13. Complete your mediation with a WIN-WIN type agreement written out below. Each disputant appears to be treated equally in a balanced agreement. Use who, what, when wording for each point—each side. It must have shared responsibility, be possible to honor, solve the problem(s), & be a fair and lasting solution.

CONFIDENTIAL AGREEMENT

Large empty rectangular box for writing the confidential agreement.

Signature

Date

Signature

Date

14. Closure: After they sign above, thank the disputants for working hard to settle their dispute. Warn them that others may try to interfere with their agreement. Invite the disputants to use mediation again before any future disputes with anybody get too serious. 15. Ask the office to make two (2) copies of this side only and give a copy to each disputant.

Mediator(s) _____ & _____ Date _____

Mediators are reminded that all information shared and all agreements reached are of a confidential nature. Mediators are also bound by the confidentiality rules of mediation. Exceptions may only involve office personnel.

Possible consequences if this CONFIDENTIAL AGREEMENT is not honored by disputants:

____ Follow up Mediation ____ Parent/guardian contact ____ Office disciplinary action ____ Law enforcement ____ Other _____

Program coordinator use only - Safe Schools Data

Nature of dispute _____ Location _____ Grade(s) _____

Follow-up notes:

Field Mediations

On the playground, class room or other sometimes less structured situations, one can conduct field mediations which can often quickly and effectively head off major conflicts. (Catch a Spark, Stop a Wildfire). If the school has a mediation consciousness established via school startup orientation sessions, field mediations occur more naturally. To begin a field mediation, one simply establishes a private "space" close by where one can still appear to be watching things in one's supervision area and yet be a peacemaker. Spectators can be dispersed by offering disciplinary action-related consequences for interfering with your work.

1. **INQUIRY** After separating the disputants from a growing crowd or group and having chased away spectators, say, "Looks like you have a problem. Do you want to go to the office or try to work it out without a bunch of discipline stuff? Right now, nobody's in trouble with me. We might be able to keep you from getting into big time trouble. Can we all **agree to try?** This is nobody else's business. Can you keep this conversation private?": "Fine! We're off to a good start." This is the *first* of many positives you will express as "little agreements" occur.

2. **STORYTELLING** "Each of you will have a chance **to talk and to listen** along with me without interruption and without interrupting." Choose the one who is most excited to begin and enforce the no interrupt rule vigorously. Then allow the other to do the same. Assuming that they follow the rule, thank them in turn for listening quietly and alternately ask the other to also follow the rules. Congratulate them on their growing cooperation.

3. **AGENDA** State what *you* now believe to be **their issues** and check with them to see if you are correct. Get the issues clear and in the open. Something like, "I hear X saying ... and I hear Y saying ... It seems like ... is (are) the problem(s)" Hidden agendas can often be revealed with, "Was there any problem before today?" Congratulate them on agreeing to the agenda's content which is another small agreement. You as mediator *begin* to look for possible shared interests that might become apparent.

4. **DISCUSSION** **Balancing your number of questions** to each, be certain ask lots of, "How did you feel when..." and "What were you thinking when..." Make some, "It looks like... to me..." statements to **check for your understanding** and to let the other hear the information again. It's important that each disputant gets a glimpse of the inner processing and feelings of the *other* here. Ask what they had expected of the other, if appropriate. A *summary question* when nearing the end of this part is, "Is there anything else we need to know?" **Ask what each wants.** Ask the other each time if they can make it happen or stop doing something. Do this for each "separate interest" of each disputant. "Can you do that, stop that, etc? Why not? What would help? We really need to try to keep you out of trouble here and at home." We are setting the scene for discussion of their "shared interests" which are key to any agreement.

5. **AGREEMENT** "Student *A*, you said you want ...and would be willing to ... in return. Student *B*, you said you want... and in return you would be willing to... in return. Any reason now this all can't happen? Can you **each promise** that you will do your best to settle this problem this way? If this problem continues, it may be an office problem with discipline and parents involved. Anybody want that? By **shaking hands**, you agree to keep your promise made here. In the real world, your handshake is your solemn pledge of honor to keep an agreement."

***The ultimate points of agreement are sincerely offered and accepted apologies. They are reflective of a forgiving attitude, without lingering motives to attack/defend again, and, which will insure self-enforcement of the agreement.*

6. **CLOSURE** "**Congratulations** for settling your problem! Others may try to get you angry with each other again because they want to see a fight and don't care if you get into big trouble. Where do you go if trouble starts up again? (Answer is you, if possible, because you now have a 'history' with them). I heard you make promises here today and I expect that your **promises to each other will be kept** by both of you. I congratulate you on working in a peaceful way to settle this problem. Thank you."