



# Conflict Resolution in Schools

## A Practical Guide

## for Creating and Advancing Successful High School Peer- Mediation Programs

By John Cornet

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A Practical Guide for Creating and Advancing  
Successful High School Peer-Mediation Programs

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# Part I

## The Case for Mediation

### Introduction

Conflict between students within a school setting may take on many different forms, yet it has remained rooted in the same foundations for generations. It is too simplistic, and indeed fundamentally misleading, to ascribe typical adolescence issues as the cause of all teen angst. Such an assertion is rooted in stereotypes. It presumes the students are tormented by their hormones, by a preoccupation with relationships, and by an inclination to be mean and play one-upmanship vis-à-vis their peers. Popular media has not just reinforced these stereotypes, but also vigorously fed them, causing what may be true for a small minority of teenagers to become culturally imbued as accepted reality. Consequentially, the labeling of teens and resultant biases is ever-present. While there may be some faint truth underlying the argument that today's teenagers are different than those of previous generations, one should not assume this particularly means they are fundamentally so, nor should this be overgeneralized.<sup>1</sup> Indeed, were we to look past the glossed-over generalizations and actually examine the root of their behavior, we find that the reality is far more complex.

Disharmony born from miscommunication, lashing out as a manner to compensate for the students own inferiorities or fears, and the projection of home stressors onto substitute on-campus targets are but a few of the common sources of conflict high school instructor's witness in their classrooms. Such matters are not exclusive to an era, but rather are often a natural, albeit unfortunate, byproduct of growing up.

It's not that previous generations held any particular advantage over the recent one in terms of their nature or in their desire to push the limits of societal-imposed restrictions. All youth, at some point, strive to exert their independence and discover their sense of identity and individuality. Rather, this generation of the new millennium is coming to terms with themselves in a world inaccurately perceived as being more dangerous as that of the past. There are abundant risks which the youth themselves have control over, yet the existential dangers which they do not control have receded. It is a world in which HIV and AIDS are deadly and technology allows for the immediate spread of a comment or photo with just one ill-considered push of a button. Furthermore, technology has led to a de-socialization effect on adolescents while encouraging ones sense of self to be based upon perceptions more so than reality. While the world today is not as dangerous as that of the past – can one truly argue the threat posed by global terrorism or economic instability is really more dangerous than the era of the Cold War or World War II? – certainly a youth's immediate surroundings contain more choices and, therefore, the potential for poor choices, and technology allows for one to see the mistakes made by strangers time zones distant. The opportunity to take risks is abundant. This visibility may enhance the teenage stereotype. In the modern era it has become more challenging to shelter ones youth from dangerous influences, and the decentralization of the traditional family structure has furthered this destabilization. Yet for all the distractions which present perils to teenagers, in many respects there is also more of an institutionalized presence to offer support, be it through schools or community-based organizations. This reality seems lost in most public commentaries

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<sup>1</sup> Indeed, I would actually argue teenagers over the generations are fundamentally not dissimilar. The more significant difference is in how the parents of today differ in how they raised their youth relative to the past, including the degree of engagement in their lives. But, alas, that is a discourse for a different forum.

on the topic. While youth today may be growing up faster than their earlier counterparts due to the constant bombardment of choices to be made and how they're treated by parents, many do so quite well and have become well adjusted, mature, stable young people by the end of their high school careers.

Most emerge as such, but certainly not all.

Such is the dilemma confronting many high schools: how do we go about providing differentiated instruction to a class where the students have gulfs in their maturity, confidence, skills, sense of responsibility and appropriateness. How may we determine between when someone is intentionally bullying or when someone truly has never been taught that such behavior is bad? Skill building and instructional content-area teaching cannot occur in an environment of discord. Yet these same schools often overlook that the very elements which make up this divergent population is also its strength. In a population where some teenagers look to peers for validation and others may be in search of role models for inspiration, the solution is plainly apparent. Under the right circumstances, our own students are the best untapped resource for curbing inappropriate behavior resulting in a positive learning environment. A prescription in how to achieve this follows.

### **Mediation**

Mediation revolves around the goal of identifying tensions, breaking down conflict and discovering a mutually beneficial resolution. Commonly called "peer-mediation"<sup>2</sup>, the process in a school setting involves students in the role of mediators guiding disputants, also students, through a prescribed process. In this student-centric approach, the adult is on the periphery, close enough to monitor and offer guidance if requested, yet not so close as to risk infringing upon the process itself. While several models exist, the philosophy underpinning this approach has proven successful.

### **How widespread are mediation programs?**

While the numbers have been increasing, student-led mediation programs in the nation's schools are surprisingly rare. In 2008, in preparation for a mediation conference we were hosting, my students telephoned every high school in Oregon to inquire whether or not they had a mediation program, and if so then who the coordinator was so we could make contact. We were trying to make a list of schools and opening up a line of communication, not assessing program quality or durability. Only 25 high schools in the entire state claimed any program. There are over 280 high schools in Oregon, which means only about nine percent had a peer-orientated conflict resolution program! This is a shocking number. Furthermore, when I emailed each of the contacts which their schools' front office provided us, only a small fraction emailed back, suggesting some of the programs may not be active. I noticed that of the schools which did have programs, about 40% had coordinators who were not employed at the school itself, a problem I will address later.

Some sources cite 5,000 mediation programs existing nationally in 1995 while others three times that number. The problem with such statistics is that there has been no systematic count of them or any verification of their effectiveness. In other words, just because a school says it has such a

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<sup>2</sup> I have a kneejerk reaction against the phrase "peer mediation". It is a boring, generic title which has little meaning aside from what individuals ascribe to it. Students respond well when they are treated with respect, which means that if you are recruiting them to join and become a leader in an organization then the program had better have a resume-friendly title which they can take pride in and proudly advocate on behalf of. My program is called "The Student Mediation Dispute Resolution Program". The title is professional, accurately reflects what we do, and emphasized the role of student, making clear that academics much not become secondary to anything.

program does not necessarily mean that it does. One southern Oregon high school, for instance, said they had a program called “Peer-Judging”, which they argued was mediation. Yet when pressed about their learning outcomes and activities, it became apparent this was more of a judicial arbitration program in which the student determines who in the dispute over property is right and who is wrong, and then renders a judicial-like verdict. It is as opposite from mediation as a program could be. So, by and large, such survey samples are dependent upon the knowledge of the front office staff in knowing the programs which were offered.

Furthermore, the aforementioned numbers do not call into account the impact of economic downturns, during which funding for such programs become vulnerable. Any statistics regarding the prevalence of mediation programs throughout the nation are out-of-date and the lack of definition offers a margin of error; they should be viewed with pause and trepidation. That said, statistics notwithstanding, there are some regions which have been visible. Areas on the central East Coast should be commended for their annual conference targeting high school mediators. Such support is pivotal, yet I see little evidence of it occurring elsewhere in as frequent nor accessible a manner.

School-based mediation programs continue to be few. This absence of any student-to-student process through which to resolve conflict is a problem in and of itself. It allows for a continued isolation and disenfranchisement of students. It minimizes leadership opportunities for them.<sup>3</sup>

### **The case for empowering youth in schools**

Teenagers possess a tremendous capacity for doing good, and most of them very much want to do so. For too long have they heard the seemingly constant drumbeat of how bad their schools are, and by extension the education they are receiving. They have been constantly reminded through a steady drumbeat of editorials of how disrespectful they, collectively as if a separate species from the rest of humanity, are. Education has long been a punching bag for politicians seeking to identify a populist message to resonate with their constituents, and such negative messages serve only to reinforce unfounded stereotypes. These allusions could not be farther from the truth. These students want someone to show faith in them, to support them, and to honor them. They are desperate for someone to recognize them for the responsible young adults they are today rather than viewing them through a lens as years younger than they really are, which is what many parents inadvertently do. This labeling of all teenagers due to the poor examples set forth by a very few only reinforces their disenfranchisement. Youth will often behave at the level of expectations confronting them. When society labels them delinquents, it becomes a self-fulfilling prophesy. When society treats them with respect, they often respond accordingly.

