

# *The Student-Mediation Dispute Resolution Program*

*at Phoenix High School, Oregon*



## *Supplemental Readings*

*This collection of material consists of supplemental readings which participants in the Student-Mediation Dispute Resolution Program at Phoenix HS utilize to broaden their perspectives and expectations with regard to preparing for possible unforeseen issues which may emerge in a mediation setting.*

*These are not necessarily utilized solely in subject-specific trainings, but rather as occasional supplemental readings in support of the program's trainings.*

*Included here only are feature articles, not any of the individual worksheets we may use on occasion.*

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# *The Student-Mediation Dispute Resolution Program at Phoenix High School*

## Supplemental Readings

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## The Discreet Charms of the International Go-Between

The Economist, 3<sup>rd</sup> July 2008, Pages 71-72



*A murky world of back-channels, secret meetings and close encounters for a new breed of problem-solver, both secular and religious.*

For two months, Kenya, East Africa's most prosperous and supposedly stable country, hovered on the brink of self-immolation as two warring political factions ripped the country apart after a disputed election at the end of 2007. Kofi Annan, the former secretary-general of the United Nations, was brought in to try to resolve the conflict between the ruling party, which was accused of rigging its presidential victory, and the opposition Orange Democratic Movement (ODM). As ethnic violence raged nearby, negotiators from the two sides would sometimes almost come to blows themselves as Mr Annan tried to find common ground between them.

But when deadlock loomed, both sides' negotiating teams were smuggled off to a secret location in a game park for two days, with just Mr Annan and his secretariat, including a team from a little-known group called the Centre for Humanitarian Dialogue (CHD). There, with no distractions from the media and far from the political circus in the capital, Nairobi, came the vital breakthrough. The main outlines of a deal between the two sides were talked through in an atmosphere of relative calm; a new national unity government, comprising both the ruling party and the ODM, was inaugurated a few weeks later.

Originally, Mr Annan had flown into Nairobi with just two people from the CHD, a Swiss-based organisation of mediators. During his six weeks or so of mediating he drew on the considerable resources of the UN, but he also made constant use of his CHD backup.

They provided him with tactical advice on the mediation process, such as when to take the negotiators on "retreat" and how to involve the media. And they also drafted agreements as the two sides spoke during the negotiations, so that at the end of a day an agreed statement could be issued immediately to the press. This gave the mediation the vital momentum that Mr Annan wanted.

The Kenyan talks provide a good example of the sort of skills that a new kind of international mediator can bring to the age-old work of conflict resolution. For as the nature of the world's conflicts has changed in the past decade or so, so the demand for a new type of mediator has grown too.

The CHD, for instance, founded by just four people only nine years ago, now has a staff of over 70. The UN has traditionally provided a forum for the discussion and resolution of international disputes. However as Kreddha, a Dutch-based mediation group, argues: “There are no equivalent mechanisms for intrastate dispute resolution...despite the fact that most violent conflicts today are not international but intrastate in character.” The new mediators provide the new mechanisms.

Many of these contemporary conflicts involve insurgents, secessionists or even “resource-warriors”, like those in the oil-rich Niger Delta of Nigeria, who clash with governments. Rival politicians can be brought into open conflict by elections, such as in Kenya, or now Zimbabwe.

The new kinds of disputes involve non-traditional parties such as international mining or oil companies pitched against indigenous people, as well as national governments tackling more established terrorist groups. One study has shown that over the past 15 years military victories have resolved only 7.5% of conflicts, while negotiations have prevailed in 92% of cases; “the challenge is thus not being a skilful warrior but a skilful negotiator.” The UN might, at best, offer some bureaucratic and political clout, but it is also big, cumbersome and leaky. In its place, the new mediators operate on a much smaller scale and offer discretion, secrecy and flexibility. Mr Annan used the CHD in Kenya because it has no political agenda, so could be relied upon not to leak material in order to influence the talks one way or another. These mediators are ideal for getting involved in highly charged disputes between governments, for instance, and indigenous “terrorist” groups; they can set up back-channels, of the sort that proved vital in bringing about the eventual peace deal between the British government and the Irish Republican Army.

Thus the CHD provided a first conduit between the rebel Free Aceh Movement and the Indonesian government, as the Indonesians refused to use the UN because of anger over its role in East Timor. In Nepal, the CHD established the first links between the government and the Maoist insurgents in 2000. Here a key factor was “plausible deniability”, as was trust. Andrew Marshall, who sought out the first Maoist interlocutors, says that “neither side wanted their own people and cadres to know they were talking to the other side”, so the leaders of both the government and the rebels invested their trust in the third party, CHD, to keep the talks secret. Eventually, several countries got involved and this year the Maoists prevailed in elections.

The CHD also acted as a back-channel between the Spanish government and the Basque separatist movement ETA leading up to a ceasefire in 2006; it is currently trying to bring together the Darfur rebel groups in Sudan as one negotiating body. Kreddha has been involved in mediation work in the Niger Delta, and in New Caledonia between a mining corporation, Goro Nickel, and an indigenous environmental organisation called Rheebeu Nu. Such disputes are often called “resource conflicts”, and require specialist mediators with a knowledge of international law. Another new organisation called Conflicts Forum, founded by a former British intelligence officer, Alastair Crooke, attempts to serve as an interlocutor between militant Islamist groups, such as Hamas and Hizbullah, and the West.

Some mediation work can be instantly glamorous and hugely fulfilling, as in Kenya, but most of it is attritional; often it is pretty boring. Negotiations can drag on for years, but here again the small mediators can add a lot of value. Foreign politicians from America and Britain, for example, may bring a lot of pressure to bear on a dispute for a short amount of time, but inevitably they come and go according to the whims and demands of domestic politics. Professional mediators can stick with a conflict for years, thus building up a level of trust and knowledge that cannot easily be replicated. Much of a mediator’s work lies in getting the logistics right; trusted third-party interlocutors are needed simply to arrange meetings and book hotel rooms which will not be bugged by the other side.

In the case of CHD, it can also get visas and facilitate travel for “terrorists” taking part in talks in neutral venues like Switzerland or Norway. Both are strong financial backers of the centre, and neither is a member of the EU; they are thus outside the conventions restricting travel for those on some terrorist watch lists. Small countries backing small mediators can make a big difference; the betting now is on Mr Annan and his team trying to repeat their Kenya trick in beleaguered Zimbabwe.

## Mediation and Faith – Not A Sword, But Peace

The Economist, 3<sup>rd</sup> July 2008, page 72

In some cases, only the religious have the patience to be reconcilers. Started by a high-school student in 1968, this Roman Catholic fellowship now has 60,000 members in 70 countries. Its founding ideals were prayer, mission and solidarity with the poor. But it has also become the leading player in a crowded sector, that of faith-based peacemaking.

Helping warring parties (who may or may not profess a religion) to come together is not quite the same as inter-faith dialogue, though the two things can overlap. Faith-based mediation often involves putting to work in hard secular places the virtues that at least some religious people possess (discretion, modesty, empathy, a non-judgmental cast of mind, an ability to overcome cultural barriers).

Since the early 1990s, Sant'Egidio mediators have helped broker deals in places like Mozambique, Guatemala, Kosovo and, most recently, Côte d'Ivoire. Africa and Latin America are the main fields that Christian peacemakers plough. What many world leaders want to know is whether such groups bring anything unique to the business of reconciliation.

According to Mario Giro, Sant'Egidio's head of international affairs: "What really makes the difference is neutrality, impartiality...and the ability to bring in outside powers as guarantors of an eventual deal." He feels faith-based bodies know more about the grassroots reality of a situation because of their contacts with local religious figures, be they priests, imams or missionaries. "And all the more so if they are involved in inter-religious dialogue." Sant'Egidio's mediators are not the only faith-based go-betweens to have done well. Vatican diplomats have mediated between governments and rebels in several African nations, notably Burundi, where the Holy See's man, Michael Courtney, was killed in 2003 at a time when he was deeply involved in peace work.

The Netherlands Institute of International Relations found 27 Christian, Muslim and multi-faith peace groups to look at for a study issued in 2005. Their strengths, it reported, included "long-term commitment, long-term presence on the ground, moral and spiritual authority, and a niche to mobilise others for peace". But there were weaknesses, such as "a lack of focus on results and a possible lack of professionalism". A further risk, the institute said, was that the impulse to proselytise would obstruct the search for peace.

Peacemaking by Christian evangelicals in south Sudan seems to have been mired at times by an unhappy mix of missionary work and mediation. That is a qualification to the view, set out in a 2001 report from the Congressionally-funded United States Institute of Peace, that "faith-based organisations have a special role to play in zones of religious conflict." In the Middle East, any progress has stemmed from secular initiatives. But that, says Sharon Rosen, could be a reason why progress is so scant.

The trick in all peacemaking is to find new commonalities, says Ms Rosen, an adviser to Search for Common Ground, a non-government body dedicated to conflict resolution and prevention. Its Jerusalem offices will soon host the secretariat of a Council of Religious Institutions of the Holy Land, set up last year: members include the Chief Rabbinate of Israel, representatives of the sharia court of Palestine and the Christian patriarchates. One aim is to build mutual respect in a way that will assist more conventional peacemaking by diplomats and politicians. "I do not believe that inter-faith dialogue will bring about peace in the Middle East," says Ms Rosen. "But I do believe that it is essential if peace is to be brought about. To ignore religion is a very grave mistake and I think the Oslo accords made that mistake."

Her husband, Rabbi David Rosen, co-signed an ambitious effort to correct that error: the Alexandria declaration of January 2002, in which rabbis, muftis and top Christians, including George Carey, then Archbishop of Canterbury, agreed that the "holy land" was too sacred to be sullied by blood. Perhaps the best thing about such idealistic initiatives is that they create human networks of trust that come into play (often secretly) in crises—such as the siege of Bethlehem's Church of the Nativity in May 2002. The right sort of religious peace-broking is really vital if the dispute itself has to do with religion.

## Witnesses to Bullying May Face More Mental Health Risks Than Bullies and Victims

Science Daily, 15<sup>th</sup> December 2009

Students who watch as their peers endure the verbal or physical abuses of another student could become as psychologically distressed, if not more so, by the events than the victims themselves, new research suggests.

Bullies and bystanders may also be more likely to take drugs and drink alcohol, according to the findings, which are reported in the December issue of *School Psychology Quarterly*, published by the American Psychological Association.

"It's well documented that children and adolescents who are exposed to violence within their families or outside of school are at a greater risk for mental health problems than those children who are not exposed to any violence," said the study's lead author, Ian Rivers, PhD. "It should not be a surprise that violence at school will pose the same kind of risk."

Researchers surveyed 2,002 students ages 12 to 16 at 14 public schools in England. The students were presented with a list of numerous bullying behaviors, such as name-calling, kicking, hitting, spreading rumors and threatening violence. The students indicated whether they had committed, witnessed or been the victim of any of these behaviors during the previous nine-week school term and, if so, how often. The majority, 63 percent, said they witnessed peers being bullied. 34 percent of respondents said they had been victims and 20 percent said they had been perpetrators. Approximately 28 percent said they were completely uninvolved in any bullying episodes. Girls reported seeing bullying more than boys.

The students also answered whether they experienced certain symptoms of psychological distress, such as feelings of depression, anxiety, hostility and inferiority. They also were asked if they had ever tried or used cigarettes, alcohol and other drugs.

Students who witnessed acts of bullying were more likely to report greater psychological distress than those students who were bullies or victims, according to the results. This was the case even for students who had not been victims themselves, although being both a witness and a victim did also significantly predict mental health problems.

"It is possible that those students who had been victimized at different times may be experiencing it all over again psychologically," said Rivers. "Meanwhile, those who are witnesses may worry that they, too, will be the bully's target sometime in the future and that causes great distress and anxiety."

Previous research has shown that students who witness acts of bullying, but are not directly involved, feel guilty for not interceding on the victim's behalf, which may help explain the higher levels of mental distress.

Rivers, along with his co-author Paul Poteat, PhD, of Boston College, hope this study will encourage schools to be more aware of the possible impact simply witnessing acts of bullying can have upon the mental health of their students. "School psychologists can help students realize that they don't have to be a bystander. They can be a defender," added Rivers.

## Boy-Girl Bullying In Middle Grades More Common Than Previously Thought

Science Daily, 10th December 2008

Much more cross-gender bullying – specifically, unpopular boys harassing popular girls – occurs in later elementary school grades than previously thought, meaning educators should take reports of harassment from popular girls seriously, according to new research by a University of Illinois professor who studies child development.

Philip C. Rodkin, a professor of child development at the University of Illinois's College of Education, said that while most bullies are boys, their victims, counter to popular conception, are not just other boys.

"We found that a lot of male bullies between fourth and sixth grade are bullying girls – more than people would have anticipated – and a substantial amount of that boy-girl, cross-gender bullying goes unreported," he said.

Rodkin, who along with Christian Berger, a professor at the Universidad Alberto Hurtado in Santiago, Chile, published the paper "Who Bullies Whom? Social Status Asymmetries by Victim Gender" in the most recent issue of the International Journal of Behavioral Development, said cross-gender bullying hasn't been fully explored because of the ways researchers have thought about the social status dynamic of bullying in the past.

"Bullies are generally more popular than their victims, and have more power over their victim, whether it's physical strength or psychological power," Rodkin said. "Researchers have taken it for granted that a bully will also have a higher social status than their victims. Based on our research, that's not necessarily the case." The classic bullying paradigm follows what Rodkin calls the "whipping boy" syndrome: the powerful, popular bully tormenting an unpopular victim. (Think Biff Tannen bullying George McFly in "Back to the Future.")

Over the course of his research, which included surveys of 508 fourth and fifth graders from two elementary schools in the Midwest, Rodkin found that boys who bullied other boys fit the classic pattern. But he also found a number of cases where an unpopular boy bullied a popular girl.

"In those cases where it was a boy picking on a girl, the bullies were regarded by their classmates as being quite unpopular," Rodkin said. "They were not alpha males, and they were probably more reactive in their aggression compared to the classic bully."

Could the explanation for the high proportion of boys bullying girls simply be that it's part of the clumsy transition we all make into adolescence?

"You could say it's normal behavior for kids – what's been called 'push-and-pull courtship' – a result of learning about the birds and the bees," Rodkin said. "But the fact that these unpopular boys were very aggressively targeting girls subtracts from the idea that it's normal."

Despite being perceived by their classmates as being "popular," bullies also are nominated by their peers as being among those liked the least.

"Bullies are always aggressive, and they're never likeable," Rodkin said. "For a generation of research, being popular was equated with being liked. Popularity is an extremely important dimension of social life in any social structure, whether it's kids or adults, but ultimately it's a gauge of whether others think you have social influence, not if you're likeable. Popularity doesn't necessarily translate into what kind of person you want your child to become."

Paradoxically, a bully's victims are also disliked.

“Both bullies and victims are highly disliked by their peers,” Rodkin said. “There’s a stigma attached to being aggressive, as well as to being weak. Both qualities are looked down upon.”

Rodkin believes that exploring the bully-victim social dynamic is fruitful in that it will allow for a more complete representation of children’s social environments for parents and educators.

“Just because a kid is popular,” he said, “doesn’t mean that they’re problem-free or nothing bad is going on. There are a lot of dangers for girls and boys over middle childhood and adolescence, dangers that could continue in relationships between men and women later in life.”



## Sexual Harassment at School – More Harmful Than Bullying

Science Daily, 24<sup>th</sup> April 2008

Schools' current focus on bullying prevention may be masking the serious and underestimated health consequences of sexual harassment, according to James Gruber from the University of Michigan-Dearborn and Susan Fineran from the University of Southern Maine in the US. Their research shows that although less frequent, sexual harassment has a greater negative impact on teenagers' health than the more common form of victimization, bullying.

Gruber and Fineran's study, the first of its kind to compare bullying and sexual harassment victimization using equivalent measurements and time frames, looked at the frequency and health implications of both bullying and sexual harassment among 522 middle and high school students. The teenagers completed a questionnaire which asked how often they had experienced each behavior during the school year, who the perpetrators were, and their reaction.

Bullying was more frequent than sexual harassment for both boys and girls - just over half the students (52%) had been bullied and just over a third (35%) were sexually harassed. Almost a third (32%) had been subject to both behaviors. Girls were bullied or harassed as frequently as boys, but gays, lesbians and bisexuals – sexual minorities – were subjected to greater levels of both.

Both behaviors have a negative effect on victims' health. After taking into account the effects of other stressful life events, ranging from parents' divorce, moving house, falling in love and getting into trouble with the law, Gruber and Fineran found that sexual harassment causes more harm than bullying in both boys and girls. Girls and sexual minorities, however, appeared to be the most affected by sexual harassment, suffering from lower self-esteem, poorer mental and physical health, and more trauma symptoms (thoughts and feelings arising from stressful experiences) than boys.

In the authors' view, schools' current focus on preventing bullying, as well as the tendency to regard sexual harassment as a form of bullying rather than an issue in its own right, draws attention away from a serious health issue. They argue that sexual harassment prevention should receive equal attention as a distinct focus, so that schools can continue to provide a healthy environment for children.

## No Bullies Here – Student Labels of ‘Bullying’ Can Be Misleading

Science Daily, 10<sup>th</sup> August 2009

While a number of researchers have examined bullying, particularly in the wake of high-profile school shootings, these researchers largely ignore the ways that bullying is actually defined by students.

Typically both students and researchers include physical and emotional abuse in their definitions of bullying, yet students differ from researchers in how they label others "bullies." Brent Harger, a recent graduate of Indiana University Bloomington's Department of Sociology and now assistant professor of sociology at Albright College in Reading, Penn., found that many students view bullying as a false dichotomy in which others are either "bullies" or "non-bullies." In this false dichotomy, students argue that if somebody is to be labeled a bully, he or she must fit that label at all times. This applies to how students label themselves, too.

As a result, students may participate in behavior that researchers would label bullying but define themselves as non-bullies because of other factors such as getting good grades or participating in extracurricular activities.

Because they do not identify themselves as bullies, students are able to dismiss anti-bullying messages in schools as "not for them." As a result, anti-bullying policies in schools may prevent the labeling of students as bullies but not the behaviors that outsiders would define as bullying.

"While my conference presentation focuses on student definitions, a number of adults in the schools also used this type of false dichotomy, such as a principal who said, 'I have one bully in my school,'" Harger said. "Just as with the students, defining bullies in this way prevented adults from seeing that a number of individual actions could be labeled bullying and led them to conclude that bullying was not a problem in their schools."

## Bullying and Being Bullied Linked To Suicide in Children, Review of Studies Suggests

Science Daily, 19<sup>th</sup> July 2008

Researchers at Yale School of Medicine have found signs of an apparent connection between bullying, being bullied and suicide in children, according to a new review of studies from 13 countries.

"While there is no definitive evidence that bullying makes kids more likely to kill themselves, now that we see there's a likely association, we can act on it and try to prevent it," said review lead author Young-Shin Kim, M.D., assistant professor at Yale School of Medicine's Child Study Center.

In the review, Kim and colleague Bennett Leventhal, M.D., analyzed 37 studies that examined bullying and suicide among children and adolescents. The studies took place in the United States, Canada, several European countries (including the United Kingdom and Germany), South Korea, Japan and South Africa.

Almost all of the studies found connections between being bullied and suicidal thoughts among children. Five reported that bullying victims were two to nine times more likely to report suicidal thoughts than other children were.

Not just the victims were in danger: "The perpetrators who are the bullies also have an increased risk for suicidal behaviors," Kim said.

However, the way the studies were designed made it impossible for researchers to determine conclusively whether bullying leads to suicide, Kim said. In addition, the authors report that most of the studies failed to take into account the influence of factors like gender, psychiatric problems and a history of suicide attempts.

Kim said her interest in bullying grew several years ago when she visited South Korea and heard several new slang terms referring to bullies and their victims. The words reflected "an elaborated system of bullying," she said.

According to international studies, bullying is common and affects anywhere from 9 percent to 54 percent of children. In the United States, many have blamed bullying for spurring acts of violence, including the Columbine High School massacre.

In the United States, many adults scoff at bullying and say, "Oh, that's what happens when kids are growing up," according to Kim, who argues that bullying is serious and causes major problems for children.

Kim is currently studying whether being bullied actually leads to suicide, although she acknowledges it will be difficult for researchers to get a firm grasp on a cause-and-effect relationship. She said that to confirm a definitive link, researchers would have to rule out the possibility that some unknown factor makes certain children more susceptible to both bullying and suicide.

For now, Kim said, the existing research should encourage adults to pay more attention to bullying and signs of suicidal behavior in children. "When we see kids who are targets of bullying, we should ask them if they're thinking about hurting themselves," she said. "We should evaluate and prevent these things from happening."

## Teens' Perception That They Are Liked Found To Be At Least As Important As Actually Being Liked

Science Daily, 15<sup>th</sup> May 2008

ScienceDaily (May 15, 2008) — We all know that children who are popular do well socially. A new study has found that teenagers who feel good about themselves and are comfortable with their peers can also be socially successful without being popular in the traditional sense.

These findings come from researchers at the University of Virginia. Researchers studied 164 adolescents from racially, ethnically, and socio-economically diverse backgrounds. The teens were interviewed at age 13 and then again at 14. The researchers also interviewed the adolescents' same-sex close friends.

