

Lesson 3

Conflict Mediation



Key Terms

anger management
arbitration
empathy
mediation
violence prevention

What You Will Learn to Do

- Apply mediation techniques to resolve conflict

Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

Skills and Knowledge You Will Gain Along the Way

- Differentiate between arbitration and mediation
- Compare mediation techniques
- Identify techniques for reducing conflict
- Define the key words contained in this lesson

Introduction

The National Center for Education Statistics reports that approximately 37 percent of high school students have been in a physical fight within the last year and 18 percent of high school students have carried a weapon at least once within the past 30 days. These alarming statistics illustrate the fact that the instances of violence have become all too common in our schools. Safety has become a primary concern in what is supposed to be a nonthreatening learning environment.

One of the best ways to handle violence in schools and prevent its spread throughout the community is to defuse disputes and resolve any conflict before it turns violent.

In this lesson, you learn how you can take personal responsibility for **violence prevention** by acting as a peer mediator to help others resolve conflicts in a non-violent manner.

Key Note Terms

violence prevention – discouraging or hindering acts of physical force that cause injury or abuse

mediation – working with opposing sides to resolve a dispute or bring about a settlement; the process in which conflicts are resolved with the help of a neutral third party

arbitration – to submit for decision to a third party who is chosen to settle differences in a controversy

Mediation

What would happen if you tried to resolve a conflict yet could not brainstorm any solutions that were acceptable to both parties? Or if the emotions became overheated to the point where you could no longer continue negotiations? If you fail to resolve a conflict through negotiation, the conflict may need to be resolved through **mediation** or **arbitration**. Mediation, from the Latin word meaning *middle*, literally means putting another person in the middle of the dispute. The mediator is an independent third party that acts as a facilitator, and can be another student. In fact, studies show that peer mediation programs, where students are trained to resolve disputes of other students, have proven to be relatively successful. The goal of mediation is to help the disputing parties find and agree on a win-win solution in which each party's needs are met.

Mediation is usually contrasted with arbitration, which should be used as a last resort. Arbitration is the submission of a conflict to a disinterested third party, an adult such as a teacher or principal, who makes a final and binding judgment to decide who is right. Typically, arbitration leaves at least one person with anger about the decision and resentment toward the arbitrator. However, both people involved in the conflict should abide by the decision made by the arbitrator, and agree to let go of the conflict with no hard feelings toward either person.

Role of a Mediator

A mediator facilitates a discussion between the parties with the dispute by asking open-ended questions that encourage a discussion of solutions as seen in Figure 7.3.1. Unlike an arbitrator, mediators will not issue orders, find fault, investigate, impose a solution, or make decisions for the parties. Mediators try to help the people with a dispute reach their own agreement and achieve practical, sustainable resolutions. A mediator, however, cannot enforce agreements after they have been reached. It is up to all parties to enforce and implement their own agreements.



Figure 7.3.1: A mediation conference in session.

Courtesy of Ken Karp.

As a rule, mediators should

- **Be honest.**
- **Remain objective.**
- **Act in good faith.**
- **Show *empathy* but avoid becoming emotional.**
- **Use good communication skills.**
- **Listen effectively.**
- **Summarize accurately.**
- **Think critically.**

As with any conflict situation, mediators should not get involved in a heated argument that has the potential for turning violent at any moment.

Steps to Mediating a Conflict

Have you ever helped two friends reach an agreement or helped to settle an argument between siblings? If so, you have mediated a conflict. Mediation may take place with two students or a larger group as depicted in Figure 7.3.2. Mediation is a simple, straightforward process. The procedure for a successful mediation includes the following steps:

1. Introductions

- **Explain the mediator's role**
- **Mediator emphasizes neutrality**
- **Establish the ground rules such as confidentiality, respect, no name-calling or vulgar language, and no interruptions**
- **Explain the steps of a mediation**
- **Ask questions**

Key Note Term

empathy – the capacity to experience the feelings of another as one's own

Figure 7.3.2: Peer mediation has proven to be successful in many schools around the country.
Courtesy of Bob Daemmrich.