### **Mediation as a win-win for students, teachers, administrators and for education itself**

The most obvious benefit of mediation is the removal of disciplinary referrals from the docket of the administrative staff. While even our program does not achieve this statistic, I estimate that nearly 80% of referrals could be resolved through a mediation process, thereby alleviating the administration of that burden and allow them to focus their time on the really serious matters which may not be appropriate for mediation.

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<sup>3</sup> We need to differentiate between mediation and other school leadership groups. The leadership class commonly found in schools is orientated toward school unity and spirit activities, such as dances and assemblies, while Agricultural leadership does not have a presence within the school leadership structure although it does convey leadership qualities within its members. Even a system of Student Representatives or Advisor (Homeroom) Representatives is more about providing a mechanism by which students can advocate directly to the administration. By contrast, student-mediators are problem-solving, have access to privileged information under the auspices of confidentiality, and have a measurable discernible impact on the school climate.

We need to change our paradigm so mediation is not viewed as a student activity, but rather as an intentional administrator-endorsed solution. The process has potential to affect real and measurable change, not just for traditional mediation issues like gossip or fights, but also for rarer matters.

Imagine a situation where Doug has engaged in a fight and an administrator has to call his parents to inform them that he is being suspended for five days. The nature of this call automatically puts the parent on the defensive and the school official then becomes the focus of the parent's discontent. The disciplinary response becomes the concern which parents react emotionally to, more so than their son's own conduct does. Is the school overreacting? Did the school appropriately frontload behavioral expectations which he has broken and is being punished for? Did the school ignore rehabilitative disciplinary options in favor of a more extreme punishment route? Is the school's response disproportionately harsh? Being an administrator is not easy, and such calls to parents are unnecessarily confrontational. However, by channeling the youth through mediation the entire tenor of the discussion changes. Consider the tonal shift in "Sir, your son started a fight this afternoon. Once it was broken up, we provided an opportunity for him to resolve his dispute through our school's mediation process, which he chose to not participate in. It is important you know about the fight, and I'd like to speak to you about solutions, including our school's discipline response." Now the focus is on the youth, not only on his fight but also on his choice to not partake in a dispute resolution process. The conversation goes even better if he had. A good faith successful engagement in the process would allow the school administrator to express Doug's courage in making an effort to make things right in the wake of his fight, and could allow the administrator to cut the number of suspended days in half. Thus, the parent and administrator are allies rather than adversarial.

In March 2007 a student was expelled for making a series of poor choices. But our superintendent considered how far this student had come in recent years and felt a harsh response could break that forward momentum. He believed there was a more humane manner in which to preserve the necessary discipline while also making this a learning moment. He expelled the student, but held the expulsion in abeyance contingent on her developing an academic and attendance plan with the assistant principal and a mediation plan with me. Specifically, under the auspices of the mediation program she was to learn conflict identification and conflict resolution skills. She would participate in an intense multi-hour introductory training, and then continued with weekly or biweekly skills trainings through the program. In the eyes of all but a hand selected few Veteran student-mediators, whom I had authorization to inform of the arrangement so they could tailor their skill situations and convey the import of documenting her role there, she would appear no different than any other student who was joining the program for more traditional reasons. In June she, I, the assistant principal and the superintendent would meet, and if all proved successful then the superintendent was willing to drop the expulsion and she could return to the school the following fall without the threat of expulsion hanging over her head. This arrangement worked, the student upheld her end of the plan, and it became a positive learning experience for her. As she walked across the stage at graduation the following year, it was the assistant principal whom she asked to announce her name.

### **Statement of author's intent and qualifications**

While there have been few statistically-laden studies and only a handful of books written on this subject, these have not proven particularly user-friendly to the educators who are in the trenches of daily education, those who are working at striking a daily balance between interacting with 170 students, daily constructing five different lesson plans and responding to administrator mandates as well as providing frequent parent feedback and maintaining current grades.

The material available online largely falls into two camps: an effort to use statistics from the 1990s to quantify the effectiveness of peer-mediation programs, and articles which purport to say what broadly is necessary for a strong peer-mediation program. My concern with the former is that it is solely numbers based, relying upon outdated statistics and ignoring intangibles, and while the latter offers a general framework there nevertheless remains an absence of real-world examples, both in terms of conflicts and in any modeling of programs. We need to take this discourse out of the vocabulary of “edu-speak” and make it more accessible. Too long have we relied on those toward the end of those careers to create such programs, when in reality it is the youngest educators who have the energy and optimism necessary to infuse life into this. Educators can do well regardless of their experience, but I learned long ago that experienced teachers are tired; it’s not that they don’t want what is good for students, it’s just that they’ve done their part in advising students for many years and they’re ready to hand that uncompensated extra duty on to someone else. They’ve done their bit for king and country, and have received not accolades for their effort and commitment but rather naysayers belittling them and their profession in the media in recent years. It would be advantageous that everyone from a thirty year veteran of schools to an aspiring educator in their undergraduate studies would have available to them a reading which would provide a vision for precisely how a mediation program may fit within an educational setting. It is against that backdrop this writing is being composed.

I write this as a veteran educator. I am a graduate of Berkeley High School (California) and attended Southern Oregon University and the University of Iowa, earning a Bachelor’s degree from the former in political science. My Master’s degree and teaching credential through Lewis and Clark College (Oregon) was part of a journey which traveled through graduate coursework from the University of California at Berkeley, Norwich University (Vermont) and Southern Oregon University. I have been in schools continuously as a cross country and track coach since 1991, and also worked as classified staff for a year in the Ashland School District (Oregon). I have been coordinating the mediation program at Phoenix High School (Oregon) since 2000, when I created it. My observations and commentary in this work largely stem from first-hand experience.

I and my student-mediators have lead several presentations to professional audiences on this topic, and our sharing of material has benefitted by the in-person opportunity to expand upon and clarify the importance of them. However, as schools from afar contact us, the materials I share are consequentially not as supported due to any absence of elaboration. It is for that reason that this writing has been framed in a book format. The materials and ideas presented here will be strengthened by the ability to offer an appropriate context.

**This is complex. Here’s a preview of where this is going . . .**

This book is structured in a manner which is intended to offer the reader information helpful for the purpose of creating or strengthening one’s own program. Part II which follows will address matters related to the creation of a program, including offering an overarching organizational structure. This will illustrate vividly what the mediation process itself may look like. Part III offers commentary on the philosophy underlying the concept of mediation and focus upon skill trainings and assessment. The final section, Part IV, offers some words of caution, guidance and advice. Throughout this will be samples of forms which have proven effective.

## Part II

# Program Creation, Fundamentals and Structure

### *How does one create a program?*

In the spring of 2000, toward the end of my first year of teaching, I was approached by the assistant principal and asked if I would be interested in creating a peer-mediation program. I was intrigued. While there was no stipend involved, it was in the prospect of crafting the foundations of a potentially multi-year program to benefit students which was energizing. The prospects of what could be done with this were limitless. That summer I was heading up to Canada to visit friends and do some wilderness backpacking, so I packed a yellow legal pad and make it a brainstorming trip. As I meandered around the wilderness in British Columbia, my deliberations progressed, and what initially seemed to be a simple matter proved instead to reveal a complex web of considerations. It was approaching sunset at the beautiful Buntzen Lake when an important distinction crossed my mind: there was a difference between a club and a program; the former exists year-to-year pending the short-term interest of its participants and is therefore inherently unstable, while the latter is a discernible structure purposefully designed and is rooted in goals which would persist over the years. I had been so preoccupied by what a snapshot image of this might look like that I had not clearly considered what would be required systemically to make it happen. Suddenly, the simplicity of putting this together was eroded away by the reality that to do this right there multiple layers which needed to be consistent in theme and unified in purpose.

In the solitude of this wonderfully majestic nature setting the foundations of my eventual program came to light. I spent an hour scribbling notations and ideas to myself in no particular order, eventually filling dozens of pages in the legal pad. My thoughts kept returning to a few overarching questions: how could I make this relevant to the student-mediators? How can this program make a difference, and how may its affect be measured objectively? How might this be constructed in such a way as to be insulated from economic or school district-sourced turbulence?