Teenagers who felt good about their own social standing did well over time, the study found, regardless of how popular they were (popularity was gauged based on assessments by peers at school). These teenagers were increasingly less hostile and more frequently sought out by their peers. Teenagers who were considered popular by their peers also did well, regardless of their own perceptions of their social standing.

Adolescents who lacked both a strong sense of their own social acceptance and who were rated by their peers as unpopular fared the worst, according to the study. They were increasingly more hostile, less sought out, and more withdrawn over time.

These findings, say the researchers, highlight the importance of considering social acceptance in adolescence from a multifaceted view. In adolescence, as groupings of individuals change, often growing larger than they were in elementary school, the meaning of popularity as defined by classmates can diverge from teens' own sense of their social acceptance. A complete understanding of how teens function at this developmental stage should take into consideration both teens' own sense of their social standing and ratings from their peers.

"During adolescence, teens' perceptions of their own social success may be a crucial predictor of long-term social functioning, such that even teens who are not broadly popular may demonstrate positive adjustment over time if they maintain a positive internal sense of their social acceptance," according to Kathleen Boykin McElhaney, research associate in psychology at the University of Virginia and the lead author of the study.

"Perceiving oneself to be liked may actually be at least as critical in determining future social outcomes for teens as is actually being liked by other teens," says McElhaney, who called adolescents' feelings of confidence in their own social standing a "protective factor."

# Bullying of Teenagers Online Is Common, UCLA Psychologists Report

Science Daily, 3<sup>rd</sup> October 2008

ScienceDaily (Oct. 3, 2008) — Nearly three in four teenagers say they were bullied online at least once during a recent 12-month period, and only one in 10 reported such cyber-bullying to parents or other adults, according to a new study by UCLA psychologists.

Of those who were bullied online, 85 percent also have been bullied at school, the psychologists found. The probability of getting bullied online was substantially higher for those who have been the victims of school bullying.

"Bullying affects millions of students and is not limited to school grounds," said lead study author Jaana Juvonen, a professor of psychology and chair of UCLA's developmental psychology program. "Bullying on the Internet looks similar to what kids do face-to-face in school. The Internet is not functioning as a separate environment but is connected with the social lives of kids in school. Our findings suggest that especially among heavy users of the Internet, cyber-bullying is a common experience, and the forms of online and in-school bullying are more alike than different."

The research is based on an anonymous Web-based survey of 1,454 participants between the ages of 12 and 17, who were recruited through a nationally popular teen website from August through October 2005. The psychologists' findings appear in the September issue of the *Journal of School Health*.

Forty-one percent of the teenagers surveyed reported between one and three online bullying incidents over the course of a year, 13 percent reported four to six incidents and 19 percent reported seven or more incidents, Juvonen said.

Many teenagers do not realize how many of their peers are being bullied online and think cyber-bullying happens much more to them than to others, she said.

"When kids start thinking, 'It's just happening to me,' they likely blame themselves, and once they do that, it increases their risk of depression," Juvonen said. "Kids don't know how common cyber-bullying is, even among their best friends. Cyber-bullying is not a plight of a few problematic children but a shared experience."

Why do so few teenagers tell their parents about being bullied online?

The most common reason for not telling an adult, cited by half the bullied participants, was that teens believe they "need to learn to deal with it." In addition, 31 percent reported that they do not tell because they are concerned their parents might restrict their Internet access. This concern was especially common among girls between the ages of 12 and 14, with 46 percent fearing restrictions, compared with 27 percent of boys in the same age group. One-third of 12-to-14-year-olds reported that they didn't tell an adult out of fear that they could get into trouble with their parents.

Many parents have little understanding of their children's Internet use.

"Many parents do not understand how vital the Internet is to their social lives," Juvonen said. "Parents can take detrimental action with good intentions, such as trying to protect their children by not letting them use the Internet at all. That is not likely to help parent-teen relationships or the social lives of their children." Most children are using the Internet mainly to connect with friends, not to meet new people, previous research has shown.

"Kids are mainly using the Internet to maintain relationships like we used to in the old days when we called a friend or walked to someone's house," Juvonen said. "It's a way for kids to maintain connections with their friends."

Seventy-three percent of the participants who reported being cyber-bullied said they knew, or were pretty sure they knew, who was doing the bullying.

"This finding is counter to the prevalent myth that cyber-bullying is anonymous," Juvonen said. The research does not support the assumption that the Internet is dramatically changing the nature of bullying. Of those participants who experienced bullying, 51 percent said the bullying was done by schoolmates, 43 percent said they were bullied by someone they knew only online and 20 percent said they were bullied by someone they knew, but who was not from school.

The most prevalent forms of bullying online and in school involved name-calling or insults. Password theft was the next most common cyber-bullying tactic. Bullying also includes threats, sending embarrassing pictures, sharing private information without permission and spreading nasty rumors.

Both in-school and online bullying experiences were independently associated with increased social anxiety, said UCLA psychology research fellow Elisheva Gross, co-author of the study and co-president of Barnraising Inc., a new media and art education and youth-development company.

Electronic communication devices are not the cause of problem behavior among teenagers but are tools that can be used to interact with peers in both antisocial and healthy ways, Juvonen said.

Parents and other adults may overestimate the risk of bullying online and downplay the risk of bullying in school, said Juvonen, who recommends that schools try to reduce both. Schools are getting better at taking action to reduce bullying — including teaching students strategies for coping with and responding to bullying — and some of them address cyber-bullying as well, she said.

"There is no reason why cyber-bullying should be 'beyond' the school's responsibility to address," Juvonen said. "Rather, it seems that schools need to enforce intolerance of any intimidation among students, regardless of whether it takes place on or beyond the school grounds."

Many children are using the Internet in the privacy of their bedrooms, which Juvonen does not consider a good idea, because it makes it harder for parents to monitor.

While name-calling and spreading rumors may look rather benign, children often find them hurtful, Juvonen and Gross said.

In research from 2005 by Juvonen and Adrienne Nishina, an assistant professor of human development at the University of California, Davis, nearly half the sixth graders at two Los Angeles-area public schools said they were bullied by classmates during a five-day period.

"Bullying is a problem that large numbers of kids confront on a daily basis at school; it's not just an issue for the few unfortunate ones," Juvonen said.

The earlier research by Juvonen and Nishina showed that children are emotionally affected on the days they get picked on. The students who were beat up and those who were called names were equally bothered.

"Students reported feeling humiliated, anxious or disliking school on days when they reported incidents, which shows there is no such thing as 'harmless' name-calling or an 'innocent' punch," Juvonen said. Bullying occurs across ethnic groups and income brackets, said Gross, who has received funding from the UCLA Children's Digital Media Center.

In another 2005 study, Nishina and Juvonen reported that middle school students who are bullied in school are likely to feel depressed, lonely and miserable, which in turn makes them more vulnerable to further bullying incidents. Harassment at school interferes with the ability to learn and makes many students want to withdraw, Juvonen said.

Children who are embarrassed or humiliated about being bullied in school are unlikely to discuss it with their parents or teacher, Juvonen and Nishina found. Instead, they are more likely to suffer in silence and dislike school.

Juvonen advises parents to talk with their children about bullying before it ever happens, pay attention to changes in their children's behavior and take their concerns seriously.

Students who get bullied often have headaches, colds and other physical illnesses, as well as psychological problems.

Of the 1,454 participants in the recent survey, 75 percent were female, 66 percent were Caucasian, 12 percent were African American, 9 percent were Latino/Hispanic and 5 percent were Asian American. All 50 states were represented.

## Middle Schoolers: Tragic Results From A Deadly Game

by Dirk Johnson with Hilary Shenfeld, Newsweek 21<sup>st</sup> November 2005

A gifted student and a soccer star, Colin Russell, 13, finished his homework, played with his dog and delved into a novel one afternoon this September. After dinner that evening, the Tacoma, Wash., eighth grader, whose mother and father are physicians, stepped into his bedroom closet, put a rope around his neck, tightened it and strangled to death.

This was no suicide. Colin was playing a "pass out" game that has become frighteningly common around the country. Children, usually of middle-school age, choke themselves with a rope or belt, or have someone else do it, and then loosen the grip as they begin to lose consciousness--triggering a head rush they regard as an innocent, drug-free buzz. Kids know it by many names: Space Monkey, Knockout, Black Hole, the Choking Game.

Alarmed by the scores of children who have died or become brain-damaged by this practice, schools around the country are sounding alarms to parents and teachers to watch for signs of the game, such as red eyes or bruises on a child's neck. "There is very little in the medical literature at this point," says Colin's mom, Dr. Trish Russell, who had never heard of the game until the night her son died.

The Tacoma schools, which held informational meetings with parents after Colin's death, plan to train teachers about the practice. Clinton Rosette Middle School in DeKalb, Ill., included a note in its September newsletter to parents alerting them to the game and asking them to speak to their children about its dangers. In Nampa, Idaho, the mother of a 13-year-old girl who died playing the game in August has spoken with students in the town to warn them about it--and found that most of them were already quite familiar with it. In North Berwick, Maine, where a 17-year-old developmentally disabled student died playing the game in September, a notice was posted on the Noble High School Web site listing the warning signs.

The practice has conjured comparisons to autoerotic asphyxiation--masturbating while being choked--except that it's usually done without any sexual component, and practiced by the very young. A chat room has formed for kids to talk about the game and spread the word about its deadly risks. The mother of an 11-year-old victim of the game has started PLAY (Parents/Professionals Learning About Accidental Asphyxia Among Youth) to push for more awareness.

Meanwhile, a Web site--[stop-the-choking-game.com](http://stop-the-choking-game.com)--recently emerged, listing the names of more than 50 kids who, it claims, accidentally killed themselves in the past year playing the game. The site was created by the grandmother of a 13-year-old boy who died of playing it. "Something that seems so obviously dangerous to most adults," says Colin's mom, "seems like fun and safe to these kids."



## Reaching Out Against Suicide

### A teen group learns prevention techniques in hopes of rescuing peers

by Katie Pesznecker, The Oregonian Newspaper, D Section, 24th June 2000

When Anais Surkin joined a public service announcement crew in February, it made little difference to her that its campaign was for suicide prevention.

"I think originally I wanted to do the PSA because I wanted to be on TV," the Portland 15-year-old admitted.

Since then, a lot has changed for Surkin, who realized the urgency of the issue when a Lincoln High School teen committed suicide the same day the PSA filming began.

Four months later, Surkin is chairwoman of a youth board of six Oregon teen-agers for the American Foundation for Suicide Prevention. "It seemed like something I could get involved with, and not just as one of the little helpers, but actually do something and make a difference," she said.

Members of Surkin's youth board and others took part in suicide prevention training Thursday and Friday in Portland, covering subjects such as depression symptoms, intervention techniques and attitudes surrounding suicide.

Their training comes at an opportune time, as the Oregon Health Division said Friday that a record 569 Oregonians committed suicide in 1998, and 761 children between the ages of 6 and 17 attempted suicide that year.

The youth training was sponsored by the foundation's Northwest chapter, founded by Portland resident Nancy Johnson, whose son, Chris, was one of 538 Oregonians who committed suicide in 1997, up from 533 in 1996, according to the Oregon Health Division.

Oregon ranked 17th nationwide in youth suicides in 1997, an improvement because the state typically ranks in the top 10, said David Hopkins, a research analyst with the Health Division. Overall, Oregon usually has between the 10th- and 12th-highest suicide rate in the nation, he said.

"Suicide is a stigma in our society," said Bill Leverette, 17, who was a friend of Chris Johnson's and is now on the youth board. "And because it's underdiscussed, people end up regretting not doing something, and, ultimately, they've lost a friend."

The youth board members, ages 15 to 17 from the Portland area, want to lower youth suicides by performing outreach work with high schools and middle schools. It might include bringing in speakers or offering training patterned on what the board learned.

The goal is to teach youths the signs of depression and suicidal behavior and how to respond, which includes going to an adult for help, Surkin said.

The Northwest branch of the foundation formed the youth board so young people have a voice and a role in suicide prevention, said Cynthia White, a foundation board member.

Involving teens in the prevention process is important, said Bev Cobain, who facilitated the training with Flemming Funch, a fellow Bremerton, Wash., resident.

Cobain is a former psychiatric nurse who was working with mental health patients when her cousin, Nirvana rocker Kurt Cobain, committed suicide in 1994.

Cobain thinks her cousin's suicide was an effect of a bipolar disorder, and she saw the public's disbelief about his death as a sign of low education about suicide prevention and depression. So, she sought suicide prevention training, wrote a book on the topic for teens, and speaks and trains groups nationally.

"There is a huge schism between kids and adults," Cobain said. "Somewhere along the way, the kids sort of got looked down upon, and they know that. They're not listened to the way they need to be. They're very smart about themselves and the things that are happening. But they learn not to talk. They learn not to talk about their feelings so much."

For this reason, she said, adults must listen to teens and children, and be educated and realistic about depression and suicide.

This is one of the main functions of the foundation's youth board.

The experience with prevention work has given Surkin a sense of purpose and accomplishment. She leaves today for New York City, where she has a full-time summer job with the foundation working on outreach and training projects.

And Leverette said his outreach work helps him cope with his friend's suicide.

"But we're not just helping ourselves," Leverette said. "We're trying to set up something so we can show people they don't have to die."

## Study: High School Put-Downs Could Put Students Behind

by Matt Cherry, CNN.COM, 17<sup>th</sup> November 2009

Whoever said names will never hurt you was wrong, according to a new study.

The study from the University of Illinois suggests dealing with classmate put-downs can make it harder for good students to learn and make it more difficult for students who are behind to catch up.

The first-of-its-kind study cited a national sample of data from the U.S. Department of Education on more than 10,000 high-school sophomores in more than 650 U.S. high schools. One in five respondents claimed they were often "put down" verbally by their peers in school.

"I think it's sort of a wake-up call for a lot of us that this kind of verbal harassment is going on in schools, and it's contributing to a learning environment that is quite disruptive for kids," said Christy Lleras, a University of Illinois assistant professor of human and community development, who worked on the study.

It's not only an issue at public schools. Lleras said the research shows these put-downs are just as big a problem in private high schools as well.

Referring to private schools, Lleras said, "They were certainly doing a good job at making their kids feel safe, but they were not insulating them from emotional harm."

Results of the study indicate boys are likely to experience these put-downs more often than girls, especially at private schools.

The university's study also measured the issue among racial and academic lines. African-American high school students who considered themselves very good students were shown to be more likely to be the victims of verbal abuse from their peers.

Lleras believes the put-downs are a way of coping for students when they are struggling to do their classwork. Regardless of the reason, she thinks it's time schools did something about it.

"A lot of time we've been focusing on physical abuse -- bullying," said Lleras. "However, if one in five kids (is) experiencing this ... this is something that's become an everyday culture among our adolescents. I think knowing that, schools are going to have starting to address it."

The study appears in the Journal of School Violence.

Bullied Girl Alone No More –  
She Finds Comfort In Letters From Hundreds Of Strangers,  
A Campaign Begun By Mill Valley Sisters  
by Ilene Lechuk, San Francisco Chronicle, A Section, 23<sup>rd</sup> May 2007

Sitting in her living room amid stacks of handwritten letters from all over the nation and the world, 14-year-old Olivia Gardner of Novato said she no longer feels alone.

A victim of extreme bullying that spanned two years and three schools, Olivia said she has been pulled from the depths of depression by a letter-writing campaign started by two sisters at Tamalpais High in Marin County after they read in The Chronicle in March about Olivia's ordeal.

At least 1,000 strangers have sent her letters and e-mails of support, and there's talk of a book deal, Web sites and letter campaigns for other children who are bullied, and the three girls have received countless interview requests. Whether Olivia likes it or not, she helped bring attention to the widespread and tenacious problem of bullying in school hallways, on cell phones and in cyberspace.

"I like all the support, but I don't like all the attention and that people recognize me as a victim," said Olivia, who dyed her brown hair darker and streaked it with blond as a sort of disguise.

Olivia has rarely left home during the past year, and her mother is homeschooling her. Still, her mother, Kathleen Gardner, said Olivia has made amazing progress in the last few weeks and is accepting some requests to speak to students. On Tuesday, she and the two sisters talked with fifth-grade girls in San Rafael at a program called Midway Cafe, which prepares them for the social rigors of middle school and the effects of bullying. She also is getting excited about starting high school next year -- outside Novato.

Sisters Emily, 17, and Sarah Buder, 14, of Mill Valley are stunned by the response to their effort to ask fellow high school students write to Olivia so she would feel better and know she is not alone in being bullied.

"I felt what was happening to her was so horrible, and she didn't deserve to be treated this way, even though I had never met her," Sarah said.

As word spread through the media and internet, letters flooded in from far beyond the Bay Area.

"I was expecting an immediate response just from the community around me," Emily said. "But then it was so incredible to see letters from Oregon, Australia and all these places."

Children sent drawings of hearts or stick figures of themselves holding hands with Olivia. They also wrote:

"Dear Olivia, I think you are very brave ..."

"Dear Olivia, Don't let the bullies get inside your head ..."

"Dear Olivia, It goes to show that for every bully that puts us down, there are a hundred loving people to pick us up ..."

Adults wrote of their own past pain:

"Dear Olivia, I'm 60 years old and have lived in Marin County my whole life. When I was in the 5th grade I arrived at school and found a note in my desk signed by every girl in my class, except for my 2 closest friends, saying the most horrible things about me. ... Olivia, I hope it helps to know that others are thinking about you and have been through what you went through. Stay strong."

Rochelle Sides of Texas wrote of her daughter, Corinne Wilson, who fatally shot herself in the forehead one day after school when she was 13. It was the culmination of nearly a year of bullying by two girls who once were her best friends, Sides said in an interview.

"Every day they told her she was ugly and fat and couldn't sing and her hair was frizzy," said Sides, now active in anti-bully campaigns such as Bully Police U.S.A. Then, Sides said, the girls started telling Corinne she should just

die. Corinne wrote about her problems in her English class journal but never spoke about them with her parents. Corinne must have felt terribly alone, her mother said.

"In talking to victims and reading surveys, the overriding theme is they feel alone," Sides said. "We as adults can say you are beautiful, the bullies are wrong. But it really doesn't hold a lot of weight in this peer group. So a lot of positive feedback from their peers could be just the thing to save their lives."

Patti Agatston, an author and counselor who specializes in bully prevention for the Cobb County School District in Atlanta, also wrote a letter to Olivia and hopes to launch an "Olivia's Letters" link on her Web site, [www.cyberbullyhelp.com](http://www.cyberbullyhelp.com). The idea is to gather the names of bully victims who could use some support and launch students on letter-writing campaigns.

"We've been talking about how important it is for students and bystanders to do something positive to help victims of bullying. Olivia's letters are a great example," Agatston said.

The Buders and Olivia also are talking about finding someone to publish a book mixing excerpts from the letters with advice from teachers, parents and bully experts.

Nationwide, more than 4 in 10 teens have been victims of taunts and threats via social network Web sites such as MySpace and Facebook, instant messages and text messages from cell phones, according to a survey by the National Crime Prevention Council. One in 8 reported feeling scared enough to stay home from school, according to the survey. In the Bay Area, teens in Danville and San Francisco, as well as Novato, have been involved in publicized cases.

In Olivia's case, even persistent attention to the problem by her mother didn't resolve it. Her bullying started in sixth grade when Olivia, who has epilepsy, had a seizure and classmates called her "retard" and dragged her backpack through mud. Then came an "Olivia Haters" Web page. After she switched schools, kids there heard about how her old classmates had treated her and started in again, Kathleen Gardner said.

She was happy for about a year at a third middle school, but then the mother and daughter were called on to help a classmate who said her parents abused her. During the Child Protective Services investigation, word got out that the Gardners were involved, and tables turned on them. The girl allegedly changed her story and told classmates that Olivia had tried to break up her family. Rumors spread again, and Olivia was bombarded with calls and e-mails. Students started wearing plastic bracelets declaring their hatred for Olivia, Kathleen Gardner said.

Officials at Olivia's past schools have declined to comment on the Gardners' story.

"Olivia was really isolated," Gardner said. "She spiraled down further and further until I felt I lost my daughter." Olivia's scars aren't physical. But she rarely looks up while she speaks, preferring to fiddle with her hands or a silver heart necklace sent recently by an anonymous supporter. From behind a curtain of her hair, she answers questions about her interests – guitar, keyboards, karate and drama. She wants to be an actress when she grows up.

The letters help her believe she might reach her goals some day.

"It makes me feel I have support," she said. "I just wish it was from someone I knew."

The story so far (supplemental to online article): Olivia switched schools twice before her mother resorted to home schooling her to stop other kids from bullying her in person and online, her mother said. It all started when Olivia, who is epileptic, had a seizure one day in sixth grade, and several classmates called her "retard" and dragged her backpack through mud. It escalated online with a page on MySpace, continued at her second school, and resumed at the third when mother and daughter helped state investigators look into child abuse allegations in a family they knew, Kathleen Gardner said.