2. Tell the story

- Both parties tell their side of the story to the mediator
- Mediator summarizes each party's point of view including facts and feelings
- Mediator makes sure that each party understands the conflict

3. Explore possible solutions

- Ask both parties how they can solve the problem
- Write down all solutions
- Check off only those solutions to which both parties can agree

4. Don't give up

- Keep trying until you can reach an agreement; you may have to trade something that one side wants for something that the other side has
- Ask the parties to write down the agreement in their own words
- Ask all parties to sign the agreement

Peer Mediation in Schools

Peer mediation has proven to be an effective tool for conflict resolution in schools. The Troy Police Department of Troy, Michigan, working with the local schools and the local Boys and Girls Club created a peer mediation program for schools. This new program provides peer mediation at any time of the year within the city limits. Mediation referrals are passed along by teachers or other individuals to the community services officer who contacts the disputants' parents and with their approval brings the two sides together with two peer mediators and an adult monitor. The program uses volunteer student mediators. Schools nationwide are adopting peer mediation programs; 8,500 schools currently use youth-led mediation to resolve conflict, according to the National Institute for Dispute Resolution. One seventeen-year-old volunteer sees his role as getting the disputants to understand

their feelings and figure out their own solution. The job of the mediator is to get the parties to understand how each feels; it is not to suggest a solution but to ask questions that lead them to their own solution. A typical mediation is an hour-long session at the Boys and Girls Club and includes the disputants, two volunteer teen mediators, and an adult monitor. The mediation process builds confidence for everyone present. Another example of a success story is the problem-solving approach taken at West Mecklenburg High School in Charlotte, North Carolina. In this program students are asked to identify and help solve problems such as discipline, parking in the school's lot, and smoking in the bathrooms. Student suspensions due to fighting and disruptive behavior decreased by 59 percent.

Steps in the Arbitration Process

Arbitration is usually the last effort to resolve a conflict before going to court. It is an alternative to the court system. It is used in various businesses and between buyers and sellers of various products. For example, the state of California has a binding arbitration process for car buyers who are dissatisfied with the car they purchased. New York State has a Lemon Law Arbitration in which arbitration services are provided for vehicle owners having disputes with the manufacturer or dealers of a new, used, or leased vehicle. The parties involved in the conflict must accept the appointment of an arbitrator and must accept the arbitrator's decision in order for arbitration to work. A preliminary meeting is held to set the rules for the process; each party submits statements, claims, and information to the arbitrator; the arbitrator reviews all the information provided; a hearing is held where all pertinent information, statements, witnesses, and claims are presented from both sides; and finally the arbitrator makes a binding decision. The disadvantage of arbitration is that one or both parties in the process may disagree with the decision and may come away from the process with anger and resentment.

Role of a Bystander

Even if you are not personally involved in a conflict as one of the disputing parties or the mediator, you have a responsibility to do your part to prevent violence by

- **Refusing to spread rumors**
- **Refusing to relay threats or insults to others**
- **Staying away from potential fight scenes**
- **Showing respect for people who use good judgment in ignoring insults or other trivial forms of conflict**

Appeal to your peers to help control a situation and reduce the potential for violence.

Key Note Term

anger management – employing steps to control feelings of anger or rage

Conclusion

We all have a responsibility to try to resolve conflicts in a productive and non-violent way. When a conflict occurs, try first to negotiate a resolution. If that fails, involve a classmate or teacher to mediate the conflict. By negotiating and/or mediating conflicts, you are developing valuable **anger management**, problem-solving, and conflict-resolution skills that you will use throughout your life.

The next lesson covers violence prevention. You will learn what to look for in a potentially violent situation and what steps you can take to stop violence before it happens.

Lesson Review

1. What is the role of a mediator?
2. What are the steps to mediating a conflict?
3. Explain why it's important to hear both sides of a story.
4. Define the term *arbitration*.