While my note taking was put aside as my wilderness journey continued, my mind continued to explore the intricacies of an idealized structure. I knew what I wanted. Yet in the back of my mind was the thought that I might be reinventing the wheel. After all, there had been other good peer-mediation programs before, so why not investigate them? Why do all this work anew, when the eventual design may be stronger if it were informed by an existing programs experience? I contacted North Medford High School, which by reputation had the strongest program in southern Oregon throughout the nineties. I called them in the summer of 2000, only to learn their program had folded two years earlier. By virtue of two retirements and the layering of new duties on the sole remaining of their three program co-coordinators, the staff contacts ceased and, but the time of my call, no one could describe what the structure actually looked like. I contacted a high school in the California Sierra Nevada Mountains which had a solid reputation, but upon investigation I perceived lack of accountability on the mediators' part and a lack of trust by the staff. A local conflict resolution organization proved strong in providing some training's for a fee, but their suggestions of how to create a program were superficial at best. In other words, while these programs were tolerated at their schools, those models were not sufficient for the standards I sought for our high school.

It was at this point where I pulled out the ruffled, dirt-scared notes I had written two weeks earlier, sat down at The Beanery in Ashland over coffee and a bagel, and started to formally map this out.<sup>4</sup>

### ***Start with a mission statement, goal and philosophy***

At the foundation of any efforts to create a peer-mediation program must be both a vision of what the program will look like and a mission statement to validate its purpose. Having a program just for the sake of being able to say a school has one is a sad commentary upon its existence. Some schools create such clubs just for the sake of claiming they have it, so as to guard against any students who wish to transfer to neighboring districts for it. To have an appropriate philosophy in place would offer clarification which would guide any wayward clubs.

Similarly, to revolve a program around the goal of “To create a safe and nurturing environment” or “To empower student leadership” is both maddeningly vague, and indeed could be a goal applicable to many seemingly disparate programs, from Speech and Debate to Future Farmers of America. A statement akin to “The mission of the peer-mediation program is to guide disputants into resolving their own conflicts in a peaceful manner” is also problematic. It might fit well within the structure of a mission statement, but as a vision statement it is inadequate because all it does is offer a definition of mediation rather than a glimpse of what the program itself looks like. This is an important point: vision and mission statements should address the program rather than the process which occurs within its auspices.

A vision statement should be clear and concise. It should be viewed as a snapshot statement which all the staff knows were they to be asked by a guest of the school or a community member about the program. Below is the vision statement for the Phoenix High School program:

#### Vision for the program –

To saturate the high school campus with as many students as possible who have a background in conflict identification and dispute resolution skills, all the while maintaining a smaller highly-trained group of student-mediators who will actually handle the serious disputes in a controlled mediation atmosphere.

Note the power of this one sentence. It offers an image of what the program looks like on the surface, states the intent of offering skills to as many student as possible so as to saturate the campus, while concluding with the notion that only a select few will ascend into full-time mediator status. This one sentence says a tremendous amount, and it is offered in accessible language.

By contrast, a mission statement is necessarily more comprehensive than a vision statement. It should group into broad categories what the program’s goals are.

#### Mission Statement –

The mission of the Student-Mediation Dispute Resolution Program is to contribute to the transformation of our school into a safer, more culturally sensitive and effective institution. Through our efforts, we will strive . . .  
↳ To encourage young people to become initiative-taking leaders.

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<sup>4</sup> At its origins there was a vision for both a mediation program and an arbitration process within it. I established the mediation program first before turning my attention to developing the mechanisms necessary to make an arbitration process successful, but it never jelled conceptually in my mind nor in how its orientation of trainings would comfortably be compatible within the constructs of the mediation program. Given that it was not ready to be rolled out, and the lack of need for it within the first three years of the program, I abandoned pursuing this initiative.

- ↪ To help students and educators view conflict as an opportunity for personal and institutional growth.
- ↪ To teach students the skills to resolve conflict non-violently and collaboratively.
- ↪ To mediate challenging conflicts at the request of a concerned party.
- ↪ To disseminate an approach to problem solving that values diversity and respects differences of opinion.
- ↪ To provide students with knowledge, experience and the materials necessary to integrate collaborative conflict resolution processes into their personal lives and future endeavors.<sup>5</sup>

Some of these goals are intangibles; that is, they would be difficult to quantify through statistical data whether or not they are being met. Such is the case with creating “initiative-taking leaders” and in encouraging “conflict as an opportunity for personal and institutional growth.” Educators are not disquieted by the prospect of recognizing such intangibles, as we see them all the time in our classrooms.

In 2008 a junior named Rachel joined the program with her friends. While her colleagues were outspoken and social extroverts, Rachel had not yet discovered her own voice. The mediation programs forced her out of her comfort zone. She had to engage with students unfamiliar to her. She had to assert herself at times when thought it was against her nature. Every time she went into a practice or real mediation, she knew it was the dispute setting she would be responsible for in spite for fearing conflict herself. I brought her to a conference as part of a panel and, by her own admission “I wanted to curl up under the table” rather than answer the questions posed by the many suits and ties in the audience. Yet she did it. This incredibly shy, reserved and quiet individual by her senior year was able to give a ten minute speech with poise and confidence. That same year another junior, Dillion, also joined the program. By contrast to Rachel, he was well spoken and confident in his academics, yet he lacked social experience and felt he had no friends. His journey parallels that just mentioned, and he found himself. He discovered a voice of advocacy and pride, and a confidence which had previously been elusive to him. How to statistics go about measuring such an interpersonal impact?

Conversely, other goals may be supported with verifiable data. This includes detailed statistics of each mediation, the frequency of skill trainings offered and the attendance at each, and even correlating participation in the program with the frequency of administrative referrals and suspensions over time.

I see no inconsistency in having a mission statement which involves both the program coordinators judgment and statistical data. In fact, I believe these two approaches complement one another.

***Build a structure for a program before setting it loose.***

Having a program ready to go from day one is infinitely more successful than making it up as the year progresses. I have seen several false-starts in the development of local programs. Back in the mid-2000s North Medford High School took two approaches. First, as her Senior Project a student arranged for the training of a dozen students in mediation<sup>6</sup>. Mediation Works, a local

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<sup>5</sup> Appreciation is extended to School Mediation Associates of Massachusetts, who prior to 2002 granted me approval to adapt their mission statement to fit our program goals.

<sup>6</sup> Among the graduation requirements in the state of Oregon, students must complete a Senior Project. While specifics vary from district to district, in short it is a project in which students develop expertise and cumulates in an eight minute professional presentation to community members.

nonprofit, took the lead in the trainings, and several of our Phoenix student-mediators assisted. Their students were prepared to mediate. However, no staff member at North Medford emerged in any capacity other than advisor. There was no one to channel disputes to them, nor to orchestrate future trainings or unify the group together. Three consecutive students took this on as their project, yet over those three years there was no primary staff contact. Consequentially they never received any mediations and made no discernible impact on their school in spite of their courageous efforts. This was a missed opportunity. Four years later a teacher at the school – whose Eagle Scout son was once one of my students – emailed me about starting a program. She has a sense of what the program would look like from referral to agreement, but I pointed out that this process itself was only one piece in the puzzle. How would she recruit students? How would she guarantee qualification to mediate? How would she get staff buy-in? What legal report-out topics would she insist upon? Ultimately, as she was counting on district funding to facilitate the trainings, how could she create a program which would survive a potential loss of funding? In the turbulent world of education funding, this is not a rhetorical question.

### ***What a program looks like should honor the uniqueness of each school***

Every high school culture is unique, and we make a mistake by taking a successful program from one school and applying it to another without consideration for the differences. There is no one-size-fits-all model. Even if two schools are demographically and statistically similar in every way, certainly the personalities and commitments of those involved may be different.

Some schools like to see discipline matters remain within the purview of the administration leadership, while there was a middle school in southern Oregon which was so hands-off that for a half decade it relied on an off-campus parent volunteer to come to campus once a week to set up any pending mediations. There are schools which have only one or two trainings a year, and those like mine which offer several dozen. There are schools which channel the program through its leadership class and others which are more assessable and open to everyone.

What that caveat, let me say that my program is successful. However, it is not the only successful program out there. There are numerous models in which to contemplate and reflect upon. Please do not interpret my pride in my program to imply that it is the only way to be successful at this. Certainly, not unlike coaching an athletic team, there are many paths to successful results. Five distance coaches may have completely different approaches toward coaching – from high miles to low, from uptempo emphasis to endurance runs – yet fundamentally athletes for all five groups will improve significantly regardless of which plan they are on. Such as it is with mediation. Existing programs should be seen solely as models to consider. However, it is possible to honor each school and picking and choosing what from one program might be worth integrating into another. The program at Phoenix High School is an original creation uninfluenced structurally by any others, and it has remained largely unchanged since its inception.