## Young, Gay and Murdered

Kids are coming out younger, but are schools ready to handle the complex issues of identity and sexuality? For Larry King, the question had tragic implications.

by Ramin Setoodeh, Newsweek 28<sup>th</sup> July 2008, Pages 41-46

At 15, Lawrence King was small—5 feet 1 inch—but very hard to miss. In January, he started to show up for class at Oxnard, Calif.'s E. O. Green Junior High School decked out in women's accessories. On some days, he would slick up his curly hair in a Prince-like bouffant. Sometimes he'd paint his fingernails hot pink and dab glitter or white foundation on his cheeks. "He wore makeup better than I did," says Marissa Moreno, 13, one of his classmates. He bought a pair of stilettos at Target, and he couldn't have been prouder if he had on a varsity football jersey. He thought nothing of chasing the boys around the school in them, teetering as he ran.

But on the morning of Feb. 12, Larry left his glitter and his heels at home. He came to school dressed like any other boy: tennis shoes, baggy pants, a loose sweater over a collared shirt. He seemed unhappy about something. He hadn't slept much the night before, and he told one school employee that he threw up his breakfast that morning, which he sometimes did because he obsessed over his weight. But this was different. One student noticed that as Larry walked across the quad, he kept looking back nervously over his shoulder before he slipped into his first-period English class. The teacher, Dawn Boldrin, told the students to collect their belongings, and then marched them to a nearby computer lab, so they could type out their papers on World War II. Larry found a seat in the middle of the room. Behind him, Brandon McInerney pulled up a chair.

Brandon, 14, wasn't working on his paper, because he told Mrs. Boldrin he'd finished it. Instead, he opened a history book and started to read. Or at least he pretended to. "He kept looking over at Larry," says a student who was in the class that morning. "He'd look at the book and look at Larry, and look at the book and look at Larry." At 8:30 a.m., a half hour into class, Brandon quietly stood up. Then, without anyone's noticing, he removed a handgun that he had somehow sneaked to school, aimed it at Larry's head, and fired a single shot. Boldrin, who was across the room looking at another student's work, spun around. "Brandon, what the hell are you doing!" she screamed. Brandon fired at Larry a second time, tossed the gun on the ground and calmly walked through the classroom door. Police arrested him within seven minutes, a few blocks from school. Larry was rushed to the hospital, where he died two days later of brain injuries.

The Larry King shooting became the most prominent gay-bias crime since the murder of Matthew Shepard 10 years ago. But despite all the attention and outrage, the reason Larry died isn't as clear-cut as many people think. California's Supreme Court has just legalized gay marriage. There are gay characters on popular TV shows such as "Gossip Girl" and "Ugly Betty," and no one seems to notice. Kids like Larry are so comfortable with the concept of being openly gay that they are coming out younger and younger. One study found that the average age when kids self-identify as gay has tumbled to 13.4; their parents usually find out a year later.

What you might call "the shrinking closet" is arguably a major factor in Larry's death. Even as homosexuality has become more accepted, the prospect of being openly gay in middle school raises a troubling set of issues. Kids may want to express who they are, but they are playing grown-up without fully knowing what that means. At the same time, teachers and parents are often uncomfortable dealing with sexual issues in children so young. Schools are caught in between. How do you protect legitimate, personal expression while preventing inappropriate, sometimes harmful, behavior? Larry King was, admittedly, a problematical test case: he was a troubled child who flaunted his sexuality and wielded it like a weapon—it was often his first line of defense. But his story sheds light on the difficulty of defining the limits of tolerance. As E. O. Green found, finding that balance presents an enormous challenge.

Larry's life was hard from the beginning. His biological mother was a drug user; his father wasn't in the picture. When Greg and Dawn King took him in at age 2, the family was told he wasn't being fed regularly. Early on, a speech impediment made Larry difficult to understand, and he repeated first grade because he had trouble reading. He was a gentle child who loved nature and crocheting, but he also acted out from an early age. "We couldn't take him to the grocery store without him shoplifting," Greg says. "We couldn't get him to clean up his room. We sent him upstairs—he'd get a screwdriver and poke holes in the walls." He was prescribed ADHD medication, and

Greg says Larry was diagnosed with reactive attachment disorder, a rare condition in which children never fully bond with their caregivers or parents.

Kids started whispering about Larry when he was in third grade at Hathaway Elementary School. "In a school of 700 students, you'd know Larry," says Sarah Ranjbar, one of Larry's principals. "He was slightly effeminate but very sure of his personality." Finally, his best friend, Averi Laskey, pulled him aside one day at the end of class. "I said, 'Larry, are you gay?' He said, 'Yeah, why?' " He was 10. Averi remembers telling Larry she didn't care either way, but Larry started telling other students, and they did. They called him slurs and avoided him at recess. One Halloween, someone threw a smoke bomb into his house, almost killing the family's Jack Russell terrier. In the sixth grade, a girl started a "Burn Book"—an allusion to a book in the movie "Mean Girls," where bullies scribble nasty rumors about the people they hate—about Larry. The Larry book talked about how he was gay and falsely asserted that he dressed in Goth and drag. And it ended with a threat: "I hate Larry King. I wish he was dead," according to one parent's memory of the book. "The principal called my wife on the phone and she was crying," Greg says. "She found the book, and said we needed to do something to help protect Larry." His parents transferred him to another elementary school, hoping he could get a fresh start before he started junior high. E. O. Green is a white slab of concrete in a neighborhood of pink and yellow homes. In the afternoons, SUVs roll down the street like gumballs, the sound of hip-hop music thumping. Once the students leave the campus, two blue gates seal it shut, and teachers are told not to return to school after dark, because of gang violence. Outside, there's a worn blue sign that greets visitors: this was a California distinguished school in 1994. The school is under a different administration now.

E. O. Green was a comfortable place for Larry when he arrived as a seventh grader. He hung out with a group of girls who, unlike in elementary school, didn't judge him. But that didn't mean he was entirely accepted. In gym class, some of his friends say that the boys would shove him around in the locker room. After he started dressing up, he was ridiculed even more. He lost a high heel once and the boys tossed it around at lunch like a football. "Random people would come up to him and start laughing," Moreno says. "I thought that was very rude." One day, in science class, he was singing "Somewhere Over the Rainbow" to himself. Kids nearby taunted him for being gay. "He said to me, 'It's OK,'" says Vanessa Castillo, a classmate. " 'One day, they'll regret it. One day, I'll be famous'."

Larry's home life wasn't getting any better. At 12, he was put on probation for vandalizing a tractor with a razor blade, and he entered a counseling program, according to his father. One therapist said Larry might be autistic. At 14, Larry told Greg he thought he was bisexual. "It wouldn't matter either way to me," Greg says. "I thought maybe some of the problems would go away if we supported him." But the therapist told Greg he thought that Larry was just trying to get attention and might not understand what it meant to be gay. Larry began telling his teachers that his father was hitting him. Greg says he never harmed Larry; still, the authorities removed Larry from his home in November 2007. He moved to Casa Pacifica, a group home and treatment center in Camarillo, five miles away from Oxnard.

Larry seemed to like Casa Pacifica—"peaceful home" in Spanish. The 23-acre facility—more like a giant campground, with wooden cottages, a basketball court and a swimming pool—has 45 beds for crisis kids who need temporary shelter. Every day a driver would take Larry to school, and some weeks he went to nearby Ventura, where he attended gay youth-group meetings. "I heard this was the happiest time of his life," says Vicki Murphy, the center's director of operations. For Christmas, the home gave Larry a \$75 gift card for Target. He spent it on a pair of brown stiletto shoes.

In January, after a few months at Casa Pacifica, Larry decided to dress like a girl. He went to school accessorized to the max, and his already colorful personality got louder. He accused a girl to her face of having breast implants. Another girl told him she didn't like his shoes. "I don't like your necklace," Larry snapped back. Larry called his mom from Casa Pacifica to tell her that he wanted to get a sex-change operation. And he told a teacher that he wanted to be called Leticia, since no one at school knew he was half African-American. The teacher said firmly, "Larry, I'm not calling you Leticia." He dropped the idea without an argument.

The staff at E. O. Green was clearly struggling with the Larry situation—how to balance his right to self-expression while preventing it from disrupting others. Legally, they couldn't stop him from wearing girls' clothes,

according to the California Attorney General's Office, because of a state hate-crime law that prevents gender discrimination. Larry, being Larry, pushed his rights as far as he could. During lunch, he'd sidle up to the popular boys' table and say in a high-pitched voice, "Mind if I sit here?" In the locker room, where he was often ridiculed, he got even by telling the boys, "You look hot," while they were changing, according to the mother of a student. Larry was eventually moved out of the P.E. class, though the school didn't seem to know the extent to which he was clashing with other boys. One teacher describes the gym transfer as more of a "preventative measure," since Larry complained that one student wouldn't stop looking at him. In other classes, teachers were baffled that Larry was allowed to draw so much attention to himself. "All the teachers were complaining, because it was disruptive," says one of them. "Dress code is a huge issue at our school. We fight [over] it every day." Some teachers thought Larry was clearly in violation of the code, which prevents students from wearing articles of clothing considered distracting. When Larry wore lipstick and eyeliner to school for the first time, a teacher told him to wash it off, and he did. But the next day, he was back wearing even more. Larry told the teacher he could wear makeup if he wanted to. He said that Ms. Epstein told him that was his right.

Joy Epstein was one of the school's three assistant principals, and as Larry became less inhibited, Epstein became more a source of some teachers' confusion and anger. Epstein, a calm, brown-haired woman with bifocals, was openly gay to her colleagues, and although she was generally not out to her students, she kept a picture of her partner on her desk that some students saw. While her job was to oversee the seventh graders, she formed a special bond with Larry, who was in the eighth grade. He dropped by her office regularly, either for counseling or just to talk—she won't say exactly. "There was no reason why I specifically started working with Larry," Epstein says. "He came to me." Some teachers believe that she was encouraging Larry's flamboyance, to help further an "agenda," as some put it. One teacher complains that by being openly gay and discussing her girlfriend (presumably, no one would have complained if she had talked about a husband), Epstein brought the subject of sex into school. Epstein won't elaborate on what exactly she said to Larry because she expects to be called to testify at Brandon's trial, but it's certain to become one of the key issues. William Quest, Brandon's public defender, hasn't disclosed his defense strategy, but he has accused the school of failing to intercede as the tension rose between Larry and Brandon. Quest calls Epstein "a lesbian vice principal with a political agenda." Larry's father also blames Epstein. He's hired an attorney and says he is seriously contemplating a wrongful-death lawsuit. "She started to confuse her role as a junior-high principal," Greg King says. "I think that she was asserting her beliefs for gay rights." In a tragedy such as this, the natural impulse is to try to understand why it happened and to look for someone to blame. Epstein won't discuss the case in detail and, until she testifies in court, it's impossible to know what role—if any—she played in the events leading to Larry's death.

Whatever Epstein said to Larry, it's clear that his coming out proved to be a fraught process, as it can often be. For tweens, talking about being gay isn't really about sex. They may be aware of their own sexual attraction by the time they're 10, according to Caitlin Ryan, a researcher at San Francisco State University, but those feelings are too vague and unfamiliar to be their primary motivation. (In fact, Larry told a teacher that he'd never kissed anyone, male or female.) These kids are actually concerned with exploring their identity. "When you're a baby, you cry when you're hungry because you don't know the word for it," says Allan Acevedo, 19, of San Diego, who came out when he was in eighth grade. "Part of the reason why people are coming out earlier is they have the word 'gay,' and they know it explains the feeling." Like older teenagers, tweens tend to tell their friends first, because they think they'll be more accepting. But kids that age often aren't equipped to deal with highly personal information, and middle-school staffs are almost never trained in handling kids who question their sexuality. More than 3,600 high schools sponsor gay-straight alliances designed to foster acceptance of gay students, but only 110 middle schools have them. Often the entire school finds out before either the student or the faculty is prepared for the attention and the backlash. "My name became a punch line very fast," says Grady Keefe, 19, of Branford, Conn., who came out in the eighth grade. "The guidance counselors told me I should not have come out because I was being hurt."

The staff at E. O. Green tried to help as Larry experimented with his identity, but he liked to talk in a roar. One teacher asked him why he taunted the boys in the halls, and Larry replied, "It's fun to watch them squirm." But Brandon McInerney was different. Larry really liked Brandon. One student remembered that Larry would often walk up close to Brandon and stare at him. Larry had studied Brandon so well, he once knew when he had a scratch on his arm—Larry even claimed that he had given it to Brandon by mistake, when the two were together. Larry told one of his close friends that he and Brandon had dated but had broken up. He also said that he'd



threatened to tell the entire school about them, if Brandon wasn't nicer to him. Quest, Brandon's defense attorney, says there was no relationship between Larry and Brandon, and one of Larry's teachers says that Larry was probably lying to get attention.

Like Larry, Brandon had his share of troubles. His parents, Kendra and Bill McInerney, had a difficult, tempestuous relationship. In 1993, Kendra alleged that Bill pointed a .45 handgun at her during a drunken evening and shot her in the arm, according to court records. She and Bill split in 2000, when Brandon was 6. One September morning, a fight broke out after Kendra accused her husband of stealing the ADHD medication prescribed to one of her older sons from her first marriage. Bill "grabbed Kendra by the hair," and "began choking her until she was almost unconscious," according to Kendra's version of the events filed in court documents. He pleaded no contest to corporal injury to a spouse and was sentenced to 10 days in jail. In a December 2001 court filing for a restraining order against Kendra, he claimed that she had turned her home into a "drug house." "I was very functional," Kendra later explained to a local newspaper, in a story about meth addiction. By 2004, she had entered a rehab program, and Brandon went to live with his father. But he spent years caught in the middle of a war.

While his life did seem to become more routine living with his dad, Brandon's troubles resurfaced in the eighth grade. His father was working in a town more than 60 miles away, and he was alone a lot. He began hanging out with a group of misfits on the beach. Although he was smart, he didn't seem to have much interest in school. Except for Hitler—Brandon knew all about the Nuremberg trials and all the names of Hitler's deputies. (When other kids asked him how he knew so much, he replied casually, "Don't you watch the History Channel?" Brandon's father says his son was interested in World War II, but not inappropriately.) By the end of the first semester, as his overall GPA tumbled from a 3.3 to a 1.9, he was kicked out of his English honors class for not doing his work and causing disruptions. He was transferred to Boldrin's English class, where he joined Larry.

Larry's grades were also dropping—he went from having a 1.71 GPA in November to a 1.0 in February, his father says. But he was too busy reveling in the spotlight to care. "He was like Britney Spears," says one teacher who knew Larry. "Everyone wanted to know what's the next thing he's going to do." Girls would take photos of him on their camera phones and discuss him with their friends. "My class was in a frenzy every day with Larry stories," says a humanities teacher who didn't have Larry as one of her students. He wore a Playboy-bunny necklace, which one of his teachers told him to remove because it was offensive to women. But those brown Target stilettos wobbled on.

The commotion over Larry's appearance finally forced the school office to take formal action. On Jan. 29, every teacher received an e-mail with the subject line STUDENT RIGHTS. It was written by Sue Parsons, the eighth-grade assistant principal. "We have a student on campus who has chosen to express his sexuality by wearing make-up," the e-mail said without mentioning Larry by name. "It is his right to do so. Some kids are finding it amusing, others are bothered by it. As long as it does not cause classroom disruptions he is within his rights. We are asking that you talk to your students about being civil and non-judgmental. They don't have to like it but they need to give him his space. We are also asking you to watch for possible problems. If you wish to talk further about it please see me or Ms. Epstein."

Jerry Dannenberg, the superintendent, says the front office received no complaints about Larry, but according to several faculty members, at least two teachers tried to formally protest what was going on. The first was the same teacher who told Larry to scrub the makeup off his face. She was approached by several boys in her class who said that Larry had started taunting them in the halls—"I know you want me," he'd say—and their friends were calling them gay. The teacher told some of her colleagues that when she went to the office to file a complaint, Epstein said she would take it. "It's about Larry," the teacher said. "There's nothing we can do about that," Epstein replied. (Epstein denies she was ever approached.) A few days later another teacher claims to have gone to the school principal, Joel Lovstedt. The teacher says she told him that she was concerned about Larry and she thought he was a danger to himself—she worried that he might fall in his three-inch stilettos and injure himself. Lovstedt told the teacher that he had directions, though he wouldn't say from where, that they couldn't intervene with Larry's sexual expression. (Lovstedt denied Newsweek's request for an interview.) There was an unusual student complaint, too. Larry's younger brother, Rocky, 12, also attended E. O. Green, and the kids started picking on him the day in January when Larry showed up in hot pink knee-length boots. Rocky says he went to several school

officials for help, including Epstein. "I went up to her at lunchtime," he says. "I said, 'Ms. Epstein, can you stop Larry from dressing like a girl? The kids are saying since Larry is gay, I must be gay, too, because I'm his brother'."

As you talk to the teachers, many of them say they tried to support Larry, but they didn't always know how. In blue-collar, immigrant Oxnard, there is no gay community to speak of and generally very little public discussion of gay issues, at least until Larry's murder happened. One teacher was very protective of Larry, his English teacher, Mrs. Boldrin. To help Larry feel better about moving to Casa Pacifica, she brought Larry a present: a green evening dress that once belonged to her own daughter. Before school started, Larry ran to the bathroom to try it on. Then he showed it to some of his friends, telling them that he was going to wear it at graduation. And then there was Valentine's Day. A day or two before the shooting, the school was buzzing with the story about a game Larry was playing with a group of his girlfriends in the outdoor quad. The idea was, you had to go up to your crush and ask them to be your Valentine. Several girls named boys they liked, then marched off to complete the mission. When it was Larry's turn, he named Brandon, who happened to be playing basketball nearby. Larry walked right on to the court in the middle of the game and asked Brandon to be his Valentine. Brandon's friends were there and started joking that he and Larry were going to make "gay babies" together. At the end of lunch, Brandon passed by one of Larry's friends in the hall. She says he told her to say goodbye to Larry, because she would never see him again.

The friend didn't tell Larry about the threat—she thought Brandon was just kidding. There are many rumors of another confrontation between Larry and Brandon, on Feb. 11, the day before the shooting. Several students and teachers said they had heard about a fight between the two but they hadn't actually witnessed it themselves. The next morning a counselor at Casa Pacifica asked Larry what was wrong, and he said, vaguely, "I've had enough." When he got to school, his friends quizzed him about his noticeably unfabulous appearance. He said that he ran out of makeup and hair gel (which wasn't true) and that he had a blister on his ankle (this was true—he'd just bought a new pair of boots). Larry walked alongside Boldrin to the computer class and sat in front of a computer. A few minutes later, a counselor summoned him to her office. She told him that his grades were so low, he was at risk of not graduating from the eighth grade. He went back to his computer. He had written his name on his paper as Leticia King. Most of the campus heard the gunshots. Some described it like a door slammed shut very hard. On March 7, the school held a memorial service for Larry. Epstein stood at the podium with students who read from note cards about what they liked best about Larry: he was nice, he was unique, he was brave. The band played "Amazing Grace," and two dozen doves were released into the sky. Averil read a poem about how her friend was like a garden seed that grew, and died; Larry's mom wept in the front row. Deep in the audience, an eighth grader turned to one of Brandon's friends and whispered, "That's so gay."

The obvious question now is whether Larry's death could have been prevented. "Absolutely," says Dannenberg. "Why do we have youngsters that have access to guns? Why don't we have adequate funding to pay for social workers at the school to make sure students have resources? We have societal issues." Many teachers and parents aren't content with that answer. For them, the issue isn't whether Larry was gay or straight—his father still isn't convinced his son was gay—but whether he was allowed to push the boundaries so far that he put himself and others in danger. They're not blaming Larry for his own death—as if anything could justify his murder—but their attitude toward his assailant is not unsympathetic. "We failed Brandon," a teacher says. "We didn't know the bullying was coming from the other side—Larry was pushing as hard as he could, because he liked the attention." Greg King doesn't feel sympathy for Brandon, but he does believe his son sexually harassed him. He's resentful that the gay community has appropriated his son's murder as part of a larger cause. "I think the gay-rights people want it to be a gay-rights issue, because it makes a poster child out of my son," King says. "That bothered me. I'm not anti-gay. I have a lot of co-workers and friends who are gay." That anger was made worse when he heard this summer that Epstein would be promoted to principal of an elementary school. "This is a slap in the face of my family," Greg says. Many teachers wonder if the district moved her because she had become a lightning rod for criticism after Larry's death. Dannenberg, the superintendent, says that she was the most qualified person for the new principal job.

The school has conducted its own investigation, though its lawyer won't make it public. But it will likely be brought up when Brandon goes to trial. He is charged with first-degree murder and a hate crime, and is scheduled to be arraigned this week. Hundreds of his classmates have signed a petition asking that he be tried in juvenile

court. The district attorney wants him tried as an adult, which could result in a prison sentence of 51 years to life. "Brandon was being terrorized," says Bill, who has set up a public defense fund in his son's name. "He was being stalked almost, to the degree of the school should have never let this happen." What happened to Larry and Brandon was certainly extreme, but it has implications for schools across the country. "If we're going to be absolutely sure this isn't going to happen again," says Elaine Garber, 81, who has served on the school's board for 48 years, "this has got to be discussed some more."

As if anyone has stopped talking—and arguing—about Larry King. He had an entire page devoted to him in the E. O. Green yearbook. On the Internet, he's become a gay martyr, and this year's National Day of Silence, an annual event created to raise awareness of homophobia, was dedicated to Larry. And in Averil Laskey's bedroom, she still keeps a handmade purple get-well card she made for Larry on the day after he was shot. At the time, there was still hope he would pull through. He had survived the night, which the doctors said was a good sign. Averil rounded up dozens of teachers and friends between classes to sign messages of encouragement. "Larry, I miss you. Get better," Boldrin wrote in blue ink. "Keep up your spirit. A lot of people are rooting for you to get better," the principal wrote. Some of Larry's classmates apologized for how he had been treated. A few even left their phone numbers, so he could call them if he ever needed to talk to someone. But when Averil got home that day, she learned that Larry had suffered a fatal stroke. Larry was pronounced brain-dead that afternoon, and the family decided to donate his organs. The following day, Feb. 14, doctors harvested his pancreas, liver, lungs and the most important organ of all, which now beats inside the chest of a 10-year-old girl. On Valentine's Day, Larry King gave away his heart, but not in the way he thought he would.

In the five months Newsweek spent examining Larry King's death, we spoke with several dozen people, including faculty, students and parents. All students named were interviewed with their parents' permission. Some of our sources would speak only anonymously; the school's staff was instructed not to speak to the media because of the criminal proceedings and the possibility of civil litigation. While they agreed to be interviewed on the record, Jerry Dannenberg, the district superintendent, and Joy Epstein, E. O. Green's former assistant principal, were limited in what they could say for the same reasons.

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***Please note:*** Following the publication of this article, it was heavily criticized for emphasizing the victim's behavior over outright homophobia as a primary contributing factor which lead to the murder. More perspectives pertaining to this argument can be found online.

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## Teacher Bullying

[Ashira](#) blog 23<sup>rd</sup> May 2008

Everyone is aware of peer on peer bullying and the education system is emphatic about not allowing the situation to arise and if it does how to protect the student who is being bullied. What about when teachers bully students. This receives virtually no attention. With the publicity surrounding peer to peer bullying, why is the idea of teacher to student bullying largely ignored in the education system today unless it involves sexual conduct? Is other types of bullying implausible? Is there a definition for teacher bullying? Does it exist?

Bullying by a teacher is defined as a pattern of conduct, rooted in a power differential, that threatens, harms, humiliates, induces fear, or causes a student substantial emotional distress. What does that really mean? Abuse of power that tends to be chronic and often expressed in public, a form of humiliation that generates attention while degrading the student in front of others, students capabilities are debased and identity is ridiculed. In nearly every case of teacher bullying it is a singular target that this bullied repeatedly. Equally significant is that the teacher usually receives no retribution or other negative consequences.

Victims are chosen on the basis of either vulnerability or because of some devalued personal attribute the teacher perceives of the student. Once targeted, the victim is treated in a manner which will set the student apart from their peers. The teacher makes frequent references to how the student differs from other students whom the teacher perceives as more capable or valuable. As a consequence, the student becomes a scapegoat among peers.

Teachers who do bully feel their abusive conduct is justified and claim provocation by the student. They disguise their behavior as an appropriate part of the instruction, as well as disguising abuse as an appropriate disciplinary response to unacceptable behavior by the student. However, the student is subjected to deliberate humiliation by the teacher that can never ever serve as a legitimate educational purpose.

Students who are bullied by teachers feel confused, angry, fearful, full of self-doubt, and have profound concerns about their competencies both academically and socially. The student not understanding why they were targeted nor what they must do to end the bullying, over time, especially if no one in an authoritative position intervenes, feels they are to blame for the abuse and feel a sense of helplessness and worthlessness.

Teachers who bully employ a number of methods to deflect any complaints about their offensive conduct. Convincing or attempting to convince the target they are paranoid, that they have misperceived or misrepresented the behavior in question. As an example, an abusive teacher will argue that a student who complains is simply trying to excuse their questionable performance, thus shifting attention from the teacher's inappropriate conduct to a discussion of student's motivation for complaining. This minimizes the effect of suggesting to other that what is truly at stake is merely a personal difference, rather than a systematic abuse of power.

The bullying by a teacher effectively produces a hostile climate for the student that is indefensible on academic grounds; undermining learning and the ability of a student to fulfill academic requirements. It shares at its core the same attributes of other abuses of power such as sexual harassment or hate crimes. A hate crime is simply bullying by target selection based on characteristics of race, sexual orientation or religious beliefs.

The bullying is non-physical but nevertheless pervasive and powerful with the student fearing shunning and humiliation as much as physical harm. The threat of humiliation is used as a weapon in this case. The student feels literally trapped in an environment where the abuse is imposed upon them and there is no escape. Any complaint about the abusive behavior places the student at risk of retaliation by the teacher including the use of grades as a sanction.

Students are selected as targets based on some perceived difference by the teacher that is devalued. When the basis of the target selection is also based on discriminatory recognizable categories such as religion, it is called a hate crime. Regardless of selection process, bullying conduct by a teacher sends a clear message of fear that threatens the student, enhances their sense of vulnerability, and produces a loss of faith in the fairness of the schools.

A student victim feels emotionally distraught and fearful, with no place to turn for help. When administration's do nothing to defend the student, they are confirming the teacher has a right to use professional authority and endorsing and tacitly legitimizing the abuser's mistreatment.

In the Supreme Court's ruling in Davis v. Monroe County Board of Education the Davis Court defined that schools receiving federal funds may be held financially responsible where officials are "deliberately indifferent" to harassing behaviors including staff to student harassment that are "severe, pervasive, and objectively offensive".

This ruling defined four criteria in considering school liability:

- 1) school officials had actual knowledge of conduct,
- 2) schools were deliberately indifferent to conduct,
- 3) school had control of the abuser and where it occurred, and
- 4) the school's response or lack of response was unreasonable given such knowledge.

The ruling also suggests that schools have in place policies and procedures to address abusive conduct such as teacher-student harassment/abuse. In effect, if the school has allowed behavior that creates a hostile environment for student in a classroom, and school officials have been given appropriate notice but fail to act, then the school risks both compensatory and punitive damages.

This one case alone proves that teacher bullying does exist. This case holds Administrators accountable for the actions of the teachers. If your student is a victim of teacher bullying, speak up and speak out. Sometimes as parents we are the only voice that is heard. It is our responsibility as parents to hold our educators responsible for their actions and behaviors.

Here are some differences between maintaining classroom control and bullying according to The Florida Anti Bullying Campaign:

- ▲ Educators let students know they care. Bullies let students know who's the boss.
- ▲ Educators teach self-control. Bullies exert their own control.
- ▲ Educators set ironclad expectations. Bullies rule with whims of steel.
- ▲ Educators diffuse minor disruptions with humor. Bullies turn disruptions into confrontations.
- ▲ Educators privately counsel chronic discipline problems. Bullies publicly humiliate chronic misbehaviors.
- ▲ Educators are judicious. Bullies are judgmental.
- ▲ Educators, aware of the power they wield over their students, choose their words and actions carefully. Bullies wield their power recklessly, frequently resorting to anger and intimidation.
- ▲ Educators help all students feel successful. Bullies punish students for being unsuccessful.
- ▲ Educators address misbehavior. Bullies attack the character of the misbehaviors.
- ▲ Educators see each student's uniqueness. Bullies compare children to one another.
- ▲ Educators treat all students with respect. Bullies make it clear that not all students deserve respect.
- ▲ Educators highlight good behavior. Bullies make examples of poor behavior.
- ▲ Educators are proactive; they create classroom environments that minimize student misbehavior.
- ▲ Bullies are reactive; they blame students for the lack of order in their classroom.
- ▲ Educators educate. Bullies humiliate.

## Documents Detail a Girl's Final Days of Bullying

New York Times 8<sup>th</sup> April 2010 by Erik Eckholm and Katie Zezima 23<sup>rd</sup> May 2008

Phoebe Prince, the 15-year-old who killed herself after relentless taunting, spent her final days in fear of girls who had threatened to beat her up, according to the first official accounts released in a case in Massachusetts that gained wide attention last week, when six students were charged with felonies.

Ms. Prince, who entered South Hadley High last fall after moving from Ireland, was in emotional torment after weeks of being called an "Irish slut" and other names, and also became increasingly worried about the loudly voiced physical threats, students told investigators. She told a friend that she was "not a tough girl" and "would not know how to fight," and at one point she asked friends to surround her as she walked in the hall.

The documents were prepared by the district attorney for the Northwestern District in Massachusetts in support of charges against three 16-year-old students. They provide the first detailed accounts of verbal abuse and physical threats that prosecutors say were heaped upon Ms. Prince right up to the afternoon of Jan. 14, when she walked home crying and hanged herself from a stairwell.

They also describe evidence suggesting that some teachers and administrators had known for weeks about the harassment but failed to stop it, a contention that school officials have disputed.

The 40 pages of documents summarize the alleged crimes of the three girls who were arraigned Thursday in Hadley — Ashley Longe, Flannery Mullins and Sharon Chanon Velazquez. They have been charged as youthful offenders with felonies including violation of civil rights and stalking, and have also been charged with similar crimes under juvenile laws. Three other students — Sean Mulveyhill, 17, Kayla Narey, 17, and Austin Renaud, 18 — have been charged as adults, including charges of statutory rape against the two male students. The accused students have pleaded not guilty.

"When all the details become known, I am certain that my client will be cleared of these charges," Colin Keefe, a lawyer for Ms. Velazquez, said Thursday in a statement.

The documents did little to end the disagreement over how much school officials knew about Ms. Prince's hazing. Her parents say that before the start of school in September, Ms. Prince's aunt told an assistant principal that Phoebe had been bullied at school in Ireland and might need help, according to the parents' spokesman, Darby O'Brien.

In an interview Thursday, Gus Sayer, the superintendent of schools, responded to the parents' assertion and to the documents, which say that teachers were nearby when Ms. Velazquez yelled epithets at her in the lunchroom, for example, and cite students who say they reported other incidents to the authorities.

Mr. Sayer said that under privacy rules, he could not discuss the conversation with the aunt.

He said that Ms. Prince had initially thrived at school but that after an incident in November that he could not describe, officials realized that she had become unhappy, and started monitoring her. "We were aware of some of the things that changed for Phoebe, but we weren't aware of any bullying," Mr. Sayer said. "If she had said she was being bullied we would have acted on it immediately."

Mr. Sayer said school administrators learned about the bullying only about a week before Ms. Prince's death, when three of the hazing incidents described in the documents were reported, modifying his earlier assertion of two incidents. In one case, a teacher saw Ms. Velazquez bring Ms. Prince to tears before class and reported it; Ms. Velazquez, who had often been heard berating Ms. Prince and who said she would "punch her in the face," was suspended for one day, the court documents said.

The harassment grew out of Ms. Prince's brief relationships with boys from two different social groups, the prosecutors said. Sometime in November, Mr. Mulveyhill, a senior and a football star, broke up with Ms.

Prince, a freshman, and resumed dating Ms. Narey, a junior. Mr. Mulveyhill then joined with Ms. Narey and their friend Ms. Longe in belittling Ms. Prince.

In December, Ms. Prince had a brief relationship with Mr. Renaud, the prosecutors said, drawing the wrath of his sometime girlfriend, Ms. Mullins, and her friend Ms. Velazquez.

Ms. Mullins later spread word that she was going to “beat Phoebe up.” Ms. Prince told friends that she “was scared and wanted to go home,” her friends told investigators, and went to see an administrator. But she later returned to class and told them that nothing was being done and she was still frightened.

Mr. Sayer confirmed that Ms. Prince had gone to a school officer crying at least once, although it was not certain this was the same incident, but that she did not report the bullying.

On Jan. 13, Ms. Prince described the physical threats to a friend, according to the documents, and said that school “has been close to intolerable lately.”

The next day the hazing only intensified.

Ms. Prince tried to ignore the taunts. But as she walked home that afternoon, the documents said, Ms. Longe passed by in a car and threw an empty energy-drink can at her, called her a name and laughed. Ms. Prince walked home crying and later that afternoon, her younger sister found her hanging by a scarf from the apartment stairwell.

# Seeking Clarity About Crisis – The Clearness Committee

By David Hagstrom, Educational Leadership, December 1998/January 1999  
Association for Supervision and Curriculum Development

*How do educators deal with crises and challenges from supervisory problems to school tragedies?  
The Clearness Committee can help them find the answers within themselves*

Twenty five years ago, at the outset of my career as an elementary school principal, a kindergartner left our school playground and was killed by a passing car. The aftermath of that tragedy affected many people in myriad ways. For the child's family, words cannot describe the anguish and prolonged turmoil. For the driver of the car, the years have not erased the terror of that moment. For the child's teacher, the events of that spring afternoon flash into view when she least expects it. For me, the principal of a 50-student school, the incident inflicted a wound that has never healed. I loved each child at my school as my own, and Steven's death tore a piece out of my heart.

In the days and weeks following this terrible event, I tried to make sense out of what happened. I tried to comfort the mother and the teacher. I tried to reassure our school community, telling folks that school really is a safe place.

Time passed; teachers and students went back to their old routines; the school community recovered. However, I doubt that the child's parents, the driver of the car, or the child's teacher ever did. I know that my life changed forever. I became reserved and quiet, less joyous, always watching for the next car, the next difficulty, and the next shoe to drop.

In the days following the accident, I held my feelings close and tight. Oh, I'd talk with my wife and some others. But I took no one into the private place of terror that was home for me for a long time. I felt I had to tough it out—just as so many school leaders do. Over the years, I've seen scores of educators who have experienced school accidents and other problems endure well-intentioned but hollow words of sympathy. In the midst of professional difficulty, we educators are often told about “a book that will speak to the situation perfectly” or that “I know exactly what you're feeling, and believe me, everything is going to be just fine. Don't let this thing get you down. Just buck up!”

## **The Clearness Committee**

Having experienced and watched this unhelpful behavior for more than 40 years, I listened intently to the words of Parker Palmer at a dinner sponsored by Lewis & Clark College. Around the table we shared how we deal with worries, concerns, and difficulties in our work lives. After learning about the inadequate ways we work out our problems, Parker described the Quaker practice of the Clearness Committee. He wondered aloud whether the Clearness Committee might provide an avenue for educators. “Usually,” Parker suggested, “we have the ability to figure things out on our own – to become clearer about our worries and concerns over time. We really don't need sympathy or advice from others. But what we do need are good, honest, and direct questions that cause us to reflect on the situation differently. Clarity is what we need.”

I thought of ways that this practice could assist the school administrators whom I have attempted to guide. Mentally, I began to construct a new course that would invite school administrators to present case studies of worries, concerns, and stuck places to a group of their peers. Within that group, we – colleagues and friends – could learn to ask open and honest questions that would, I hoped, bring greater clarity. This might be the missing piece in every educator's ongoing education. Right then, I knew that I wanted to try the Clearness Committee practice with administrators in the program at my college.

I asked the advice of a group of central Oregon educators with whom I had worked for three years – graduate students in an educational leadership program. I found these folks hungry for new ideas and receptive to different ways of doing things. Bright, eager, articulate, and willing to talk about what was and wasn't working. I suggested that we “practice the practice.” One of the educators agreed to bring an issue to the group, and so began our version of the Clearness Committee.



## Clearing the Way

At the beginning of that practice session, I read a document given to me by Parker Palmer titled “The Clearness Committee: A Communal Approach to Discernment.” He writes: “Behind the Clearness Committee is a simple but crucial conviction: Each of us has an inner teacher, a voice of truth, that offers the guidance and power we need to deal with our problems. The Clearness Committee is not to give advice or to fix people from the outside in, but to help people remove the interference so that they can discover the wisdom from the inside out.”

It’s all about respecting the power of the inner teacher. The following is a summary of the document’s main points.

1. Normally, the person who seeks clearness (the focus person) chooses his or her committee – a minimum of five and a maximum of six trusted people with as much diversity among them as possible in age, background and gender.
2. The focus person writes up his or her issue in four to six pages, with three sections: a concise statement of the problem, a recounting of the relevant background factors, and an indication of steps already taken.
3. The committee meets for three hours (understanding that a second and a third meeting might be needed at a later date). A clerk (the facilitator) opens the meeting with a discussion of the ground rules; a secretary takes notes for the focus person.
4. Members are forbidden to speak to the focus person in any way except to ask honest, open questions.
5. The best single mark of an honest, open question is that the questioner cannot possibly know the answer to it. Committee members ask questions aimed at helping the focus person rather than at satisfying their curiosity. They ask brief, pointed questions instead of leading them with background considerations and rationale. The question should not be a speech.
6. It is always the focus person's right not to answer.
7. The pace of the questioning is crucial – it should be relaxed, gentle, and humane.
8. Committee members remain totally attentive to the focus person.
9. The session should run for the full time allotted. About 30 minutes before the end of the questioning process, the clerk asks the focus person if he or she wants to suspend “questions only” and move into mirroring. Mirroring simply means reflecting back the focus person's own words and behavior to see if he or she recognizes the image. The person should have the chance to say “Yes, that’s me” or “No, that’s not me.”
10. The practice is not intended to “fix” the person, so there should be no sense of let down if the focus person does not have his or her problems solved. A good clearness process does not end.

Palmer concludes: “This process is not a cure-all. It is not for extremely fragile people, or for extremely delicate problems. However, it teaches us to abandon the pretense that we know what is best for another person. Instead, it teaches us to ask those open and honest questions. . . . helping people find their own answers.”

We realized that we were not the ideal Clearness Committee described by Palmer – our group was double the suggested size, and we were not “trusted best friends.” But we did consider ourselves to be an extraordinary circle of friends and felt qualified to continue. Because we were learning together, we wanted to be sure that we allowed ample time to process the process. We determined that our Clearness Committee would have the following:

1. Time for the focus person to distribute the written statement of the problem.
2. Five minutes of silence-for reflection on the person and on the issue.
3. Time for the focus person to restate the problem.
4. One hour or more for asking the questions.
5. Time for committee members to “mirror” or share.
6. Last call for sharing.
7. Time for reactions, responses, and reflections from the focus person.
8. Time for debriefing the entire process. We would bring the two members of the group who were designated “observers” back into the circle and ask for their observations: Did our questions seem honest and open? How many questions were asked? What did the observers notice?
9. Commentary on the process. The major question would be, how did this experience go for us?

We experimented with our version of a Clearness Committee in our final class in fall 1997. We were stunned by the power of the experience. The person who volunteered to bring an issue to the group discovered that the issue changed slightly during the questioning.

The issue was, “In this matter of Oregon school reform, is it ok to admit that we cannot do it all immediately? Shouldn't we design an implementation plan that honors the place from where we are beginning? And how much support will I have for allowing people the time to take baby steps and muddle around in the mess in order to learn?” After the session, she wrote, “I was amazed at the journey. . . . In the midst of the process, I found myself sharing my fears about being out there in front of the school reform adventure.”

Committee members commented afterward on how difficult it was to ask honest, open questions. One member volunteered, “I seem to always ask my questions packed with preambles. It's so easy to make a question into a speech. This process will make me a better listener.” Indeed, this initial process made better listeners of us all.

No doubt, we wanted the Clearness Committee to be part of our leadership development. I drafted a pilot course description for the Lewis & Clark College Curriculum Council. Within a matter of days, I received permission to explore the Clearness Committee within an experimental course framework over the next few semesters. If the course was successful, I could bring another proposal to the council (or a long-term course adoption.)

### **Learning Clearness Seminar**

Lewis & Clark Leadership and Learning Clearness Seminar began on 3<sup>rd</sup> April 1998. At the first class session, I warned everyone, “This is not a therapy session.” Our first problem statement dealt with an administrator who echoed my long-term need to talk about the death of a student. She read us a letter that she had sent to her staff: “I wanted to let you know why I was out of the office today and why I may need some time away next week. Yesterday I received a call that one of my students from the school I served last year had passed away. They have not yet determined this, but they feel it may have been suicide. This was one of those children I would have taken home and adopted in a heartbeat. I know that as an administrator I must have some degree of detachment in situations like this, but detached I'm not. My heart is broken by what's happened here. Thanks for reading this Letter. I would appreciate it if you didn't ask me how I'm doing with this situation. Just a pat on the back or a smile will let me know that you care.”

The focus person gave us her question: “How can I go on doing what I'm doing – caring as much as I care? I care deeply, and this exposes me to the pain of the loss. My feeling is that if I don't have the depth and emotion to care, I won't be able to be myself in this work. How do I care in an uncertain world? How can I return on Monday?”

After five minutes of silence, the questions began:

- How did the staff react to your letter?
- Why did you react in this way to this child's death?
- Are there other things going on with you that have an impact on this situation?
- What's the best form of support that's come to you?
- What are you considering as your next step?

As we listened carefully to the focus person, our questions changed. At times we became entwined in “our own stuff that we wanted to share,” but our colleagues would have nothing to do with these pronouncements.

“Remember, just open, honest questions,” the facilitator cautioned. “Only questions we don't know the answer to.” Our questions became more pure and immediate: Why did this particular student's death cause you such pain? Have you ever experienced pain like this before? How did you deal with that prior painful difficulty? What else is going on in your life right now that complicates the issue or exacerbates the pain?