The following will address the structure of the program.

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

First, a dispute manifests itself in some aspect of our student's lives. The causes could be varied, and indeed we have received referrals from everyone imaginable over the years. We once even received a referral-by-email from a California high school counselor, expressing concern of one of their students about a friend at our school who himself had expressed worrisome things on Facebook. While we do have a formal referral form which is often filled out, at a minimum all I need is the name of the disputants.

With this, I assign a pair of student-mediators and hand them a prepared file folder. In this folder are two recommended mediation scripts; a synopsis form; a resolution agreement; a form to record the time, date and participants involved in a mediation, and; an appropriate number of Bullying/Harassment Clarification forms. If time allows from my classes, I have been granted limited Administrative access to our schools computer system so that I may locate the schedules of disputants, thereby relieving the burden of the attendance office from having to do so. In the absence of this the mediators pull the disputants schedules from the attendance office. They also take the key to the mediation room.

The mediations happen during class time. There is no alternative. While the program coordinator controls which student-mediators are involved and may therefore avoid certain classes, such as Advanced Placement courses, the fact of the dispute holds that such discrimination of which class to interrupt does not apply to the disputants. Mediators then have several strategies in which to consider as they embark upon the mediation. Most often they start with a caucus, wherein they speak directly with only one of the disputants. If a student is the referrer, then we start with them. If a staff member is the referrer, then we briefly speak with that person to learn about their perception of the situation before moving on to the students. The importance of beginning with the referrer is so that the mediators have the most information possible before bringing in a potential aggressor. In the absence of either of those two considerations, then they will start by caucusing with the perceived victim. The mediation process itself involves three overarching parts: setting the ground rules; gathering different points of views and background on the situation, and; discovering interests and needs in the process of formulating a mutually agreeable resolution.

The student-mediators will put a disputant out of class. The teacher has every right to indicate that this is not a good time, at which they will try curing another class during the day. They are discrete, quietly asking the teacher for permission rather than making a loud announcement of their intention and purpose. To the casual observer, they appear no different than the many students who may deliver notes on behalf of the office during the day, save that one may have the file folder with them. Furthermore, this is a voluntary process. The disputant has every right not to participate. They are told this the moment the student leaves the classroom, and it is reiterated again prior to and within the mediation room.

There is a script which is used for trainings and is available as a guide for student-mediators to follow, although most chose to adlib in response to the ebb and flow of the mediation. However, there are certain themes which have to be expressed in the opening. It is made clear the mediation process is here to assist the students in resolving their dispute without getting the high school staff involved. They are not there to take sides or to solve the problem for the disputants. While the student-mediators will debrief with the referring staff member, they may not recommend discipline. Successful good faith participation in mediation may minimize, reduce or eliminate any potential discipline at the administrative level, at the administrator's discretion. This alone is usually enough to keep the student in the room and participating.

They also address the topic of confidentiality at length. It is remarkable how students have differing views of that this word means. All recognize it means the students can not share the discourse from the mediation room with anyone else, yet when pressed we learn that some students feel it would be ok to share the events with their best friend or girlfriend. Due to this, there is a need to define and clarify confidentiality. The mediators do not explicitly mention the role of confidentiality in relation to their parents or guardians, hoping to leave the implication that the confidentiality rules extend to them as well. However, if asked, mediators will never tell

a disputant to keep anything from their parents. Confidentiality does not extend to one's guardian. Also in the opening the student-mediators establish that they are required to report out to the appropriate staff anything said which represents a danger to the student or others.

The mediators strive to get an affirmative response to the following questions: Are you willing to make a good-faith effort to solve this? Are you willing to tell the truth? Are you willing to listen to the other person without interrupting? Will you be respectful? Will you maintain confidentiality? Hesitation on the part of anyone to agree to these will prompt a discussion as to why. If the disputants are not willing to accept the mediation program's assistance in resolving the matter, this will be handed back to administration. This always brings any hesitant students into compliance with the ground rules. It is at this point where the mediation actually begins.

The second step in the mediation room is to determine precisely what was going on. It is important that the questions posed are largely open-ended. These are information gathering inquiries, and it is advisable for mediators to occasionally scribble down notes for future reference. Examples of appropriate questions are:

- ☞ Tell us what happened when...?
- ☞ How did you feel about it?
- ☞ Has this happened before? When? Under what circumstances?
- ☞ How long have you known one another?
- ☞ How long has there been tension? From what source or events?
- ☞ Have you expressed how you felt about this?
- ☞ What intervention by staff or friends or even attempts at self-advocacy has occurred? What were the results?
- ☞ Can you see where the other person is coming from?
- ☞ Were you friends before the event? For how long?
- ☞ Will you please clarify?
- ☞ Tell me more about...
- ☞ I'm curious about...
- ☞ What do you mean when you say "She doesn't like me."?
- ☞ How do you know that?
- ☞ What else do you really need?
- ☞ What would you like out of this process?
- ☞ How long have you felt poorly toward one another? Why?
- ☞ Do we need to bring anyone else into this mediation?
- ☞ What would you like to see changed?
- ☞ How could you have handled this differently?
- ☞ The other disputant mentioned something, how do you feel about this?
- ☞ How do you think this other person feels about your actions or inactions?
- ☞ I'm hearing two different things. Can you please clarify...?

These may yield results regardless of whether it is with one or two disputants. Each answer should yield not just information, but also may prompt a few additional clarifying questions. The ultimate goal is to gain information and, when appropriate, bring the pair together.

However, this is not always as easy as it seems. To get an disputant to open up it may be necessary to nod one's head in response, maintain eye contact, and validate their initial few words by repeating it in their own words to be sure they were properly understood. Should two disputants be in the same room and reluctant to speak to one another, strive to have them communicate through the mediators. Once this is established, it is not difficult to shift their focus from the mediator to the other disputant. If there are interruptions from the other disputant, then a simple reminder of the procedures and agreement may do. Utilizing a caucus procedure

may be done at any time too. If necessary, transitioning to this may be made comfortably with a statement not unlike: “It’s getting a bit tense here. Let’s do something. We’d like to speak with each of you separately, and then we’ll bring you back together and continue.” In this stage it is worth recognizing the importance of word choice in what the disputants say, thereby allowing through follow up questions the ability to investigate the meaning underpinning why certain words were chosen. Question methods akin to free association, wherein a questioner builds in a little extra silent time thereby allowing the answerer to fill the void of silence with their own words, Socratic Dialogue and open ended questions all serve a useful purpose in this stage. The goal here is to seek out the root cause of the tension, which might predate the actual precipitating event the mediators know about.

The third major step in the mediation room involves devising a mutually agreed upon solution, one which is durable and solves the problem rather than simply bandaging over it. An agreement “We agree to give each other a wide berth in the hallways” or “We agree to not speak to one another” are not workable solutions. Avoidance is not a sustainable objective and does not revolve anything. The goal should be to increase an understanding of what brought this matter into dispute and to identify the underlying needs of the disputants. With this knowledge honestly expressed, isolating a resolution is not an insurmountable task. Developing a working resolution necessarily involves two approaches: one in which the student-mediators offer non-negotiable components, such as maintaining confidentiality, and the other which reflects the disputants brainstorming and which is a reflection of the specific situation. The following line of questions provides a sampling of what may be used to pursue this agenda:

- ↪ Help us understand why . . . is important.
- ↪ What are your options of how to solve this? Let’s brainstorm some possibilities.
- ↪ Ideally, what would you like to see happen?
- ↪ What would help to make this situation better?
- ↪ How may we prevent this situation from repeating?
- ↪ How can we prevent gossip from increasing the tensions?
- ↪ How can we resolve this issue so that you are content?
- ↪ What are you each willing to do?
- ↪ Can you suggest any solutions?
- ↪ Why do you think this solution will work?