At the conclusion, we had experienced a way of being together and a way of assisting a friend and colleague that we never had before. Over a matter of hours, we'd become better listeners and more trusting friends.

### **Focus on Clarity**

During the next month, our group brought forward a variety of issues and problems:

- How do you deal with a personality conflict with a supervisor after a longtime work relationship? Is there a need for a job change? How do you address the personal and professional challenges of coping with a colleague who is also a best friend – particularly when that friend is crossing the line and is behaving unprofessionally?
- How is it possible to go on working with high-risk-children in an angry community without sacrificing yourself?

- In a climate where you do not feel supported by your superiors, how do you move on and focus on developing strong and effective leadership?
- When you believe you are competent, visionary, and articulate, how do you find your own way among superiors who can't be described with those words?
- One person asked permission to bring an issue to the group that was more personal than professional – a family dilemma. “I need to do this,” he told us, “because this matter is draining me of the energy I need to give to the job.” Afterward, we realized that our concerns at home often distract us so that we are less than the leaders we wish to be.

For four weekends, our trusted group gathered together and listened to one another's problems. Because this was a learning experience, we sometimes erred. Often we overburdened our questions with prior knowledge about the person. Sometimes we just couldn't help ourselves; we just had to get in a wise thought or two. But mostly we asked simple, straightforward questions that assisted the person who had worries and concerns. Our basic wish was that he or she would gain greater clarity.

### **Reflections**

At the conclusion of our seminar, I asked participants to reflect. Everyone had generous and useful insights:

- My stuck place related to whether I should leave or stay in my present job – I thought I came to the committee with a reasonably clear reason for why I wanted to leave. Yet, as the process continued, on that day and over the days that followed, my perspective changed. Now I am redirecting my energy to possibly staying with my present employer. I find myself asking some slightly different questions: Where am I to do my true work? Where can I best be myself?
- As a result of the Clearness Committee, I became much more focused on the changes that need to happen in my life. I came to see that there were multiple levels to my problem. The way I was too direct myself became quite clear. The energy generated by the group helped me to make the necessary changes in my life.
- I learned about the real issue in my life. I learned about the role of fear in my work. I learned that once the issue can become clear, the answers were there inside me to show me the next steps. This process, this way of thinking, has continued for me and has allowed me to move more confidently – and with improved physical health – into and through the situation. I ask myself the questions the people asked me – continually.
- The committee helped me sort out, and ultimately confirm, the right ethical solution. I didn't feel railroaded, but affirmed. I went away with confidence knowing what I had revealed to myself – in the company of my friends.

We also reflected on what we had all learned about the process. Here are some of our suggestions and observations:

- Writing the paper is crucial. Stick to four to six pages. The paper gives the members enough information to ask questions. Identify the problem and include background information and steps already taken toward a solution.
- Don't ask leading questions. Ask only those questions to which you don't know the answers. Don't preface questions or set up context. Remember that body language can be as powerful – and as dangerous – as leading Questions. Always use the person's name when asking a question.
- The process works best when the focus person selects the committee.
- Build silence into the process – at the beginning, at the conclusion, and throughout the questioning. The focus person needs time to reflect between each question. Move slowly!
- Review the components of the process every time you meet.
- Periodically, the facilitator needs to ask the focus person, “How's this going for you? Are you comfortable with the process?”
- Mirroring is a very important part of the process.
- The physical setup of the room needs to be close and comfortable.
- The focus person should determine how he or she wants to record-by audiotape, laptop computer, or written notes.

### **Circle of Friends**

On my way home on that sunny, late Saturday afternoon following our final session, my thoughts returned to

another sunny Saturday 25 years ago. The well-meaning principal of a neighboring school took me for a drive into the country “to give me some healthy perspective” on the tragedy. As we drove, he said, “David, just remember that this wasn't your fault, and believe me, in just a few years you'll hardly remember that this incident ever happened. I know it's tough, but you've just got to get over it.”

Well, the years rolled on, and I never forgot: the emergency room trauma, Steven's mother's first words to me, and the teacher's hot tears on the side of my face. But Steven's death is beginning to make a little more sense to me. It was an awful accident, but one that I responded to in my own best way. I felt the blow totally and embraced the situation fully; I was honest and caring toward all who were anguished and who grieved.

I just wish I'd had an extraordinary circle of friends who knew how to ask open, honest questions and how to listen deeply. Now I have that circle. As a result, all our work lives are richer and more productive. We won't be without difficulties, but we will understand the nature of those difficulties more clearly and we will be more confident in knowing that we have both inner resources and community support.

This experience taught us to abandon the pretense that we know what is best for others. We learned that we must help others find their own answers. We do not need advice about our problems. What we do need are good, honest, and direct questions that cause us to think about our situations differently. May you all find your own extraordinary circle of friends.

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Palmer, Parker J. (Forthcoming) *The courage to teach: A guide for reflection and renewal* San Francisco

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*This article has been reprinted with verbal permission of David Hagstrom in 1999 while teaching a course in Bend, Oregon, and the Clearness Committee has been adapted for high school mediation purposes with approval of Parker Palmer at Lewis and Clark College (where he was giving the commencement address shortly before John Cornet spoke with him) in Portland, Oregon in 2003. John Cornet has spoken in person to both men in receiving authorization.*

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## Preventing and Countering School-Based Harassment

Published by the Northwest Regional Educational Laboratory, Portland Oregon  
(Abbreviated from 80+ page article to emphasize selected material for students)

Every day in virtually every school, students and staff suffer the pain and indignity of being a target for harassment, ranging from written or verbal abuse to physical violence, which in some cases causes serious injury or death. In Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools (1993), a national poll of students in grades 8 through 11, the AAUW reported that 80 percent had experienced some form of sexual harassment during their schooling experience, with some of the incidents beginning as early as first grade. Another study (O'Neil, 1993) estimates that 20 to 25 percent of students are subjected to racial harassment during the course of a school year. Often the harassment happens in front of others, such as peers and school staff, yet there's a tendency to think school-based harassment happens "at other schools, but not at mine." Or that "it's all part of growing up." There may be concern about the issue, yet staff and students are uncertain about what to do.

This uncertainty is the result of several factors:

- Sexual and racial harassment are just now beginning to be reported
- Students of color are less likely to report because of lack of faith in the judicial system in the United States
- Most students and staff don't know enough about harassment, or the various types, so are less likely to report
- There is frequently no procedure, or a lack of knowledge about the procedure, for reporting harassment at many school sites

Whether it is based on sex, race, color, or national origin, harassment has many commonalities. In school environments where one form of harassment occurs, others often do, too. On the other hand, many solutions to one form of harassment work for all forms and help to establish a safe, equitable environment conducive to learning. By focusing on the broader issue of school-based harassment, this guide seeks to help educators prevent or curtail all forms of harassment, but where appropriate, specific indications or solutions are presented.

Although the word "victim" has come to be emotionally charged, this guide uses "victim" or "victims" to refer to an individual who has been or individuals who have been subjected to harassment. Its use is meant to underscore the seriousness of the issue and its consequences. This guide highlights school-based harassment issues, describes some effective remedies and prevention strategies, presents analyses of schools' responses to actual incidents of harassment, provides brief summaries of relevant legislation and court cases, and describes additional resources. The three sections on what school employees, families and communities, and students need to know can be pulled out and used as is.

An important thing to remember in order to stop all forms of harassment is to treat family, friends, and strangers with respect.

Although reports or complaints of harassment in your school may be rare or nonexistent, that does not mean your school is free of this behavior. Of students who reported having been harassed in one national survey, only 7 percent had told a school representative. The New York State Occupational Education Equity Center notes that "research paints a shocking picture of the widespread occurrence of student-to-student harassment, much more widespread than in the rest of society."

School-based harassment can occur at any school activity, in classrooms, hallways, cafeterias, and on buses. A disturbing 55 percent of harassment is reported to happen in the classroom—sometimes in front of or at the hands of the teacher; and children as young as first-graders have been harassed. Harassment is a real and serious problem that affects the academic performance and self-esteem of all students—even those who are not direct targets.

For the most part, surveys on school-based harassment have looked at racial and sexual harassment separately. The results of these surveys are disturbing. For example, a national study in 1990 found that 15 percent of 10th graders believe it can be justifiable to make negative remarks based on race. The Office for Civil Rights investigated a case in which a teacher told African American students to “show the class how black people walk” and a case at another school where a teacher placed a noose around the neck of an African American student, led him around the classroom, and made him do tricks.

Where Harassment Happens . . . . .	
- School hallways: 66 percent	- Field trip: 24 percent
- Classrooms: 55 percent	- Locker room: 18 percent
- School grounds: 43 percent	- School parking lot: 18 percent
- Gym, playing field, or school pool: 39 percent	- Restrooms: 10 percent
- Cafeteria: 34 percent	- School bus: 26 percent

*Source: Hostile Hallways: The AAUW Survey on Sexual Harassment in America’s Schools, 1993*

Although considered to be less extreme behavior than harassment, bullying in schools is recognized as a serious problem, and if ignored, bullying could lead to harassment. In a survey of school children in 30 countries, the World Health Organization found that sixth-through eighth-grade males were more likely than females to perpetrate bullying and to be targets of bullying.

Conducting the U.S. portion of the study, the National Institute of Child Health and Human Development surveyed 16,686 students in public and private schools from grades 6 through 10. In the government study released April 24, 2001, Institute Director Duane Alexander called bullying "a public health problem that merits attention." Bullied children are more likely to suffer from depression and low self-esteem, even as adults, and bullies are more likely to engage in criminal behavior as adults.

In a 1995 teen health risk survey conducted in a large urban Northwest school district, a high incidence of racial and sexual harassment was found. Nearly 60 percent of eighth graders and 43 percent of high schoolers had received racial comments or attacks at school or on the way to or from school.

Of the eighth graders surveyed, Southeast Asian students were most likely to report harassment and African American students least likely. Of the high school students surveyed, Latinos were the most likely and Southeast Asians the least likely to report harassment. One student wrote, “The overall hatred and non-acceptance from all sides is scary.” Another summed up the climate with, “The biggest growing problem is racism. Each day things get a little more segregated. . . .”

In the 1995 survey, sexual harassment, while common, was reported as occurring less frequently overall than racial harassment.

Thirty-three percent of eighth graders and 37 percent of high schoolers indicated they had been targets of offensive sexual comments at school or on the way to or from school. Girls, however, reported a much higher incidence of sexual harassment than boys—twice as often for eighth-grade girls and three times as often for high school girls.

Nickelodeon, the Kaiser Family Foundation, and Children Now are sponsors of an ongoing campaign, Talking With Kids About Tough Issues. They administered a telephone survey of 823 8- to 15-year-olds, with over samples of African Americans and Latinos, between December 7, 2000, and January 18, 2001. The survey revealed that bullying, discrimination, and sexual pressures are “big problems” for today’s teens and young children and that parents often expect children to bring up the “tough issues.” Table 1 displays some selected results of the survey.

## Percentage Identifying Behavior as “Big Problem” for Specified Ages

<u>Behavior of Concern</u>	<u>A g e   R a n g e</u>	
	<u>Ages 8-11</u>	<u>Ages 12-15</u>
Teasing and Bullying	55 percent	68 percent
Discrimination	41 percent	63 percent
Violence	46 percent	62 percent

Percentage Saying “Kids at My School...”	<u>A g e   R a n g e</u>	
	<u>Ages 8-11</u>	<u>Ages 12-15</u>
- Get teased or bullied	74 percent	86 percent
- Are treated badly because they’re different	43 percent	67 percent
- Are threatened with violence	38 percent	60 percent

*Source: Kaiser Family Foundation, "Talking With Kids About Tough Issues." Retrieved from the World Wide Web on March 15, 2001, at <http://fyi.cnn.com/community/transcripts/2001/03/08/cappello/>.*

In 2001, the National Center for Student Aspirations released data from their nationwide survey of nearly 70,000 students in grades 6-12 that revealed:

- Only 37 percent of respondents say students show each other respect
- Fewer than half consider themselves positive role models for other students
- Eighty percent of girls and 57 percent of boys are bothered "when others are insulted or hurt verbally"

In 1996, USA Weekend magazine surveyed 222,653 sixth- to 12th-grade students on sexual harassment. The survey appeared in 465 newspapers across the country. Eighty-one percent of the girls who completed the survey indicated they had experienced some form of sexual harassment at school compared to 76 percent of the boys who responded. A state-level study published in 1996 by Trigg and Wittenstrom surveyed 696 eighth- to 12th-graders from nine schools in New Jersey. The study found that the responses of girls and boys differed. For example, 52 percent of girls were very or somewhat upset by a harassing incident compared to 19 percent of boys surveyed, and 44 percent of girls worry about being sexually harassed at school compared to 11 percent of boys.

They also note that girls felt the negative impact of harassment more than boys. Differences for boys include that they are most disturbed by behaviors that threaten their masculinity or by being sexually harassed by other boys. Boys experienced being called gay at a higher rate than girls, and they were twice as likely to be harassed by members of their own sex as girls were.

These two studies are summarized in *Incidence and Implications of Sexual Harassment and Sexual Violence in K-12 Schools* (1999) by Nan Stein.

In a four-year survey of 225 superintendents, researchers Charol Shakeshaft and Audrey Cohan of Hofstra University found that 96 percent of the adult abusers were men teachers and that 76 percent of the victims were girl students. Some of the abusers were categorized as pedophiles, some as adults using bad judgment. Pedophiles primarily target elementary and middle school children. They may target particularly vulnerable children and put them through a series of tests to see whether they can be trusted to keep a secret, thus eliminating potential targets who would talk about the abuse. Pedophiles may court their victims by slowly introducing touching or pornography in ways that entrap the victims and make them feel responsible.

Several surveyed superintendents discovered that complaints had previously been made against the same staff member without having been formally reported to the superintendent. In many cases, the accused harasser was considered an outstanding teacher. Often teachers rallied around the accused teacher—in one case right up to the time the fourth-grade teacher confessed to abusing girls from his class for at least eight years.

The embarrassment and confusion that victims feel about being harassed is highlighted by the reporting statistics. In the AAUW survey mentioned in the introduction, 23 percent of students who were harassed said they told no one about the harassment; 7 percent told a teacher; 23 percent, a family member; and 63 percent, a friend.

School-based harassment is unwanted behavior of a nonverbal, verbal, written, graphic, sexual, or physical nature that is directed at an individual or group on the basis of race, sex, or national origin. But harassment is not about sex, race, color, or ethnicity. It is about intimidation, control, misuse of power, and the attempt to deny the victim equality. It can be blatant or subtle, a single incident or a pattern. It can happen between students, between adults, or between an adult and a student. It can happen at any age.

For behavior to be considered illegal, it must be unwanted, repeated, and cause harm. Just because a student or employee does not speak out or make a complaint immediately does not mean the conduct is welcome. A victim might feel that objecting would only result in increased harassment, might be embarrassed, confused, or fearful to complain or resist. Also, a target of sexual harassment may willingly participate in conduct on one occasion and decide on a subsequent occasion that the same conduct has become unwelcome.

The key perspective in a dispute over unacceptable behavior is that of the recipient of the behavior. This is what is called “the eye of the beholder.” For harassers who claim that they were only kidding or just having fun, an appropriate response is that if it hurts it isn’t funny.

In any event, the victim no longer need suffer an emotional crisis. Now the standard is whether the harassing conduct interferes with the person’s work or education. School authorities may consider the emotional reactions of the person claiming harassment, but should not require the victim to prove extreme distress. It is sufficient for the environment to detract from performance and discourage victims from remaining at the institution or taking advantage of programs or activities.

Harassment can be blatant or subtle. General guidelines for determining whether actions constitute harassment include the severity, pervasiveness, and persistence of the behavior. While some types of harassment are determined by the repetitiveness of the behavior, certain egregious behaviors need occur only one time to be considered unacceptable and illegal.

Harassment often falls into one of the following categories:

- Blatant Harassment – Includes such things as sexually, racially, or ethnically motivated assaults, abusive graffiti, and verbal taunts and jeers meant to denigrate. Such incidents can escalate to serious abuse, violence, or death.
- Institutionalized Racism – Generally encompasses the collective effect of practices and behaviors that prevent a targeted group from fully realizing the benefits of their own efforts or from sharing in publicly supported opportunities and activities.

The intent of the person doing the harassment makes no difference whatsoever. The person on the receiving end is the one who decides whether the behavior is offensive.

Murray and Clark (1990), writing in the American School Board Journal, identified eight patterns of racism that constitute institutionalized racism in schools:

1. Hostile, insensitive acts
2. Harsher sanctions against particular ethnic groups
3. Bias in attention: public praise, help, encouragement
4. Bias in selection of curriculum
5. Unequal instruction: allowed misbehavior, unchallenging work
6. Bias in attitudes: favoritism, “You’re not like other . . .”
7. Failure to hire people of color
8. Denial of racist actions

Stereotypes of racial groups in textbooks or in school plays create an atmosphere that fosters harassment and encourages more hurtful forms of behavior. Different treatment by adults such as harsher consequences for misbehavior or lower expectations in class are forms of institutionalized racism.



Quid Pro Quo: Submission to unwanted sexual behavior is made a condition of employment or of an educational decision such as a grade. Quid pro quo is relatively easy to recognize, but even a single incident constitutes sexual harassment. In the case of an adult and student, quid pro quo can happen even if the student appears to be a willing recipient of the behavior.

Hostile Environment: The behavior has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment. Like institutionalized racism, a hostile environment is subtle. Generally it must involve multiple, varied, and frequent occurrences. Schools may be held responsible for a hostile environment because schools are expected to control the educational environment.

Generally, four elements must be present to make a district liable for a hostile environment:

1. Harassment must be based on a person's sex, race, or color.
2. The victim did not invite the behavior, and the behavior is unwelcome to the victim.
3. The behavior is sufficiently severe or pervasive as to alter conditions of the school climate (a single incident does not equal a hostile environment; however, schools are obligated to advise the perpetrator that the behavior is inappropriate and unacceptable).
4. The school district must have known of or should have known of the harassment and failed to take prompt, effective remedial action. Normally, the victim must have made a complaint to a responsible school official.

Districts can be liable in private actions for monetary damages if: (1) the harassment is based on a person's sex, race, or color; (2) the behavior is unwelcome; (3) the behavior is sufficiently severe, pervasive, and persistent so as to interfere with an individual's ability to participate or benefit from school programs or activities; and (4) the official with authority to address the harassment knew of it and was deliberately indifferent.

Because of the complexity of the definition of harassment and the differences in individual responses to various behaviors, it is virtually impossible to prepare a complete list of all unacceptable behaviors.

However, unacceptable behaviors may be thought of in three categories:

- Clearly unacceptable: physical assault; touching someone's genitals; repeated, defamatory insults; blocking someone's way; stalking; and insults
- Offensive to some people and not to others: jokes, language, and teasing
- Offensive depending on how they are done: touching, compliments, and asking someone for a date

Members of the harasser's group tend to see many of these behaviors as relatively innocent or benign. Members of the affected group, however, may experience these behaviors as part of an environment that is derogatory and hurtful.

To determine whether a hostile environment exists, consider whether the victim viewed the environment as hostile, whether it was reasonable for the victim to view the environment as hostile, and consider all the relevant circumstances including:

- The nature of the conduct
- How often the conduct occurred
- How long the conduct continued
- The age of the victim
- Whether the conduct adversely affected the student's education or educational environment
- The degree to which the conduct affected one or more students' education
- The identity of the alleged harasser
- The relationship between the alleged harasser and the target or targets of the alleged harassment
- Whether the alleged harasser was in a position of power over the person subjected to harassment
- The number of alleged harassers
- The age of the alleged harasser
- Where the harassment occurred
- Other incidents of harassment at the school involving the same or other students

To determine whether it is reasonable for the victim to view the environment as hostile, use the “reasonable person standard”: If a reasonable person of the same race or color would view the behavior as harassment or if a reasonable person of the same sex would view the behavior as harassment. Harassment is unwanted behavior of a nonverbal, verbal, written, graphic, sexual, or physical nature that is directed at an individual or group on the basis of race, sex, or national origin. OCR guidance for investigating incidents of racial and sexual harassment includes analysis of the severity, pervasiveness, and persistence of the behavior.

Specifically, harassment can be:

- Name calling
- Slurs that are racial, sexual, or ethnic in nature or based on sex stereotypes
- Jokes that are racial, sexual, or ethnic in nature or based on sex stereotypes
- Graffiti which is racial, sexual, ethnic in nature, or based on sex stereotypes
- Rape or sexual assault—actual, attempted, or threatened
- Turning discussions to sexual topics, sexual innuendoes or stories; asking about sexual fantasies, preferences, or history
- Vandalism
- Unwanted looks or gestures (for example, deliberate touching, leaning over, cornering, or pinching)
- Repeated unwanted letters or telephone calls
- Materials of a racist or sexual nature
- Displaying or distributing drawings that are sexually explicit, racially or ethnically demeaning, or predicated on sex stereotypes
- Pressure for sex favors
- Telling lies or spreading rumors about an individual’s personal life
- Comments about a person’s anatomy or looks; persistent personal questions about social or sexual life
- Giving unwanted personal gifts; hanging around a person
- Making sexist or racist gestures with hands or through body movements
- Spreading rumors about or rating other students as to sexual activity or performance
- Inappropriate staring at someone in a sexually suggestive manner
- Staring at someone in an intimidating or demeaning manner because of their race or color

School-based harassment can happen between adults, between students, or between an adult and a student. It can occur between people of different races and both sexes or between people of the same race or sex.

Harassers can be young. Some studies supporting the young age of harassers include:

- A study by the Anti-Defamation League and the University of California at Berkeley found that “by the age of 12, children have already developed a complete set of stereotypes about every ethnic, racial, and religious group in society.” Younger children are aware of how others are like or not like them.
- In 1993, OCR found that in Eden Prairie School District in Minnesota, a second grader and seven other students had been sexually harassed. “The fact that neither the boys nor the girls were sufficiently mature to realize all of the meanings and nuances of the language that was used does not obviate a finding that sexual harassment occurred,” OCR found. “In this case there is no question that even the youngest girls understood that the language and conduct being used were expressions of hostility toward them on the basis of their sex.”
- Research by the National Center for Prevention and Treatment of Child Abuse and Neglect found that 25 percent of 1,600 sex offenders said they began abusing other children before the age of 12, and 200 sex-offender treatment centers in the United States treat children younger than 10. Despite the research indicating the pervasiveness and debilitating effects of school-based harassment, some teachers, administrators, community members, and students still believe the examples are just childhood teasing or bullying, a normal part of growing up, or the boys-will-be-boys syndrome.

With increased public awareness of harassment, parents are invoking Title IX of the Education Amendments of 1972 and Title VI of the Civil Rights Act of 1964, and courts are increasingly drawing a line against such behavior. Still, in too many instances, schools are not reacting appropriately. *Secrets in Public: Sexual Harassment in Our Schools*, a 1993 survey for the Wellesley College’s Center for Research on Women and the NOW Legal Defense and Education Fund, found that nearly 40 percent of 4,200 girls surveyed said they were sexually harassed daily at school. Even when they told a teacher or administrator about the harassment,

nothing happened in 45 percent of incidents reported. While the boundaries may be blurry between bullying and school-based harassment attributed to sex, race, or color, bullying and harassment are not the same. Harassment involves the use of sex, race, color, or national origin to differentiate power. Younger children may not understand the words and behavior in the same way as older students but they do understand the power or impact that their words and behavior have on their targets.

And along with the harm to the victims of school-based harassment, bystanders are also affected. If adults allow such behavior to go unchecked and unpunished, youngsters may believe such behavior is permissible.

In the case of sexual harassment, there may be confusion about whether a behavior is flirting or harassment. To determine which it is, ask whether the behavior:

<u>Flirting</u>	<u>Harassment</u>
Feels good	Feels bad
Is a compliment	Is degrading
Is wanted	Is unwanted
Makes one feel happy	Makes one feel sad or angry
Increases self-esteem	Hurts self-esteem

The impact of harassment on a student's educational progress and attainment of future goals can be significant and should not be underestimated. In the 1997 pamphlet, OCR advises that as a result of harassment, a student may:

- Have trouble learning
- Drop a class or drop out of school altogether
- Lose trust in school officials
- Become isolated
- Fear for personal safety
- Lose self-esteem

The American Psychological Society, in *Violence and Youth: Psychology's Response* (1993), writes that prejudice and discrimination damage the self-confidence and self-esteem of those discriminated against and lay a foundation for anger, discontent, and violence. When dissension occurs between students, harassment should be considered as a possible cause.

In the AAUW survey on sexual harassment, 23 percent of the victims of sexual harassment reported that they did not want to go to school as a result; 24 percent said the harassment had caused them to stay home or cut a class; 12 percent had thought about changing schools; and 3 percent actually changed schools. Being harassed can make students restrict their activities to avoid further harassment, going so far as to give up sports and other extracurricular activities, changing their routes to school, or even avoiding friends.

Racial tension, including harassment, often leads to the isolation of racial and cultural groups within schools. In *Cooperative Learning, Multicultural Functioning, and Student Achievement* (1990), Parrenas and Parrenas note that "the problem of poor race relations among students is progressive: Each school year, students choose fewer friends outside their own ethnic or cultural group. . . . By the end of elementary school they begin to segregate themselves along race lines. Racial divisions and tensions increase through middle school, culminating by high school in students isolated from those in other racial groups. Whether or not there is the appearance of racial gangs, there is racial tension." For a multicultural society like ours, this isolation of racial and cultural groups has far-reaching negative effects, and is acted out in the workplace.

For some students, harassment has serious consequences for their self esteem. Forty-eight percent of all students in the AAUW survey said they were very upset or somewhat upset as a result of harassment, but 70 percent of girls compared with 24 percent of boys felt this way.

- Depression, anxiety, shock, denial
- Anger, fear, frustration, irritability
- Insecurity, embarrassment, feelings of betrayal
- Confusion, feelings of being powerless

- Shame, self-consciousness, low self-esteem
- Guilt, self-blame, isolation
- Headaches
- Lethargy
- Gastrointestinal distress
- Dermatological reactions
- Weight fluctuations
- Sleep disturbances, nightmares
- Phobias, panic reactions, suicide
- Sexual problems
- Drop in academic or work performance
- Absenteeism
- Withdrawal from work or school
- Change in career goals
- Loss of employment or promotion

We were all most likely raised and socialized in a biased environment and may unwittingly hold biased attitudes and display biased behaviors. Behaviors that constitute harassment are often habitual and have gone unchallenged. Both harassers and victims often don't recognize that such behaviors are no longer tolerable and that targets of such behavior have avenues of recourse. Allowing biased attitudes and behaviors to go unchallenged can allow a climate conducive to harassment to develop. Some common misperceptions are: Individuals sometimes invite harassment by the way they act or dress.

Nobody invites abuse or harassment. The key point is that individuals must be fully accountable for their own behavior. One person's attire or actions may not be used to excuse another person's abusive behavior. Talking about harassment and the right to sue encourages people to file false complaints and lawsuits. Even when complaints are true, victims are sometimes reluctant to proceed with a complaint because doing so might expose them to further injury and humiliation. Still, administrators should not take any official action until investigation of a complaint is complete. The accused person is entitled to all rights of due process. Students and all employees must be trained to understand that intentional false accusations will not be tolerated and those who file such complaints will receive appropriate disciplinary action.

Harassment is usually a case of one person's word against another's. It is possible that a complaint will be filed with no corroborating evidence, such as witnesses. In that case, the investigator should listen carefully to the full account of both the complainant and the accused. If both parties are credible, the investigator may not be able to take any action other than to remind both—not as disciplinary warnings—of the laws and policies prohibiting harassment. It is possible, however, for the investigator to make a decision about who is telling the truth and even impose discipline based on discrepancies in the stories and past records of the individuals involved. The investigator should record clear reasons for any action taken. If I see student-to-student harassment, but no one complains, I don't have to do anything about it. Silence implies consent. One of the standards used to determine an institution's liability is whether the institution knew or should have known that illegal behavior was occurring. Staff have legal and ethical obligations to protect students being subjected to illegal behavior. A staff member's appropriate intervention should be supported by the administration. The victim may feel too intimidated to complain, or may not realize that she or he does not have to endure such treatment.

This is just a normal part of growing up — after all, kids will be kids. Intentionally causing someone else harm is neither normal nor natural. Excusing harassment by saying “kids will be kids” relieves perpetrators of accountability, and it does not account for adults who engage in unacceptable behavior. Someone who complains about a little teasing just can't take a joke. Some behaviors may offend some people and not others. For language, jokes, and teasing to meet the definition of harassment by causing harm, most often they would have to be repeated, that is, become a pattern of behavior, unless the comments were particularly egregious. The reasonable person standard may be used to evaluate such a claim. What may be intended as a joke or harmless teasing may not be received as such. The perspective that counts is that of the beholder.

School-based harassment is a violation of Title VI and Title VII of the Civil Rights Act of 1964 and of Title IX of the Education Amendments of 1972. Schools are responsible for illegal actions they know about or should have known about and are obligated to prevent harassment in the school by anyone.

There are certain times when harassment is going on that you should immediately talk to a trusted adult or someone else. Talk to someone if:

- The harasser tries to make you promise to keep the harassment a secret
- If the harasser is an adult
- If the harassment happens only when you are alone with that person
- If you are being physically threatened or hurt

If you are a friend of someone being harassed, you can sometimes do more than anyone else. Be a good listener, but don't act on your own without the person's permission—that might make your friend feel even more helpless. Help your friend decide what to do and then be supportive. Offer to go along with your friend to talk to a teacher or counselor.

Also, you should write down:

- What happened
- Where and when it occurred
- Who saw it
- How it made your friend feel
- How your friend tried to stop it

If you are a bystander when someone is being harassed, you can help by:

- Telling the harasser you don't think it's funny.
- Telling the harasser to stop.
- Walking away and informing an adult of the situation.
- Not saying or doing anything that will encourage the harasser. Don't giggle, stare, tell jokes, or gossip about what happened. These things will make the situation worse because they make people feel you approve of the behavior.
- Would I like to have my behavior reported on the front page of the school newspaper?
- Would I like to have a member of my family treated this way?
- Would my parents or guardians be proud of my behavior?
- Would I act this way if another person were present?

Three kinds of people engage in hurtful behavior:

- those who take pleasure in hurting others,
- those who do it to go along with their friends
- those who really do not know that their behavior is wrong.

Train yourself to treat people well.

## Prosecutors will likely charge Dillard teen shooting suspect as adult

By Tonya Alanez and Sofia Santana SunSentinel.com 13<sup>th</sup> November 2008

As court deputies escorted the shackled Teah Wimberly into juvenile court this morning, the teen looked longingly toward her grandfather, John Wimberly, seated in the front row. Outfitted in a red jumpsuit, her hair in braids, she took a seat and held her face in her hands.

Prosecutor Yves Laventure said his office intended to charge the girl as an adult in criminal court and would present the case to the grand jury.

Broward Circuit Judge Elijah Williams ordered her to be held for 21 days and have a psychological evaluation. He set her next court date for Dec. 2.

When Williams asked Teah Wimberly if she understood his orders not to have any weapons or to make any contact with Amanda Collette's family members, she twice answered meekly and nearly inaudibly: "Yes."

After the hearing, Amanda Collette's mother, Joyce, left the courtroom swiftly and silently. Accompanied by friends and family, she looked bewildered and bereft. She declined to comment.

In and out of court, Teah Wimberly's defense attorney, Gary Kollin, expressed the family's sorrow: "The family is grieving not only for Teah, but they're grieving and in sorrow for the death of Amanda, and they hope God can bring her family some comfort and solace in this moment."

According to a probable cause affidavit, Wimberly said she and Collette had been very close friends but recently had stopped talking. Wimberly got upset and decided to take the firearm to school should she encounter Collette, the report states.

Wimberly confronted Collette, and when the victim refused to speak to her and tried to walk away, Wimberly drew out a gun and shot her one time at a distance of less than 5 feet. Wimberly fled.

Wimberly told police before she was questioned, "I wanted her to feel pain like me."

Students recalled that the hallway was noisy Wednesday morning, crowded with students celebrating a recent football victory.

By the vending machines stood Collette, a popular magnet school student with a butterfly tattoo. She had been summoned there, a friend said, via text message from Wimberly, her longtime friend.

Police said that Wimberly then shot and killed Collette with a single bullet to the torso.

"If she knew she was in trouble, she didn't show it," said Tim Kennedy, 16, who spoke to Collette moments before her death. "She was being her goofy self."

Then a shot echoed in the hallway.

"We just heard a loud pow," said Deandrea Franklin, 15.

"She just fell, and everyone started running like crazy," said Hermond Davis, a 14-year-old freshman.

Franklin said she saw Wimberly run away and hop a nearby fence.

That was about 11 a.m. By afternoon, Collette, an aspiring dancer, was dead. Wimberly, a budding jazz musician, was charged with her murder.

"We are devastated, devastated over what happened," district Superintendent James Notter said.

At first, officials thought Amanda had suffered a seizure; her wound was not apparent and there was no visible blood, police spokesman Sgt. Frank Sousa said.

Within minutes, Wimberly called 911 operators from the nearby Capt. Crab's Take-Away restaurant on Sunrise Boulevard to say she was involved in a shooting. She had a pistol on her when she was arrested, but cooperated with investigators, Sousa said.

The 1,787-student school was locked down for much of Wednesday. Frenzied parents rushed to the scene in northwest Fort Lauderdale. The school sent out letters telling parents what occurred and that counseling would be available today for grieving students.

The Fort Lauderdale Police Department said on Thursday it would not be releasing recordings of 911 calls, including the call Wimberly made from a nearby restaurant telling authorities she was involved in the shooting. Police will also withhold surveillance video from the school and the type of handgun used.

## Oregon State Laws Applicable to Mediation Oregon Revised Statutes

The following are excerpts of laws as outlined in the Oregon Revised Statutes, 2005 edition. While they are not necessarily the only laws applicable to high school-based mediation programs, they are among the clearest and most prominent. They are provided here for discussion and consideration purposes only. Anyone contemplating the legal requirements applicable to a mediation program should refer directly to the complete Statutes, available online at [www.leg.state.or.us:80/ors](http://www.leg.state.or.us:80/ors) or in print form. The following are current as of January 2007.

These represent basic legal allowances and expectations; individual mediation programs may establish their own guidelines so long as they are publicly accessible information and stated at the outset of the mediation.

### **36.210 Liability of mediators and programs.**

- (1) Mediators, mediation programs and dispute resolution programs are not civilly liable for any act or omission done or made while engaged in efforts to assist or facilitate a mediation or in providing other dispute resolution services, unless the act or omission was made or done in bad faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety or property of another.
- (2) Mediators, mediation programs and dispute resolution programs are not civilly liable for the disclosure of a confidential mediation communication unless the disclosure was made in bad faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety or property of another.
- (3) The limitations on liability provided by this section apply to the officers, directors, employees and agents of mediation programs and dispute resolution programs. [1989 c.718 §24; 1995 c.678 §2; 1997 c.670 §12; 2001 c.72 §1; 2003 c.791 §§22,22a]

### **36.220 Confidentiality of mediation communications and agreements; exceptions.**

- (1) Except as provided in ORS 36.220 to 36.238:
  - (a) Mediation communications are confidential and may not be disclosed to any other person.
  - (b) The parties to a mediation may agree in writing that all or part of the mediation communications are not confidential.
- (2) Except as provided in ORS 36.220 to 36.238:
  - (a) The terms of any mediation agreement are not confidential.
  - (b) The parties to a mediation may agree that all or part of the terms of a mediation agreement are confidential.
- (3) Statements, memoranda, work products, documents and other materials, otherwise subject to discovery, that were not prepared specifically for use in a mediation, are not confidential.
- (4) Any document that, before its use in a mediation, was a public record as defined in ORS 192.410 remains subject to disclosure to the extent provided by ORS 192.410 to 192.505.
- (5) Any mediation communication relating to child abuse that is made to a person who is required to report child abuse under the provisions of ORS 419B.010 is not confidential to the extent that the person is required to report the communication under the provisions of ORS 419B.010. Any mediation communication relating to elder abuse that is made to a person who is required to report elder abuse under the provisions of ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication under the provisions of ORS 124.050 to 124.095.
- (6) A mediation communication is not confidential if the mediator or a party to the mediation reasonably believes that disclosing the communication is necessary to prevent a party from committing a crime that is likely to result in death or substantial bodily injury to a specific person.
- (7) A party to a mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS 40.010 to 40.585 or other provision of law. A party may disclose confidential mediation communications to any other person for the purpose of obtaining advice concerning the subject matter of the mediation, if all parties to the mediation so agree.
- (8) The confidentiality of mediation communications and agreements in a mediation in which a public body is a party, or in which a state agency is mediating a dispute as to which the state agency has regulatory authority, is subject to ORS 36.224, 36.226 and 36.230. [1997 c.670 §1]



### **36.222 Admissibility and disclosure of mediation communications and agreements in subsequent adjudicatory proceedings.**

- (1) Except as provided in ORS 36.220 to 36.238, mediation communications and mediation agreements that are confidential under ORS 36.220 to 36.238 are not admissible as evidence in any subsequent adjudicatory proceeding, and may not be disclosed by the parties or the mediator in any subsequent adjudicatory proceeding.
- (2) A party may disclose confidential mediation communications or agreements in any subsequent adjudicative proceeding if all parties to the mediation agree in writing to the disclosure.
- (3) A mediator may disclose confidential mediation communications or confidential mediation agreements in a subsequent adjudicatory proceeding if all parties to the mediation, the mediator, and the mediation program, if any, agree in writing to the disclosure.
- (4) In any proceeding to enforce, modify or set aside a mediation agreement, confidential mediation communications and confidential mediation agreements may be disclosed to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.
- (5) In an action for damages or other relief between a party to a mediation and a mediator or mediation program, confidential mediation communications or confidential mediation agreements may be disclosed to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.
- (6) A mediator may disclose confidential mediation communications directly related to child abuse or elder abuse if the mediator is a person who has a duty to report child abuse under ORS 419B.010 or elder abuse under ORS 124.050 to 124.095.
- (7) The limitations on admissibility and disclosure in subsequent adjudicatory proceedings imposed by this section apply to any subsequent judicial proceeding, administrative proceeding or arbitration proceeding. The limitations on disclosure imposed by this section include disclosure during any discovery conducted as part of a subsequent adjudicatory proceeding, and no person who is prohibited from disclosing information under the provisions of this section may be compelled to reveal confidential communications or agreements in any discovery proceeding conducted as part of a subsequent adjudicatory proceeding. Any confidential mediation communication or agreement that may be disclosed in a subsequent adjudicatory proceeding under the provisions of this section may be introduced into evidence in the subsequent adjudicatory proceeding. [1997 c.670 §2]

### **36.238 Application of ORS 36.210 and 36.220 to 36.238.**

The provisions of ORS 36.210 and 36.220 to 36.238 apply to all mediations, whether conducted by a publicly funded program or by a private mediation provider. [1997 c.670 §8]

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*Please note:*

*Beginning 19<sup>th</sup> January 2007, the Veteran Student-Mediators discussed these laws in relation to the procedures the Student-Mediation Dispute Resolution Program at Phoenix HS utilizes. The unanimous consensus recommendation to the Program Coordinator was to continue with the reporting standards and debrief guidelines we have used since the programs' inception. Such a dialogue will continue periodically as we continually reassess what's in the best interest for the effectiveness of our program and the high school population.*

FOURTH EMAIL – 16<sup>th</sup> January 2007

Mediations are private and confidential. Things discussed during a mediation are protected under law and are not admissible in court. It does not matter if the parties are in grade school, middle school, high school or college.

The mandatory reporting requirements that involve drugs etc. must, of course, be discussed before a mediation can take place. Any other information discussed, even if it involves a crime cannot be disclosed, neither can the parties to a mediation be compelled by the court to disclose it unless all parties to the mediation agree in writing to the disclosure.

However, if the offense (of keying the car) was known before the mediation (in school it's hard to keep such things secret) then the information is not confidential. This may have been the argument used to get a subpoena for those records. However, the mediator and individual parties must decide whether they, in good conscience, can testify to the information that may have been known beforehand.

As the advisor to a mediation program, you no doubt have guidelines that are in writing. These should include what is confidential and what is not. It is basically up to the program to decide what may be kept confidential and what can be revealed. All these guidelines should be reviewed by all parties before a mediation takes place. In the absence of such guidelines, the ORS would be your only guide for any mediation and the statutes are clear that mediations are confidential.

I hope this helps. I'm sorry I cannot be too specific about the subject, but I'm precluded from giving you advice.

I have attached a membership form for you to peruse. Schools can sign up for a reduced rate and it may be handy for you to make some contacts at OMA. We have many experienced mediators here who can help with questions like this.

We also have a two-day conference each year with many informative workshops. These include in-school peer mediation discussions and several topics which would be beneficial to young attendees. This past year we had a youth scholarship. We've been looking for school mediation programs. Whether or not you can sign up the school as a member, I hope you will give us your school's contact information so that we may send youth-specific information and conference announcements to you.

Sincerely,

Julie, Oregon Mediation Association

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THIRD EMAIL – 15<sup>th</sup> January 2007

Thanks for the guidance Julie. In my program, only students (ages 15-18) are parties in the mediation process, although they are required to debrief with me the mediation (which brings us to mandatory reporting topics). Their debrief with me is usually superficial - names, basic issues inherent in the conflict, agreements - but student-mediators are required to specifically report to me details of anything involving drugs, weapons, abuse or anything which represents a real or perceived threat to anyone. So in this context the mandatory reporting issues are there.