Once a list of possible solutions has been brainstormed, it becomes necessary to identify the most successful potential one and then troubleshoot to make sure it indeed will work. Disputants need to be asked which idea they like. This advantages and disadvantages then need to be explored such as whether it is fair, does it prevent a continuation of the issue, is it workable and, ultimately, would the disputants be content with it? Bring the disputants together not just allows them to potentially find a resolution in a collaborative manner but also serves to honor the concept of restorative justice, wherein an aggressor has an opportunity to apologize to the victim. This repairing of harm may be a powerful experience in the mediation setting.

With the disputants in the room the student-mediators fill out the resolution agreement, which all sign. It is after escorting these students back to the room when the mediators fill out the remainder of the paperwork. These papers have several purposes. One documents the situation as revealed through mediation and the other the agreement reached to dissuade tensions. These are particularly helpful should a disputant find themselves a repeat visitor to our mediation program. We can pull the four or five file folders which relate to this person and then look to see if there are any patterns, which may inform future mediations involving that person. For instance, if a disputant has a history of betraying confidentiality or is a compulsive liar, that is good information for a mediator to have entering a mediation. The form which records the time,

date and participation in mediation is to document who was where when, in case there are any attendance questions at a later date. None of these forms take long to fill out, and all are important to accountability of the mediators.

From this, the student-mediators give both the program coordinator and the referrer a debrief of the mediation. To the program coordinator, a detailed briefing is given. To the referrer, the main message is that the mediation has been completed and the parties agreed to a solution. To prevent anyone using this program as an excuse to miss class, teachers have been instructed to mark as absent any student who is not in class, even if they claim to have been in mediation, and the program coordinator will mark as excused all students who were actually absent for mediation reasons.

### ***What to consider when assigning mediators***

Considerations governing precisely who to assign to mediation touch on themes of gender, grade, personality, and whether or not they know the disputants. In the first years of the program I placed undue weight on these questions, only to reach the conclusion that it was not always relevant. I will briefly share a few thoughts.

When the program was first created my intention was to avoid having the mediators known to the disputants. However, this quickly proved implausible. In a relatively small school of 800 students, it was impractical to wait for strangers to be in the mediation. Even in a large school, certain personalities would be known better than others. While there is benefit for the mediators and disputants being unfamiliar with one another, there also is benefit to a loose familiarity, although certainly not a friendship between the pairings. If a mediator knows a disputant in ways stronger than just having had a class together in the past, they are to point this out early in the process and ask the disputants if they are comfortable with them there. Similarly, I have found that mediations involving freshman and sophomore boys tend to go well if the mediators are junior or senior girls. Mediations involving athletes do well if one of the mediators is involved in an athletic activity. Understandably, Hispanic disputants who may have up to grade level English vocabulary benefit by having at least one Spanish fluent mediator, as the disputant may be more comfortable expressing themselves in their native language. Mediators who have a bilingual or bicultural edge are sadly underrated in their effectiveness. These skills have proven immensely beneficial.

As in the classroom, student-mediators emerge with certain areas of specialties, areas in which they truly have excelled at and demonstrated an ability to connect. Nic and Sarah were brilliant in tackling matters of bullying, Keanon was particularly strong in areas involving athletes, Annie showed an unusual ability in seeing through and breaking down gossip, Chelsea in matters of trauma psychology, and Kaleb in understanding when it was appropriate to become more heavy handed in response to a disputants passive-aggressive behavior, just to name a few. One day we received a call from Crater High School. In their after-school program a fifteen year old student had arrived a month earlier fleeing gang violence in southern California. All was fine with her behavior and academic progress until a sixteen year old transfer arrived, for the same reasons and from the same area. While not active gang members themselves, in Los Angeles they had associated with friends of rival gangs, and upon their arrival their conditioned response prompted tension. Crater High School did not have a mediation program, yet nothing at that time warranted administrative punishment. They contacted Mediation Works, who realized their white middle-aged mediators may have difficulty connecting with these young minority students on such a topic. Mediation Works, in turn, contacted I, asking who my best student-mediator was in terms of gang-related topics. I immediately knew that was Rebecca. Rebecca and a representative from Mediation Works tackled this situation jointly, bringing lasting harmony

after just an hour in mediation. Just as students have excelled in areas like math, history or writing in the classroom, so too do they have the capacity to become more than proficient in certain topics of dispute resolution.

Selective pairing of mediators by grade or gender may occasionally have its place, but I have found it to be less important that their demonstrated abilities.

### ***The post-mediation debrief***

The debriefing of mediation is a characteristic unique to the Phoenix High School program yet which has proven highly important to every other aspect of the program. It is vital that the school staff sees movement on their referrals. All too often teachers refer someone for disciplinary response, only to hear nothing more of it. At many schools there is a real question as to whether there has been any discipline follow through whatsoever. The debrief offered to the referring teacher serves multiple purposes. First, it tells them the mediation was completed in a timely fashion and it informs them of the resolution. Since they were the ones who witnessed the problem initially, they are likely to notice if the behavior continues. Second, it allows them to see the poise of the student-mediators, and perhaps recalculate their own assessment of what these young people are capable of dealing with in a mature manner. Third, the debrief forced the student-mediator to speak to staff as equals, and in so doing many students discover a voice of confidence they did not realize they had. Taken holistically, this debrief requirement not just informs but rather serves to further the reputation of the program among the staff, thereby increasing the likelihood of future referrals.

Furthermore, we must not forget that these young people do not have the life experience as staff. We are entrusting them and have confidence in their maturity, yet still need to be watchful about whether they need protection. The value of the debrief is that it also protects the young person, in so much as it encompasses any legal reporting-out matters.

### ***Establish reporting-out criteria***

If done right, school mediation programs may be viewed as quasi-professional in orientation. We are training young adults to take on the role of student-mediator, empowering them with responsibility and placing a tremendous weight on their shoulders. It is the weight of maturity, leadership and placing them as observers to disputes. What I would feel horrible about is if a disputant reveals self-injury tendencies and the mediator feels compelled to maintain that confidentiality, thereby bringing home on their shoulders the weight of their conscience. This is an avoidable burden. To mitigate this concern, and concurrently to address any liability considerations, I extend my mandatory-reporter requirements to them, except that I also broaden the definition.

I require as mandatory report-out topics anything which represents a threat to a student's self or to others. This includes, but it not limited to, drugs and drug distribution, drinking, harassment and bullying, the passing out game, disordered eating, suicidal impulses, self-injury, victimization, any inappropriate behavior or conduct involving minors and adults, depression and depressive tendencies, and abuse of any nature.

Should any of these aforementioned topics emerge, supplemental to me, I require the mediators to also debrief with the Student Resource Officer. Some may require legal follow through, while with others we want to get documented in the computer so as to facilitate the opportunity to chart possible patterns over time is warranted by future situations with the student.

### **Intertwine the program into your disciplinary structure**

Any mediation program should be written into the disciplinary structure of the school. This institutionalization equates to a district endorsement of the program and, as such, essentially offers validation as offering an avenue through which to resolve conflict. Precisely how schools do this varies. One district has a parent-student handbook which lists mediation under the category of “Support for Student Safety.” Another school has a formal “Six Levels of Discipline,” in which mediation appears as an intervention which may occur at any of the six stages. Mediation may also be listed as part of a district-wide improvement plan in materials submitted to a state department of education. In all cases, the program is documented as an intervention resource which administrators and staff may lean on to help facilitate a peaceful resolution to conflict. Regardless of how it is framed in the literature, it must actually be utilized in the manner intended. Having it listed just for the sake of doing so is not appropriate.

It is important the administration supports the program. At some schools administrators respond to a break in confidentiality with detention. At Phoenix High School a student who participates in mediation in good faith and which yields results may find their school punishment reduced. A five day suspension is reduced to two, or an after school detention is vacated. This support accentuates the role of mediation as a valued part of a school’s intervention strategy.

### **Establish ethical conduct and behavioral expectations for mediators**

As we’re dealing with young people it must be remembered that several may never before have been in positions of authority or trust and therefore may not know how to handle it. They want to do well and go to lengths to not disappoint authority figures whom they respect, but at the same time they are for the first time learning how to balance their ascent from being just another student to their knowledge that they’ve joined a leadership role who has open-door access to administrators and is privy to confidential information with each mediation. Youth do not just acquire confidence; there is a short, steep learning curve which involves judgment. Even as mediators, they too will need to have ethical ground rules clarified. They will need to know what is expected of their behavior.