But if there is an issue which is not among the mandatory reporting guidelines, to what extent does confidentiality shield the student-mediators? For instance, in mediation a girl Disputant A admitted to keying a rival girl Disputant B's car, causing superficial damage. The mediation was about school interpersonal conduct, and resolution (unrelated to the car) was reached. Half a year later the family of Disputant B sues Disputant A for car painting repairs, which Disputant A now denies. The student-mediators are subpoenaed for the legal process, as is the file folder in which they document the details of the mediation. In such a situation, would the student-mediators be compelled to testify about this topic spoken of in the conditionality of the mediation room? (This is a real situation from 2005...I instructed the mediators to waive the confidentiality protections given the request of the judge, but the issue was settled long before it went that far.)

I looked at the website...is there anything which speaks precisely to mediation in secondary school settings, or is it implicitly included in everything from the website?

Thanks again for your guidance. Your contributions are going to enable a powerful conversation among the mediators in my program.

John, Phoenix HS

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SECOND EMAIL – 15<sup>th</sup> January 2007

John, the answer depends on whether students only are the parties to mediation or the school is one of the parties. It also depends on a few other things (i.e. teachers are mandatory reporters of abuse, so a teacher who is a mediator or a party in mediation would need to make that clear before a mediation begins.) Public schools must follow the rules as any other public entity. Generally, mediation is confidential and not admissible in court, but there are exceptions.

You can check out the specific laws regarding mediation in the ORS. Here's the link: <http://www.leg.state.or.us/ors/036.html>

There's also a link to this particular chapter on our webpage. You would be looking for the .220's having to do with confidentiality in different situations. Let me know if you need more information.

Sincerely,

Julie, Oregon Mediation Association

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FIRST EMAIL – 13<sup>th</sup> January 2007

Good evening. I was wondering what Oregon state law says regarding mediation confidentiality and public schools. I run a mediation program in a high school; legally, are the contents of the mediation something students may or may not be required to speak to in court if asked? This is not due to any issue, I'm just wondering and would like to use this prompt for a discussion with my student-mediators. Thanks for your guidance.

John, Phoenix HS

# Supreme Court Cases Applicable to School Settings

West Virginia State Board of Education v. Barnette (1943)

The Free Speech clause of the First Amendment prohibits public schools from forcing students to salute the American flag and say the Pledge of Allegiance. (ie, schools can not suspend a student for refusing to say the pledge)

Everson v. Board of Education (1947)

In addition to incorporating the Establishment Clause (applying it to the States through the Due Process Clause of the Fourteenth Amendment), *Everson* was the beginning of a powerful separationist drive by the Court, during which many programs and practices given government sanction were found to have religious purposes or effects and thus invalidated. 5-4 decision, based on Constitutional amendments 1 and 14

Brown v. Board of Education of Topeka, Kansas (1954)

Segregation of students in public schools violates the Equal Protection Clause of the Fourteenth Amendment, because separate facilities are inherently unequal. District Court of Kansas reversed. Unanimous decision declaring "separate but equal" unconstitutional. Unanimous 9-0 decision, relying on Constitutional amendment 14

Engel v. Vitale (1962)

Government-directed prayer in public schools, even if it is denominationally neutral and non-mandatory, violates the Establishment Clause of the First Amendment. 6-1 ruling emphasizing Constitutional amendment 1

Epperson v. Arkansas (1968)

States may not require curricula to align with the views of any particular religion. 9-0 decision, based on the Constitution amendment 1

Tinker v. Des Moines Independent Community School District (1969)

The First Amendment, as applied through the Fourteenth, did not permit a public school to punish a student for wearing a black armband as an anti-war protest, absent any evidence that the rule was necessary to avoid substantial interference with school discipline or the rights of others. 7-2 decision, applying the Constitution amendments 1 and 14

New Jersey v. T. L. O. (1985)

School officials are State agents when enforcing disciplinary rules mandated by law. Officials may search without a warrant using reasonable suspicion of a violation of the law or school rules. 7-2 ruling, citing Constitutional amendment 4

Bethel School District v. Fraser (1986)

The First Amendment, as applied through the Fourteenth, permits a public school to punish a student for giving a lewd and indecent, but not obscene, speech at a school assembly.

Hazelwood v. Kuhlmeier (1988)

The Court held that public school curricular student newspapers that have not been established as forums for student expression are subject to a lower level of First Amendment protection than independent student expression or newspapers established (by policy or practice) as forums for student expression.

Broussard v. School Board of Norfolk (1992)

A student was disciplined for wearing a t-shirt that read "Drugs Suck". When he sued, his lawyer claimed that his shirt was a form of free speech protected by the First Amendment of the United States Constitution and the Tinker Standard. The court ruled in favor of the school board, saying that although the shirt displayed an anti-drug message, the word "sucks" was a vulgar word with a sexual connotation and therefore not allowed in school.

# Supreme Court Cases Applicable to School Settings

Vernonia School District v. Wayne Acton (1995)

Santa Fe Independent School District v. Doe (2000)

Student-led, student-initiated prayer at football games violates the Establishment Clause. 6-3 decision

Board of Education v. Earls (2002)

Coercive drug testing imposed by school district upon students who participate in extracurricular activities does not violate the Fourth Amendment.

Morse v. Frederick (2007)

Because schools may take steps to safeguard those entrusted to their care from speech that can reasonably be regarded as encouraging illegal drug use, the school officials in this case did not violate the First Amendment by confiscating the pro-drug banner and suspending [student] Frederick

## The Perils of Sharing

### The surprising threat to your privacy is closer than you think.

by Andreas Kluth The World in 2009, The Economist, Page 28

Something new has recently occurred in the timeless human activity of socialising, and it will begin to cause a lot of grief in 2009. The fashionable term for it is “sharing”. In its new context, this refers to volunteering personal information that used to be considered off-limits to all but the most intimate friends and relatives—but that is now taking on a life of its own.

It may consist of daily photos to chronicle a pregnancy, uploaded to websites such as Flickr or Facebook and adorned by comments from “friends”, real and imagined. Or video clips of bacchanalia by the hockey team. Or geo-tagged and time-dated clips of the girls’ softball team’s weekly practice, with each girl’s name tagged and pointing to a MySpace page.

But things can go wrong in pregnancies, and prying eyes that are not those of friends suddenly witness tragedies or a cruel hiatus in updates. College-admissions deans and potential employers browse bacchanalian footage. Perverts can plot detailed schedules of a particular girl’s movements on a given practice day.

People have always tried to manage their reputation, and today’s new media give them powerful tools to do just that. So most people participate, and share, enthusiastically. This is rational, says Edward Felten, a privacy expert at Princeton University, because they get benefits: inclusion into a community and more control in crafting and presenting their own image.

The problem is that they quickly lose that control. This has to do with what Steven Rambam, a professional investigator, modestly calls “Rambam’s Law”: whatever purpose a piece of information may have been created and shared for, it will eventually be used for something else. There was a time when the likes of Mr Rambam got paid big bucks to snoop out somebody’s picture, sexual history, mother’s maiden name (still a popular password) and list of friends. Today, this is a matter of minutes spent stitching together data from a few web sites. An identity thief, a political rival, a bitter ex-spouse, a litigant—anybody who is savvy and wants information—can get it.

Most of the paranoia about privacy in the internet era has focused on the power of companies, primarily Google, to collect information about all our doings online. Google installs cookies in web browsers that record the search history of users; it analyses the text in e-mails to insert relevant advertisements; it takes photos of private homes—occasionally with the residents visible—and adds them to its online maps.

The enemy within...

Meanwhile, the public has mostly ignored the bigger danger: ourselves. Anybody with a mobile phone that is also a camera is today a potential producer of an autobiographical documentary. She may upload this for fame, friendship and fun, but it may come back to hurt her.

Does that mean that it is prudent to opt out of Facebook, Flickr, Twitter, MySpace, YouTube and their ilk? Probably not. Participation has become automatic. Even as the camera phone makes each individual an autobiographer, it also makes all the people around her into freelance paparazzi, with their own tabloid-style press (the web). Those paparazzi capture, tag and gossip about her in their own photos, clips and “twitters”.

So there we are, a Google search away, for all to see in places and company we should not have been in, the unwitting backdrop of other people’s documentaries.

The only remaining choice is whether or not to inject our own perspective, with our own media, into this never-ending stream of narratives, to preserve whatever control remains in presenting our own image. The wise will still share things about themselves in 2009. But they will become hyper-sensitive about sharing collateral information about others, in the hope that reciprocity and a new etiquette will eventually limit everybody’s vulnerability, including their own.

## Girls Post Online Cartoon on how to Kill Classmate

By Elisa Hahn, King 5 Seattle Television News, 21<sup>st</sup> May 2009

SPANAWAY, Wash. - A Pierce County mother wants some answers after some of her daughter's classmates posted a video online, showing several ways to kill the girl.

The video is a cartoon that was made off school grounds by a group of young girls aged 11 and 12.

That video made the rounds on YouTube.

The cartoon is called "Top Six Ways to Kill Piper" and it includes depictions of give girls shooting her, making her commit suicide, poisoning her, and even pushing her off a cliff.

"I was horrified," said Beth Smith, Piper's mother.

Beth Smith says the cartoon targeting her daughter was posted on YouTube to a Hannah Montana song called "True Friend."

Piper is a 6th grader at Elk Plain School of Choice and the girls who made the video attend the same school.

"It really hurt my feelings," said Piper. "If someone hates me that much, to make a video about me, it makes me feel really bad."

Beth Smith contacted the parents of the girls who made the video. Some were shocked, others were dismissive.

"One guy blew it off and said he was making dinner," she said.

The school district says because of privacy rules it can't say how the girls were disciplined.

"Since then the students have expressed their remorse about this incident and we do believe that Elk Plain has been and will continue to be a safe place for students to learn," said Krista Carlson, Bethel School District.

Not knowing what happened leaves Smith frustrated because she wants to know if her daughter is safe. "My heart aches," she said. "I fear for her safety."

Piper said some of the girls called to apologize.

A report was filed with the sheriff's department.

## For Teenagers, Hello Means ‘How About a Hug?’

By Sarah Kershaw, The New York Times Newspapers, 28<sup>th</sup> May 2009

There is so much hugging at Pascack Hills High School in Montvale, N.J., that students have broken down the hugs by type:

There is the basic friend hug, probably the most popular, and the bear hug, of course. But now there is also the bear claw, when a boy embraces a girl awkwardly with his elbows poking out. There is the hug that starts with a high-five, then moves into a fist bump, followed by a slap on the back and an embrace. There’s the shake and lean; the hug from behind; and, the newest addition, the triple — any combination of three girls and boys hugging at once.

“We’re not afraid, we just get in and hug,” said Danny Schneider, a junior at the school, where hallway hugging began shortly after 7 a.m. on a recent morning as students arrived. “The guy friends, we don’t care. You just get right in there and jump in.”

There are romantic hugs, too, but that is not what these teenagers are talking about.

Girls embracing girls, girls embracing boys, boys embracing each other — the hug has become the favorite social greeting when teenagers meet or part these days. Teachers joke about “one hour” and “six hour” hugs, saying that students hug one another all day as if they were separated for the entire summer.

A measure of how rapidly the ritual is spreading is that some students complain of peer pressure to hug to fit in. And schools from Hillsdale, N.J., to Bend, Ore., wary in a litigious era about sexual harassment or improper touching — or citing hallway clogging and late arrivals to class — have banned hugging or imposed a three-second rule.

Parents, who grew up in a generation more likely to use the handshake, the low-five or the high-five, are often baffled by the close physical contact. “It’s a wordless custom, from what I’ve observed,” wrote Beth J. Harpaz, the mother of two boys, 11 and 16, and a parenting columnist for The Associated Press, in a new book, “13 Is the New 18.” “And there doesn’t seem to be any other overt way in which they acknowledge knowing each other,” she continued, describing the scene at her older son’s school in Manhattan. “No hi, no smile, no wave, no high-five — just the hug. Witnessing this interaction always makes me feel like I am a tourist in a country where I do not know the customs and cannot speak the language.”

For teenagers, though, hugging is hip. And not hugging?

“If somebody were to not hug someone, to never hug anybody, people might be just a little wary of them and think they are weird or peculiar,” said Gabrielle Brown, a freshman at Fiorello H. LaGuardia High School in Manhattan.

Comforting as the hug may be, principals across the country have clamped down. “Touching and physical contact is very dangerous territory,” said Noreen Hajinlian, the principal of George G. White School, a junior high school in Hillsdale, N.J., who banned hugging two years ago. “It was needless hugging — they are in the hallways before they go to class. It wasn’t a greeting. It was happening all day.”

Schools that have limited hugging invoked longstanding rules against public displays of affection, meant to maintain an atmosphere of academic seriousness and prevent unwanted touching, or even groping.

But pro-hugging students say it is not a romantic or sexual gesture, simply the “hello” of their generation. “We like to get cozy,” said Katie Dea, an eighth grader at Claire Lilienthal Alternative School in San Francisco. “The high-five is, like, boring.”

Some sociologists said that teenagers who grew up in an era of organized play dates and close parental supervision are more cooperative with one another than previous generations — less cynical and individualistic and more loyal to the group.

But Amy L. Best, a sociologist at George Mason University, said the teenage embrace is more a reflection of the overall evolution of the American greeting, which has become less formal since the 1970s. “Without question, the boundaries of touch have changed in American culture,” she said. “We display bodies more readily, there are fewer rules governing body touch and a lot more permissible access to other people’s bodies.”

Hugging appears to be a grass-roots phenomenon and not an imitation of a character or custom on TV or in movies. The prevalence of boys’ nonromantic hugging (especially of other boys) is most striking to adults. Experts say that over the last generation, boys have become more comfortable expressing emotion, as embodied by the MTV show “Bromance,” which is now a widely used term for affection between straight male friends.

But some sociologists pointed out that African-American boys and men have been hugging as part of their greeting for decades, using the word “dap” to describe a ritual involving handshakes, slaps on the shoulders and, more recently, a hug, also sometimes called the gangsta hug among urban youth.

“It’s something you grow up doing,” said Mazi Chiles, a junior at South Gwinnett High School in Snellville, Ga., who is black. “But you don’t come up to a dude and hug, you start out with a handshake.” Some parents find it paradoxical that a generation so steeped in hands-off virtual communication would be so eager to hug.

“Maybe it’s because all these kids do is text and go on Facebook so they don’t even have human contact anymore,” said Dona Eichner, the mother of freshman and junior girls at the high school in Montvale. She added: “I hug people I’m close to. But now you’re hugging people you don’t even know. Hugging used to mean something.”

There are, too, some young critics of hugging.

Amy Heaton, a freshman at Bethesda-Chevy Chase High School in Bethesda, Md., said casual social hugging seemed disingenuous to her. “Hugging is more common in my opinion in people who act like friends,” she said. “It’s like air-kissing. It’s really superficial.”

But Carrie Osbourne, a sixth-grade teacher at Claire Lilienthal Alternative School, said hugging was a powerful and positive sign that children are inclined to nurture one another, breaking down barriers. “And it gets to that core that every person wants to feel cared for, regardless of your age or how cool you are or how cool you think you are,” she said.

As much as hugging is a physical gesture, it has migrated online as well. Facebook applications allowing friends to send hugs have tens of thousands of fans. Katie Dea, the San Francisco eighth grader, as well as Olivia Brown, 11, who lives in Manhattan and is the younger sister of Gabrielle, the LaGuardia High freshman, have a new sign-off for their text and e-mail messages: \*hug.\*



## California middle school's pot sting leaves three administrators in a haze Trio reassigned, under investigation after using student to purchase drug

By Jason Song, The Los Angeles Times Newspapers, 1<sup>st</sup> March 2009

LOS ANGELES — Porter Middle School administrators believed a boy was dealing pot on campus. So they allegedly sent a student to buy some.

The sting worked—to a point. The student successfully bought drugs, and the administrators at the campus in California's San Fernando Valley reported the incident to authorities. But while Los Angeles Police Department officers are investigating the suspected marijuana dealer, they also are scrutinizing the three administrators who allegedly orchestrated the buy, Deputy Chief Michel Moore said last week.

It is a felony to ask a minor to buy drugs.

The administrators also have been reassigned by the Los Angeles School District to positions away from the Granada Hills campus, which was named a California Distinguished School in 2007, while the investigation is ongoing. In a letter to parents, Supt. Ramon Cortines said the school's principal, an assistant principal and dean had been removed.

Nobody has been arrested in the case, although the investigation is ongoing. The student who allegedly bought the drugs is not under criminal investigation, Moore said.

"We wouldn't expect an administrator to act this way with a student," he said.

A student told administrators on Feb. 18 that a boy was selling marijuana on campus, according to police. The three administrators, without consulting police or other Porter officials, then asked a student to purchase some of the drugs. Moore declined to say the amount of marijuana the student bought or how much he paid for it.

After the sting, school officials reported the incident to the district's police department, which investigated the incident. Once district officials realized that a student had been involved in the drug buy, they removed the administrators from the campus.

City police began investigating the incident Feb. 22.

The district will pursue all legal measures against the administrators if the allegations are true, said David Holmquist, the district's chief operating officer, who said he has never heard of a similar situation.

"There is nothing more important to us than the safety of our students," he added.

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*Mediators – the above article demonstrates a form of entrapment (which is illegal). Please read this and discuss why entrapment would be the determination of a presiding judge.*

# Newspaper Article

## Peer-Mediation Brings Peace at Phoenix High

By Maggie McGehee, 5<sup>th</sup> November 2001 Ashland Daily Tidings <http://www.DailyTidings.Com/>

A group of Phoenix High School student are voluntarily working together to make the campus a more peaceful place to learn, thanks to the school's Student-Mediation Dispute Resolution Program.

One-ninth of the student population at the school is participating in the extracurricular program, now in its second year, which couples teens trained as mediators with other students who are engaged in a conflict.

"We bring two students into a conference room and create a safe atmosphere for them to tell their own sides of the story," said Nathan May-Cross, 16, a Phoenix HS junior Student-Mediator. "We basically guide them through, helping them work things out without getting into trouble."

Mediation sessions are confidential and provide a way for students to work out their problems without administrator or parent involvement.

"There is no discipline so long as you can act like an adult and solve it like an adult," May-Cross adds.

The teenage student-mediators handle a variety of cases, ranging from personal disputes to eating disorders, and do it all with little help from teachers or administrators.

"The program has some elements that make it unique," said John Cornet, the teacher who founded and continues to coordinate the program. "The kids take ownership of it. There are no school officials who sit in on the mediation sessions. Some schools are hesitant to give total control to the kids, but it's a chance for them to solve the problem without discipline. When it gets handed back to staff, the students lose that power."

Cornet's involvement with the mediation sessions is also very limited, he said. When a teacher notices a problem between two students, the teacher tells Cornet, who then assigns the mediators.

The kids take it from there.

Cornet also goes to great strides to see that the right student-mediators are assigned to specific cases. For example, if the two students having the conflict are seniors, Cornet will assign underclassmen student-mediators to handle the case, and if the student-mediators know either of the people involved, they can excuse themselves at any point in the process and Cornet will assign a replacement.

After a mediation session takes place, however, the teacher who made the recommendation for mediation is briefed on the results and on what the students have agreed to do to prevent a return of the tensions "so as a teacher, you see the follow through and can keep your eyes open for any signs of a break from the agreed-upon resolution," Cornet said. Once the mediation session is complete, the people involved in the mediation sign contracts agreeing to uphold what was settled during the mediation session.

"Those are some of the things which really set us apart from other programs," he said.

The student-mediators receive regular training's provided by Cornet multiple times each month throughout the academic year, as well as occasional assistance from Mediation Works, a Medford based non-profit organization, graduate students from Southern Oregon University and other training outlets. In fact, by the end of the school year, Phoenix HS will have several students who qualify for professional certification.

And though being a student-mediator looks good on a resume, the students say there are other reasons to become involved in the program.

“It’s a great way to meet new people and hear new ideas,” May-Cross said. “I like helping people out and I like doing good for the community ... It really shows a lot about someone if they can go through mediation successfully. There’s very few down fides to mediation.”

“The worst thing that can happen is that you make an agreement with someone you don’t like in order to stay on task,” he said. May-Cross said he would like to continue working as a mediator after he graduates. “I would like to do mediation work when I enroll at the university,” he said. “It helps you deal with situations outside of school and helps you clear your mind and see both sides of an issue.”

For sixteen year old Star Fry, a Phoenix HS junior Student-Mediator, the program has also been an educational tool.

“I’ve learned a lot,” Fry said. “It helps develop your listening skills and makes you feel good when you are helping someone solve their problems ... I love helping people because it makes you feel good knowing that someone can come and talk to you about their problems.”

Fry said she would like to study psychology in her future university endeavors.

So far in this young academic year, the Student-Mediators have a 12-2 record. For mediation’s to be deemed successful there must be a dissolving of tensions and no further repetition of the problem. However, if students walk away from mediation or if a repeat of tensions occurs, the mediation is deemed unsuccessful, according to Cornet.

Moreover, if students walk away from mediation, the matter is then referred to administrators and disciplinary measures could result.

Last school year, the mediators held 53 mediation’s, with only two considered unsuccessful and three considered status uncertain.

Among the issues that the Student-Mediators deal with the most are respect issues (36 cases during the 2000-2001 school year), communication issues (34 cases), verbal harassment issues (29 cases), “rumor mill” issues (24 cases), friendship concerns (19 cases) and behavioral management issues (19 cases).

The majorities of the mediation sessions are referred by staff members and involve student-to-student relations. However, Student-Mediators also mediate student-to-teacher problems and even problems involving students and life, such as identifying issued of depression and eating disorders, both of which are topics which the Student-Mediators are automatically required to refer out to Cornet.

*“It makes you feel good knowing that someone  
can come and talk to you about their problems.”*

*Star Fry  
Phoenix HS Junior and Student-Mediator*

# Newspaper Article

## Peer-Mediation Helps Solve Student Disputes

By Ben Mills-Cannon, 22nd February 2002 Pirate Scroll School Newspaper

Given the stress of school, everyone can be excused if they become a little agitated. However, when that agitation becomes a problem for other students, they are sometimes referred to the Student-Mediation Dispute Resolution Program.

Peer Mediation is a group founded by Mr. Cornet to help deal with some of the conflicts that come with school. In essence, the two or more parties of the conflict are brought together with however many Student-Mediators are required, and they talk out their problems in a controlled atmosphere. With regulation from the trained Student-Mediators, a resolution is hopefully reached.

"We hope to prevent and defuse conflicts. Of course to do this we have to train students in mediation skills and techniques," said Cornet

The training is extensive, ranging from sessions on specific emotions such as anger, to general orientation to the mediation process.

"The most challenging aspect of mediation is getting to the peoples' problems and deciphering what they want out of the mediation," said senior Mollie Summers, one of the highest ranking mediators in the school's program.

Mediation is not a new concept. Several schools across the state have similar programs. The program at Phoenix High School began two years ago. Assistant Principal Dale Sauer asked Cornet, then finishing his first year teaching social studies, if he would be interested in forming a mediation group. Cornet took up the suggestion and constructed the programs structure while overseas in Europe over the summer of 2000. He then trained the first wave of mediators through the Advanced Sociology class, in conjunction with assistance from a local non-profit organization from Medford, Mediation Works. In its second year of functioning, mediation is still going strong.

During this year, the number of mediation's has dwindled to a trickle.

"I think it may be because we have so many Student-Mediators. Conflicts just haven't been coming up," said Cornet. Currently there are seventy five students involved in learning mediation skills, with about two dozen of them having demonstrated the skills to solve the serious conflicts which might arise on campus. While they have had few mediation's, there have not been anywhere near the number of mediation's as in its inaugural year.

The future plans of mediation are dependant on what happens in the next few months.

"If this slowdown is caused because of the influx of mediators, it is a good thing. But if it is an issue with poor advertising of the program on campus, therefore why we're not receiving as many referrals as in the past, then we have some work to set forth doing," said Cornet.

*"The most challenging aspect of mediation is getting to peoples' problems..."*

*Mollie Summers*

*Phoenix HS Senior and Student-Mediator*

# Newspaper Article

## Peer-Mediation Solves Many Student Conflicts

By Kelsey Russell, February 2003 Pirate Scroll School Newspaper

Angry, mad, frustrated, or sad? There is a group of extraordinary students around Phoenix HS who are trained to help other students and teachers with their problems. These students are the Student-Mediators.

In the Dispute Resolution Program, there are three levels of mediators. Depending on their training, student-mediators are at the probationary, intermediate or veteran classification level.

As a probationary mediator, one focuses on training and preparing to be a mediator. As an intermediate mediator, a good amount of time is spent on training and putting skills to use in practice mediation's the veteran student-mediators are the students who are actually doing mediation's. These veterans have dedicated many hours to perfecting their conflict resolution skills.

So far this year, out of the 63 mediation's, the Veteran Student-Mediators have successfully defused 60 issues. Social studies teacher and founder and coordinator of the program, John Cornet, couldn't be happier.

"I am really impressed that the students have taken complete ownership of the program," said Cornet. "This largely contributes to the success of the program."

The mediation program presently has fifteen Veteran Student-Mediators. Of these, the newly elevated Veterans have exceeded Cornet's expectations. "The rookie Veterans are all really good. They act like they are seasoned Veterans. I couldn't think any higher of them," said Cornet.

Cornet was given the opportunity to create the program three years ago when Assistant Principal Dale Sauer asked if he would be interested in starting a program. "When I was asked to start the program, I envisioned a four-year plan, and I developed different steps to help us move toward those goals," said Cornet. "And two months ago, we started sprinting to the finish line." Only now is the program starting to achieve the promise Cornet envisioned back in 2000.

If the mediation program sounds new to you, don't be surprised. Even though the program has been around for three years it wasn't until this year that the school started utilizing the program to its full potential. There are more mediation's begin referred school wide. This is due to a better communication program, the integrating of the program within the school's discipline structure, and the mature examples set by the students in the program themselves.

Having the mediation program has been a big help to the school because it allows students to help solve other students problems, allowing for a higher success rate. The mediation program is so important in students' futures because it helps them solve their own problems, as skills which will come in handy in future situations.

*"...Students have taken complete ownership of the program."*

*John Cornet  
Phoenix HS Social Studies Teacher  
Mediation Program Founder and Coordinator*

## Newspaper Article

### Peer-Mediation in Jackson County Helps Reduce Crime Rate 32 Percent

11<sup>th</sup> April 2006 Oregon School Board Association <http://www.osba.org/hotopics/atrisk/bullying/pwrtools.htm>

If you put a lot of energy into empowering kids and giving them the tools to solve their conflicts, they'll use those tools. Ginger Rolling, education coordinator at Mediation Works in Medford, has statistics to back up her claim. Four years after her Community Dispute Resolution Center implemented a peer mediation program in the elementary and middle schools of the Phoenix-Talent School District, juvenile crime is down 32 percent in Talent and 21 percent in Phoenix. At the time the program began, the crime rate among area youngsters was higher than in any other part of Jackson County.

Although Rolling can't attribute all of that reduction in juvenile crime to peer mediation, research shows that student-to-student conflict resolution programs really work.

A four-year grant funds the successful program that targets students at Talent Middle School, although staff from Talent's two elementary schools and experienced Student-Mediators from the Student-Mediation Dispute Resolution Program at Phoenix High School also participate in conducting the training. Mediation Works uses a whole-school approach to train students and school staff in peer mediation. Parent training as well as collaboration with the Boys and Girls Club in Talent rounds out a support network for students.

Talent's peer mediation program is integrated into the school's health curriculum. "Someone within the school system has to continue to coordinate the program year after year," Rolling says. "And mediators need to be trained at least every two years." Training by Mediation Works for peer mediators and a staff advisor at the middle school continues to be paid for by grants. Although that coordination and training take time, once the program is up and running, schools save time in handling conflict referrals, Rolling says.

Talent Middle School Assistant Principal Teresa Sayre believes the climate at her school has improved as a result of the program. Office referrals dropped 8 percent. The successful middle school program also extends its reach when students enter high school, where there is a long-established and independent program already in place.

Middle schoolers are at a tough age, Sayre comments – just between the age when adults make all of their decisions for them and the time when they start making decisions for themselves. Training in peer mediation enables them to help fellow students work out problems for themselves – in the hallways, on the school grounds and after school. "It becomes a natural thing to do," Sayre says.

Mediation Works tailors services to the needs of schools throughout Jackson County. From 'Talk It Out' curriculum at the elementary school level, to 'Making Choices' classes for high risk middle and high school students, the goal is the same: "Give everyone – students and staff – the tools they need to get the results they want," Rolling says.

# Newspaper Article

## Teacher Feature – John Cornet, Phoenix High School

By Regina McLoud Superintendent's Update nr.172, 6<sup>th</sup> October 2006 [www.ode.state.or.us](http://www.ode.state.or.us)

John Cornet teaches a myriad of subjects including Philosophy, Psychology, Honors International Studies, AP/Honors American Government and AP/Honors United States History. Mr. Cornet amazingly teaches academics to all skill levels. Because Mr. Cornet conducts his classes in a way that students can contribute, he is able to involve his students in the learning process. He believes that you gain control by giving control, so open discussions are welcomed in his classes. Principal Jani Hale believes, "Helping students find confidence as learners is his greatest gift. No matter their background, students really learn in his class."

As you walk into his classroom, BBC or CNN is always on and Mr. Cornet knows the latest news controversy and is not afraid to discuss these controversial topics, connecting them with history. John Cornet is a "master teacher" said Tim Mobley, Director of Instructional Services for the Phoenix-Talent School District. "His students are learning forward in their seats, actively engaged in learning, and enjoying themselves." "His passion and enthusiasm for teaching and learning is amazing," said 2006 graduate Daniela Schofield, who is continuing her studies at the University of Rochester in New York. "It's not like learning; it's like having a conversation with him."

Mr. Cornet started the Student-Mediation Dispute Resolution Program in 2000 and several times each month he teaches students to diffuse potentially violent situations. For example, when a gay/straight alliance club formed, 70 upset parents attended a school board meeting, but through Mr. Cornet's mediation program efforts Phoenix High School students were able to work through their differences and become accepting individuals. His program is so effective that his Student-Mediators, some of whom are Oregon State Certified, provide training at different high schools, middle schools, and in the community.

Tim Mobley invited Mr. Cornet to a Medford Rotary Club meeting to speak about his mediation program. Mr. Cornet agreed but insisted on bringing a few of his Student-Mediators. After Mr. Cornet gave an overview of the Student-Mediation Dispute Resolution Program to the Rotary audience, he invited his student-mediators to speak about their experiences. This is just one example of how he empowers students to think, problem solve, and apply their learning to real life situations.

Mr. Cornet advises many students with career paths and college choices. One student in particular, Daniela Schofield, really looks up to Mr. Cornet. He has assisted Miss Schofield with scholarship applications, college planning, and travel expertise. Mr. Cornet has "helped to prepare me for life after high school, my entire college career, and beyond," said Schofield. "He is the best teacher I've ever had; he is thorough and his dedication to education is unparalleled."

Mr. Cornet did his undergraduate studies at Southern Oregon University (BA Political Science, International Peace Studies 1996) and the University of Iowa, with graduate studies at Lewis and Clark College (MA Teaching 1999), Southern Oregon University, the University of California at Berkeley and Norwich University (completing one-third of a MA Diplomacy program).

Cornet was recently named as a finalist for the 2006-2007 Oregon Teacher of the Year.

## Newspaper Article

### Cleaning Up Espry – High School Students Turn Graffiti into Art

20<sup>th</sup> July 2007 By Damian Mann <http://www.mailtribune.com> Front Page of the Newspaper!

Little butterflies replaced swastikas, bumblebees and flowers covered gang graffiti and the little gazebo that overlooks the herons and turtles in Mingus Marsh took on a new life Thursday. Several Phoenix High School Student-Mediators volunteered to paint the Espey Wildlife Station along the Bear Creek Greenway, about a half-mile south of East Pine Street between Medford and Central Point.

They sanded down graffiti notched into the wood and relished the prospect of painting over any gang signs. "It's ridiculous," said Molly Hobson, a seventeen year old senior from Talent. "I don't know why people do it." The students then took their project further, painting little butterflies, spiders, flowers and other images.

Hobson said her teacher, John Cornet, asked her and the other students recently if they wanted to paint the gazebo, originally built in 1995 by students from Crater High School to honor environmentalist Larry Espey.

"We said we'd love to help out and fix things up," said Hobson. Cornet said he and other distance runners, cyclists and walkers have regularly stopped at the gazebo to gaze out at the marsh and were bothered by the graffiti. "These kids are just wonderful," said Cornet, who is also a cross country coach and the mediation program coordinator. "Immediately, they said 'let's do something about this.'"

Since Jackson County is in a financial bind, Cornet went to Ashland Hardware, which agreed to donate the paint. Quizno's Sub and Little Caesar's Pizza in Central Point donated food for the work party.

Senior Jon Kerlinger said he stops every day on his bicycle at the gazebo and jumped at the chance to paint it. "I think it's a really cool thing," said the seventeen year old Medford resident. The students, including student body president Conrad Hulen of Medford, were particularly bothered by the swastikas cut deeply into the wood, so they decided to turn a negative into a positive.

Senior Megan Burr did a few practice drawings on cardboard, improvising with the limited colors of paint she had available, and then started painting plants on a vertical post that holds up the gazebo. The seventeen year old Talent resident is well known at her school for her ability to draw. "I get volunteered all the time for stuff like this," she said through a smile. Burr then painted a butterfly. She and the other students decided that all the posts needed an image for balance, so senior Callie Fleeger from Talent got into the act by painting a bumblebee.

Cornet said the idea of painting insects was born out of necessity. "They said, 'What can we do to obscure this carved image?' " The two other students who helped paint are sophomore John Alexander of Medford and senior Hannah Wilson of Talent. Another teacher, assistant cross country coach and yearbook instructor Diane Green, also pitched in to paint.

Jackson County Greenway Coordinator Karen Smith said the county's budget is lean and the work was much appreciated. "It's always wonderful when there's a group of great kids," she said. Smith, who brought doughnuts and other supplies to help with the painting, said the gazebo is structurally in good shape, but over the past years some graffiti has popped up. She said graffiti hasn't been a major problem, describing it more as a nuisance. She said the Greenway path receives more abuse from the roots of cottonwood trees that push up the asphalt.

*"The students are wonderful.*

*Immediately, they said 'lets do something about this'."*

*John Cornet, Phoenix HS Social Studies Teacher*



# Newspaper Article

## Student-Mediators Work To Restore the Peace

30<sup>th</sup> September 2008 By Paris Achen <http://www.mailtribune.com>

Infuriated that he hurt his leg when another student tripped him on a staircase as they were evacuating McLoughlin Middle School during a fire drill, the injured eighth-grader threatened to beat up his classmate. An argument ensued, and the boys were referred to peer mediators, fellow eighth-graders Molly Pritchard and Adam Case, who are trained by Mediation Works, a nonprofit community dispute-resolution center in Medford.

With skill and confidence, they negotiate peace settlements between fuming adolescents. "It was obvious it wasn't on purpose," said eighth-grader Greg Rapet, another peer mediator who plays the role of one of the disputants in the mock scenario. "I want an apology." Molly and Adam acknowledged how each boy must have felt in the situation and then, asked what each could do to resolve the conflict. "We could pretend like it never happened, and everything could be the same as before when we didn't even know each other," said peer mediator Jose Mendoza, who plays the role of the boy who was tripped. Greg agrees to the suggestion, and Molly and Adam draw up an agreement for the boys to sign in which they set a time line for apologizing and restoring the peace.

McLoughlin Middle School is one of more than a dozen schools in Jackson County that offer their students peer-mediation programs to resolve conflicts on their own before they reach a level requiring discipline by an administrator. Ashland's Walker Elementary School this fall will offer the county's newest peer-mediation program, which has expanded slowly over the past dozen years.

The immediate benefit of the programs is the resolution of conflicts that can disturb a school's educational environment, but participation in the programs also can build lifelong skills, said Joseph Schulz, Mediation Works school programs director. "It's an opportunity for empowerment to come up with the answer instead of someone else coming up with the solution for you," Schulz said. Mediation Works provides most of the student training, which ranges from seven to ten hours over the course of several days.

The mediations are confidential, and in secondary schools, often secluded from the view of adults, though peer mediators are required to report any illegal activities such as drug use, weapon possession or sexual harassment. The process builds confidence in students and problem-solving skills, both for the mediators and the disputants because mediators ask the disputants to suggest solutions until negotiations lead to an agreement on how to settle the conflict.

The programs also provide a taste of a career field that is growing in scope and demand, said Jon Lange, a mediator, organizational consultant and communication professor at Southern Oregon University in Ashland. "Conflict resolution is one of the fastest-growing fields in the country," Lange said. "There are master's degrees in conflict resolution popping up all over the country and even a couple of PhD programs. There are books on careers in mediation and conflict resolution. There are jobs in environmental conflict, organizational conflict and health care, and that's just the tip of the iceberg."

School-based peer-mediation programs have been around for decades in other places, but didn't arrive in Jackson County until about twelve years ago. The programs are common at secondary schools but have made headway into elementary schools. Five years ago, Medford's Jefferson Elementary School became the first elementary school in Jackson County to start a peer-mediation program. Fifth and sixth-graders who are nominated by teachers and apply for the mediator positions perform between twenty and fifty peer mediations each year, said Pam Bullard, Jefferson peer mediation coordinator. It's a great way to help students start to learn how to work things out by discussing their problems," Bullard said. Medford's Abraham Lincoln Elementary School also has a program.

Students can become peer mediators in elementary school and depending on what district they attend, continue in the programs through high school. McLoughlin, Hedrick and Talent middle schools and Phoenix, North Medford and Rogue River high schools operate such programs.

Phoenix High School, the most extensive peer-mediation program in the county, has even expanded its program to offer up to four college credits from SOU for peer mediators who demonstrate college-level skills in the form of an essay about resolving conflict, said John Cornet, peer mediation coordinator and social studies teacher. The mediators also teach skills to other schools and give presentations to professional audiences on the subject.

The high school's peer-mediator training at Phoenix is extensive, ranging from workshops on confidentiality to psychological and sociological reasons for conflict. About twenty students have completed the required sixteen hours of training and are eligible to perform peer mediations at the school. More than another sixty students are in training. Students could go on to SOU to take classes in conflict resolution and negotiation or earn a certificate in mediation and conflict management from SOU or Mediation Works. The University of Oregon in Eugene and Portland State University now offer master's degrees in conflict resolution.

Phoenix High senior Dan Elsmore, who is a student-mediator, earned SOU credit last year for an essay he wrote about ethnic conflicts in the southeastern European nation of Serbia. "It really prepares you for your future," Elsmore said, "in that you are always working with people you don't get along with, but you can find common ground and put your differences behind you."



Veteran Student-Mediators, November 2007

During the Winter and Spring of 2005, members of the Student-Mediation Dispute Resolution Program made efforts to paint quotes and song sayings in selected hallways and around the campus of Phoenix High School. The nature of these quotes range from song lyrics which emphasize unity to thought- provoking statements by advocates for social justice. The common theme which united all the painted statements is in how the knowledge inspired by the quote serves to empower the student population to be better prepared to tackle their future. The following area sampling from among those painted around campus:

*"If you want to lift yourself up, lift up someone else."*

- Booker T. Washington 1850-1915  
African-American educator

*"Those who say it can not be done  
Should not interrupt those who are doing it."*

- Anonymous, often attributed to  
Henry David Thoreau 1817-1862

*"What have you learned since we last met?"*

- Benjamin Franklin 1706-1790  
American Statesman and Inventor

*"The future belongs to those who prepare for it today."*

- Malcolm X 1925-1965  
Civil Rights Leader

*"I've always felt that a person's intelligence  
Is directly reflected by the number of conflicting points of view  
He can entertain simultaneously on the same topic."*

- Abigail Adams 1744-1818  
Early American Feminist

*"Success is not measured so much by the position that one has reached in life  
As by the obstacles which he has overcome."*

- Booker T. Washington 1850-1915  
African-American educator

*"Always have a goal, a plan, a dream;  
It's ok to change this goal numerous times if need be,  
But never at any time allow yourself to go through life directionless."*

- James Bradner 1915-2008  
Oceanographer and Inventor

*"You are only as good as your word."*

- John Wooden 1910-  
College Basketball Hall of Fame

*"What is at stake is human dignity.  
If a man is not accorded respect he cannot respect himself  
And if he does not respect himself, he can not demand it."*

- Cesar Chavez 1927-1993  
Advocate for Hispanic Migrant Workers

*"Great minds discuss ideas  
Average minds discuss events  
Small minds discuss people."*

- Eleanor Roosevelt 1884-1962  
Advocate for Social Justice and Women's Rights

*"Let it be."*

- The Beatles

# Student-Mediation Poem

This poem was composed by Veteran Student-Mediator Aimee Canfield (class of 2010) on route to present at the Oregon School Board Association Conference in Portland, in November 2009

Walking alone in the hall, I'm scared  
Bullies everywhere  
Don't know what to do, I feel torn  
No one seems to care

But then I see peer-mediation  
They are my salvation  
They help me solve my issue  
By listening and having tissues

I feel safe now, knowing someone's there  
I feel safe now, frolicking without care

I don't know what I would have done  
If I have not met them  
School wouldn't be as much fun  
And now I'm a mediation veteran

Almost every case ends up getting resolved  
The principal asks us for help, when mysteries need to be solved  
We go out and correct people when they're being crass  
Plus, it's not so bad occasionally getting out of class

We're training lots of students how to fix conflict  
We handle things before they get really explicit  
We want to make our program widely known and crystal clear  
We send out the message that we'll always be here

With posters, announcements and tee-shirts too  
Everyone has heard about our schools mediation crew

Saturating our campus with trained mediators  
If school is the Death Star, then we're the Darth Vader's!

100% safe, everything is confidential  
Our program is legit, in other words: substantial

Often disputants seek to join our program  
If they put in the time we make it so they can

This program has helped me grow and learn  
We handle issues to lessen administrations concern  
We send out good vibes like radiation  
I am so happy to be in peer-mediation!

## *Supplemental Supportive Readings*



The Student-Mediation Dispute Resolution Program at Phoenix High School  
*The oldest continuously active autonomous program between Sacramento (California) and Salem (Oregon)*

*Professional – Accountable – Academically Rigorous – Successful – Respectful*

Established in Summer 2000