The ethical expectations for all student-mediators:

1. Student-Mediators will support confidentiality at all times.
2. Student-Mediators will ensure that all disputants are informed about the mediators’ role and the nature of the mediation process, and that all disputants understand the terms of the agreement.
3. Student-Mediators will protect and honor the voluntary participation of each disputant.
4. Student-Mediators will conduct the mediation process impartially (ie, they may not show favoritism).
5. Student-Mediators will thoroughly report out to the Program Coordinator anything which hints of a threat to the disputant or to others.
6. Student-Mediators will refrain from offering advice of any sort, even if requested by a disputant to do so.
7. Student-Mediators must recognize the range of their skills, and should withdraw if they do not feel they can maintain their professional objective duties on that particular dispute matter. Recusal from a particular mediation is not a weakness.
8. Student-Mediators will not intentionally use the mediation process to avoid their own or any disputants’ academic obligations.
9. Student-Mediators will not in any way make efforts to coerce or manipulate disputants.
10. Student-Mediators will not in any way misrepresent the discussion or content of a mediation in their written documentation and/or debrief with staff members and/or other Veteran Student-Mediators.

Similarly, it becomes wise to clarify what would get the mediator in trouble. Clearly breaking any of the above ethical guidelines would jeopardize their status within the program, such as the betrayal of confidentiality. Yet I find as an educator that these students must be held to a high standard, because they are role models in the school engaged voluntarily in a program which is of vital importance and high visibility. If a mediator demonstrates a pattern of tardy attendance or excessive absences then I will relegate them to the inactive list until they prove they can take care of their academic responsibilities.

Furthermore, I refer to these mediators as “student-mediators”. There is a reason why the word “Student” is placed first. It is because education must not be second to anything, and this is a message which I strive to convey at the heart of my program. In doing mediation I will be pulling students out of class, often with little or no notice. Obviously students may recuse themselves from a mediation if they feel they can not miss a particular period. I also go to lengths not to interrupt particularly challenging classes, such as the Advanced Placement program, math or foreign languages. Regardless of which class is interrupted, I mandate that for any class a mediator will be missing they must be maintaining at least a B- grade. If they have a grade lower than a B-, then I will select another student to do the mediation during that time or postpone the mediation to a different period. It is important to emphasize to the students that they can operate within this professional structure and make a positive ripple of change in the disputants they work with concurrently with maintaining high academic standards for themselves.

Here is the process streamlined in a single-page visual.

*Revised December 2007, Phoenix High School, Oregon*

## Mediation Process Overview

A dispute manifests itself affecting our students

\*Staff Referral – Administrator, Counselor, Campus Officer, Teachers, Staff, Coach, Custodians, Librarians, etc.

\*Student Referral – Current student, former student (expressing concern about a current student)

\*Concerned Person Referral – Parent/guardian referral, off-site student (concern about one of our students)

The referral form is given/emailed to the Mediation Program Coordinator



The Program Coordinator retrieves a pre-prepared file folder, the mediation room keys, and assigned a pair of Student-Mediators.



(If necessary) the Student-Mediators will brief with the referring teacher before proceeding



The Student-Mediators will pull the Disputants from class, bring them to the mediation room, and conduct the mediation



Mediation can take on a variety of combinations of disputants; the most common is a 2-person mediation or a 1-person caucus.



If there is any threat, then the Disputants are to report the incident to Administration and police (if appropriate) immediately.



With the conclusion of the mediation, the Student-Mediators will escort the disputants back to their respective classrooms.



The Student-Mediators return to the referrer and verbally debrief the mediation with them, emphasizing the contractual agreement the Disputants signed.

The Mediation Program Coordinator will also receive a debrief of the mediation.



The Mediation Program Coordinator will excuse all mediation-related absences through the Phoenix High School attendance office (teachers are instructed to mark as 'Unexcused Absence' all students not in class due to mediation) and will update all mediation-related statistics within the program structure



Within two weeks, the Student-Mediators will casually do a follow up with the disputants in a caucus format to checkup on how things have been going since the contract was agreed to.

The Program Coordinator will also send out a written (optional) evaluation to disputants

This is the form we use to refer a situation to mediation.

## Referral-to-Mediation Form



### **Instructions:**

*Please fill out this form as thoroughly and completely as possible.*

*It is ok if some of the information is unknown; at a very least we need to be given some of the names of the people involved or information about how to find them if you don't know their names. This form will be given to a team of trained Student-Mediators. They may ask to speak with you just to get clarifying information before getting started.*

*\*Se Puede conseguir este documento en Espanol si lo necesita*

Name of referrer (your name): \_\_\_\_\_ Date: \_\_\_\_\_

You are a (check best box) . . .  Student  Staff / Administrator  
 Student / filling form out for a friend  Staff / Teacher or Instructional Aide  
 Student / in the Mediation program  Staff / SRO or related position  
 Student / Veteran Student-Mediator  Staff / other

*Your identity as the referring person will remain confidential! The people you list below will not know of your involvement in referring this situation to us.*

Please give us the names of any students/staff involved in this conflict.

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_  
4) \_\_\_\_\_ 5) \_\_\_\_\_ 6) \_\_\_\_\_

Can you offer us an idea as to what the conflict is about?

(It's ok if you can't, but any information will be helpful to us.)

- |   |  |
|---|--|
| <input type="checkbox"/> Gossip / spreading rumors      | <input type="checkbox"/> Peer-pressure                   |
| <input type="checkbox"/> Fighting / challenges to fight | <input type="checkbox"/> Gang issues                     |
| <input type="checkbox"/> Harassment / Stalking          | <input type="checkbox"/> Theft                           |
| <input type="checkbox"/> Bullying / Racism              | <input type="checkbox"/> Issue involving online activity |
| <input type="checkbox"/> Rude treatment of people       | <input type="checkbox"/> Other/More...(identify on back) |
| <input type="checkbox"/> Relationship issues            |  |

To your knowledge, about how long have these people has issues?

- |                                     |                                       |
|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> 1-3 days   | <input type="checkbox"/> 2-4 weeks    |
| <input type="checkbox"/> 3-7 days   | <input type="checkbox"/> Over 1 month |
| <input type="checkbox"/> 1-2 weeks  | <input type="checkbox"/> For year     |
| <input type="checkbox"/> Don't know |                                       |

Yes  No Should this be an immediate intervention?

Yes  No Do any of the Disputants know they are being referred to Mediation?

***Deliver this Referral Form to Mr.Cornet in Room North-207,  
or give it to the front office to deliver to Mr.Cornet***

*Thank you for referring this matter to us. We're on it.*

Revised December 2009, Phoenix High School, Oregon

This form is used to document the situation which led to mediation.

# CONFIDENTIAL



Date: \_\_\_\_\_

Student Mediators: \_\_\_\_\_

Disputants (please list): 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_  
4) \_\_\_\_\_ 5) \_\_\_\_\_ 6) \_\_\_\_\_

## **Issue Synopsis / Summary –**

It is important we document the details of the situation/conflict which brought about this mediation. Be as detailed as possible, and be sure to include your names and an accurate sequence of events which transpired. Strive to clarify between who did what and who the followers were, if any.

Use the back of this form if you need additional space for your writing. This is to be completed by Veteran Student-Mediators only after returning the Disputants to their classes.

*\*Se Puede conseguir este documento en Espanol si lo necesita*

This is a sample of the Resolution Agreement we employ.

# CONFIDENTIAL



Date: \_\_\_\_\_

Student Mediators: \_\_\_\_\_

## Resolution Agreement –

It is important we reach a common understanding as to what the differing sides in the dispute promise to do in order to avoid a return of the tensions which warranted the mediation in the first place.

Remember, an agreement is not “We agree to give each other wide berth in the hallways.” Avoidance is not a sustainable resolution. Please check the appropriate box, and then write out any additional agreements the disputants consented to. *(There should be more here than just checked boxes and signatures)*

This is a contract, no different than a person’s good-faith honorable word. If someone verbally agrees but refuses to sign, then the Mediators should indicate this in their summary. Use the back of this form if you need additional space for your writing. This is to be completed by Veteran Student-Mediators only after returning the Disputants to their classes. *\*Se Puede conseguir este documento en Espanol si lo necesita*

- I have reviewed the ‘Bullying and Harassment Form’ and understand which behaviors are ‘actionable’ under it.
- I agree to discourage my friends from speaking poorly about anyone mentioned in this mediation.
- I agree to not use technology as a platform to express poorly about anyone, nor to spread rumors.
- If I believe something which troubles me is happening, I agree to discuss it with that other person first, either on my own or through the Mediation program, before reacting.
- I understand that this agreement is not intended to suddenly make us best friends; only to ensure we treat one another civilly and with dignity and respect.
- I agree to maintain confidentiality regarding this mediation. I understand I may share with others that mediation occurred and what the agreement was, but that the specific details of the issues and what was expressed may not be shared with any other student or recent alumni, at Phoenix High School or elsewhere.
- I agree to not escalate/increase the tensions of any situation involving people in this mediation.
- I agree with the handwritten resolutions on this form AND its reverse, which were agreed upon by me to both resolve this specific conflict and to prevent another from emerging in the future between I and others in this mediation.

*By signing the space below, the Disputants indicate that they have in good faith agreed to the terms of this contract. Failure to uphold the terms will result in an additional mediation and possible referral-out to administration, which retains the option of discipline if confidentiality or other terms of this agreement were violated.*

Disputant A (signature) _____	(please print) _____
Disputant B (signature) _____	(please print) _____
Disputant C (signature) _____	(please print) _____
Disputant D (signature) _____	(please print) _____
Disputant E (signature) _____	(please print) _____

This is an example of the document we use to verify who was where, when and on what day.

## ***Record of a Mediation Session***



**Instructions:** Please fill out this form as thoroughly and completely as possible.

This form is to provide a record of the frequency and length of mediation sessions. It is a way to document not just the mediations, but also provide for accountability by addressing the time when Student-Mediators and Disputants are out of their assigned classes. This is a redundancy to the records Mr. Cornet also hand-writes on the file folders.

Should there be any discrepancy about students' attendance, and mediation is cited as the excuse as to why a student was absent, then we will refer back to this record.

*\*Se Puede conseguir este documento en Espanol si lo necesita*

Student-Mediators who were present: \_\_\_\_\_

Disputants (please list): 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_  
4) \_\_\_\_\_ 5) \_\_\_\_\_ 6) \_\_\_\_\_

	EFFORT 1	EFFORT 2	EFFORT 3	EFFORT 4	EFFORT 5	EFFORT 6	EFFORT 7
Date:	_____	_____	_____	_____	_____	_____	_____
Time/Period:	_____	_____	_____	_____	_____	_____	_____
Number of Caucuses:	_____	_____	_____	_____	_____	_____	_____
Number of Mediations:	_____	_____	_____	_____	_____	_____	_____
Disputants (initials):	_____	_____	_____	_____	_____	_____	_____
Mediators (initials):	_____	_____	_____	_____	_____	_____	_____

If not all Mediators and Disputants were in all sessions, indicate clearly with initials in the lower two lines.

- Check if this mediation involved topics which are required reporting to authorities.  
→ If so, to whom was the refer-out given? \_\_\_\_\_ When? \_\_\_\_\_
- Check once the debrief to the referrer was completed.

This document is passed along to the one-time disputants roughly two weeks after the mediation, in an effort to gauge feedback about their experiences.

# CONFIDENTIAL



Student-Mediators	Date of Mediation	Disputants Involved	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*Hello,  
Some time ago you participated in mediation with those listed above. As part of an assessment of this programs' worth and effectiveness, we randomly invite participants from mediation to offer an evaluation of the process. Would you please take a few moments to answer the following questions, and then return this to the Program Coordinator's classroom (rm.North-207) or to the Program Coordinator's teacher box in the main office. Please be as honest and direct as you are comfortable putting on paper. Only the Program Coordinator will be seeing these. Your time is appreciated. Thank you.*

*\*Se Puede conseguir este documento en Espanol si lo necesita.*

1. Were you comfortable with the mediation format and/or the setting? Why or why not?
2. Did the Student-Mediators behave objectively and professionally?
3. Were the Student-Mediators fair, or did they appear to take sides?
4. Did you feel the Student-Mediators were helpful in facilitating a dialogue between yourself and the person with whom you had a dispute?

*For additional comments or concerns you'd like to pass along to the Program Coordinator about Student-Mediators specifically or the mediation process in general, please write on the back of this paper. Thank you.*

## Part III

# Philosophy, Methodology and Resources for Training Students in Conflict Resolution

### **Statement of philosophy as it relates to skill training of students**

Mediation students are sitting down with disputants and striving to bring about a peaceful, amenable resolution to their conflict. At most schools they are doing this without an adult in the room to oversee their process, which may give pause to many administrators who doubt in the maturity of their students. Perhaps most worrisome to the Program Coordinator, these students often have little or no understanding of the nature of the dispute until they get into the mediation room itself. As such, the strength of their preparations becomes incalculably important.

Were students prepared to address solely the minute matters associated with gossip or senior-to-freshman hazing, then we are doing them a disservice in their preparations. I am a firm believer that if we prepare our students for the most serious of topics, then they will be prepared to handle anything. We need to treat them like the young adults that they are and expose them to the topics they may come across in their friends in college, rather than confining them to skills which we perceive (often incorrectly) to be high school issues. When a serious issues emerges, at the very least, they will be able to control the room until an appropriate time at which to refer out the matter to professionals. Even if the mediation referral implies the source of tension relates to gossip or relationships, one can never predict when the topic of self-injury or depression may be introduced into the discourse. On average, the program at Phoenix High School (Oregon) has three admissions of suicidal thoughts each year. This should not be a surprise in a nation where suicide is the fourth leading cause of death among youth aged 10-14, and the third leading cause in those aged 15-24<sup>7</sup>. How can we be assured of how our students will handle this unless we give them the skills in what to ask, how to respond and what do?

One morning in the fall of 2004 a mediation referral came across my desk. It was a student referral and named three other students among the disputants. The description of the conflict was limited to “people need to stop saying things behind other peoples backs.” All four girls were freshmen and on the surface this appeared to be a simple matter of needing to stem a tide of gossip months into the school year. It was a perfect introduction, I thought, for a pair of young mediators. I assigned it to Chelsea and Daniela. Chelsea was a freshman who had proven a real aptitude for psychology, was the victim of a horrific traumatic event in her past and for whom this was only her third real mediation, while Daniela was engaging in her first real mediation. Prim and proper, a varsity swimmer, she had traveled overseas yet by virtue of her courses she has been largely sheltered from the more juvenile segments of the schools population. Normally a rookie would be paired with an experienced mediator early on, but this seemed like an easy mediation for these relative novices to feel more comfortable with the process.

An astonishing two hours later the girls came back, wide eye looks of bewilderment prominent in their expressions. This seemingly simplistic referral opened up a web of issues, many of which were legal report-out matters under the rules of our program. All four disputants were foster youth brought together within the past year. They told stories of violating city curfews, driving without permits, cruising to nearby Medford to try to pick up fuel station attendants, driving to

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<sup>7</sup> Center for Disease Control [http://www.cdc.gov/mmwr/preview/mmwrhtml/ss6013a1.htm?s\\_cid=ss6013a1\\_e](http://www.cdc.gov/mmwr/preview/mmwrhtml/ss6013a1.htm?s_cid=ss6013a1_e)

Ashland to get marijuana, masturbation, and underage drinking. On numerous occasions Chelsea tried to pause the discourse, to remind the girls that she has an obligation to report any situation discussed which may harm the girls. Nodding in the affirmative, they continued unabashed and without reservation, as through the mediators were part of their circle. Their friendship, while rooted in the commonality of their foster home situation, was shallow and lacked any mutual interests. Their conversations were based on shared experiences and, consequently, shared complaints about one another. When Daniela asked what they spoke of when not reflecting upon a previous evening's adventure, the discourse fell silent. To suggest they lacked social skills would be an understatement. Initially Chelsea and Daniela thought the girls may have been putting on a show, but persistent questioning proved otherwise.

Were Chelsea and Daniela's preparations limited to the topic of gossip, the situation in the mediation room would have taken on an uncontrolled life of its own. Rather, since they had an intellectual grasp of how to address those broader real-world issues, they could respond accordingly while repressing their shock until the process was concluded.

Four years earlier we had another situation which further illustrated the need for such real-life issues. A junior reported that his sophomore girlfriend Paulina was depressed. She and Jared were in a psychologically co-dependent relationship. With his referral of concern, Kim and Kacey intercepted her upon arrival at the school for a conversation. The signs of depression were vivid, and they quickly worried whether Paulina was suicidal.

"Have you ever thought about harming yourself?"

"Yes", Paulina says solemnly, breaking eye contact from the mediators.

"Have you ever tried to harm yourself?"

"Yes"

"Have you ever thought of suicide?"

"Yes." It was the answer they feared.

"What was the most recent time?"

"This morning, about forty minutes ago." And she slowly pulled up her left sleeve to reveal a hastily applied bloodied bandage.

Note how the girls approached this. They did not jump into "Have you ever tried to kill yourself", because had the answer been "No" then Paulina may have shut down her participation, thereby denying the girls a chance to assess any difference between thought and action. Rather, they proceeded with information gathering questions. Visualize this as an upside-down triangle. By starting with broader questions it allowed them to assess her background and narrow the questions in response to each affirmative. Suicidal individuals want help, and feel that their expressions of help have been ignored. Asking the question does not put the idea in a teenagers mind. Kim and Kacey understood this. They then went a step further.

Recognizing the injury was caused by a knife, Kacey asked "Do you have anything sharp with you right now?"

"Yes", Paulina quietly stammered as she regained eye contact.

"May I see what it is?"

Paulina pulled out a Swiss Army knife from her purse.

"May I hold onto that knife as we speak?" Kim inquired gently.

"Why?"

"This knife is yours and will be yours, and we're here with you on this journey. You're not alone anymore. But given what you just shared I'd feel better if you were not holding the knife right now."

Hesitating to give up the knife, Kim followed up “You know, let’s put the knife on that table over there, so you can see it and know where it is, but not think of it when we’re speaking. Neither you nor we will hold it; it’ll just be over there for the time being”

With this exchange the mediators first and foremost strove to make the mediation room a safe environment for them and for Paulina. They recognized she was still in a suicidal state of mind and needed to disarm her; yet they also understood that the knife was like a security blanket at this time, so it has to be done gently. They put on their best poker faces, understanding that the last thing suicidal people want is to be a burden on others. The girls controlled the room with their poise, hoping their confident demeanor will help to raise Paulina from this unstable state. Brilliantly, Kim removed her sweater and subtly placed it on the adjacent table, thereby blocking the line of sight between Paulina and her knife. They repeated the theme: you’re not alone anymore; people have been down this road before and emerged well, and we’re here with you on this journey. They were careful to avoid the word “Help”, as it can be interpreted differently by different people. Making an excuse that she needed to tell the attendance office to excuse their first period absences, Kacey briefly excused herself and went straight to the crisis counselor to explain all which had happened. She said they will try to get Paulina to voluntarily come with them to the counselor, but if they’re not there in ten minutes then the counselor should come to them. They spent the balance of the time with Paulina, and convinced this hesitant young person to voluntarily go to the counselor with them under the pretext of expressing concern for an unnamed mutual friend who was expressing suicidal thoughts and seeking information about resources. Our counselor is really good, and once she was in his office he knew what to ask to get her to open up to her. As Kim came to give me the debrief before returning to her English Composition class, Kasey remained with Paulina for the next half hour as support until it was decided she should be transported to the hospital for treatment and observation.

Contrast this against the possibility of them not having any training in this matter. When Paulina came in depressed, they could have decided that they could do nothing for her (as no discernible conflict with another person was present) and sent her on her way, becoming – in her eyes – the most recent in a long line of those who have ignored and disregarded her pain. Therefore, the depth, scope and variety of skill trainings offered to students must be comprehensive.

### **Criteria for becoming a mediator**

Precisely who is elevated into the status of mediator should not be a nonchalant decision. There is a tremendous amount riding on their ability to conduct themselves in a manner consistent with what you want your program to be known for. The program is only as good as the results it creates, and those results are largely on the shoulders of your mediators as they operate within the confines of the program structure you establish.

I have witnessed several different models of how students are brought into the program and how they are elevated into mediator status. I disagree with many of them.

The now-defunct Talent Middle School program asked all their students in the second week of school to list three friends whom they felt comfortable approaching and speaking with. Once those lists were consolidated, a group of twenty four students from grades six, seven and eight were invited to start mediation training which was provided by an outside agency twice a year. This was the only opportunity to join the program. Anyone else who wanted to become a mediation was unable to participant, which served to only alienate those willing students, many of whom became so disenfranchised that they resisted joining the high school program out of spite of their middle school experience. Furthermore, it was with only those two aforementioned

skill trainings when the selected group of students was considered ready to mediate. This isolated out young people who would otherwise have been excited at joining the program. Their inability to be voted in gave it a feel of a popularity contest, and usually all but the popular feel comfortable with that approach. The minimal trainings and lack of administrative support were inhibiting factors in this program, which collapsed under the pressure of staff reassignments and dwindling funding in 2008.<sup>8</sup>

Liberty High School offered mediation training to their leadership students, the captains of their athletic teams, and presidents of their school clubs. It was an elite group, as only the leaders received training, yet it did successfully extend the reach of dispute resolution skills into every corner of the school organizations. Their failing, as I see it, was in the few hours necessary for training and the lack of an open-door policy. There was a feeling of exclusivity to it. Consequentially, many of their mediators joined for the resume building aspect of the activity rather than out of a genuine desire to affect positive change.

Our program took a different approach entirely, and in explaining it I will need to introduce the vocabulary we utilize. First, every student at the school is invited to join the program at any time during the school year and the trainings are open to everyone, even those who have been disputants before. All they have to do is attend. Each training is referred to as a “Level”. So, if a student has attended seven skill trainings then they have accumulated seven Levels. A sign-in sheet documents their attendance, and I maintain that information in a spreadsheet over the course of their high school careers. Understanding that students participate in other activities and cannot make every training session, I have made them optional-but-encouraged. Students attend when they can. The goal here is to engage as many students as possible in a welcoming and relevant atmosphere, training as many as possible in conflict identification and dispute resolution skills. From the moment they join the program with their first training, they are considered “Intermediate Mediators” (mediators-in-training). A “Veteran Student-Mediator” is the designation for the full time mediator. Once the Intermediate Mediators surpass about 300 minutes of training experiences, the Veteran’s will start to lead them through practice mediations. These allow not just realistic role play opportunities, but also gives a chance for the Veteran to step out of character as necessary to offer guidance to the people they are training. There is a skills chart they may use to reinforce what is going well and what needs work. In order to become a Veteran Student-Mediator, the following criteria must be achieved:

- ↳ 1000 minutes training (16 hours, 40 minutes); Level V expertize; four practice mediations
- ↳ 900 minutes training (15 hours); Level VI expertize; five practice mediations
- ↳ 800 minutes training (13 hours, 20 minutes); Level VII expertize; six practice mediations

Of the opportunities to engage in skills trainings, there are four which are required to be among the Levels in order to be eligible to be elevated to Veteran status: Basic Mediation Training Workshop, the Program Overview Seminar, Cultural Considerations, and Confidentiality and Legal Considerations Seminar. This is the minimum criteria, and once achieved the first several mediations they are assigned to will be paired with their most experienced colleagues in the program.

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<sup>8</sup> Talent Middle School feeds into my high school program. Not infrequently had I approached a student about joining the Phoenix High School program only to be told that they were harboring ill-will after having been shut out of the middle school one. Once I convince them to join I have them sold on our program after only a training or two, and they regretted not having joined earlier. But the damage was done. Do not assume that the existence of a middle school program necessarily benefits the high school one. Those kids who came out of the middle school program were good, but several times that number were disenfranchised.

Note what is happening here. We have a hierarchy<sup>9</sup> in which there are both Intermediate and Veteran Student-Mediators, the former which are mediators-in-training with the latter being a smaller more highly trained group who are the full time mediators. This deters a student from joining who would then disengage once they have listed it on their resume. It also guarantees the highest skills in the Veterans, who are thoroughly invested due to the effort they put in to achieving this status and responsibility. They take pride in being able to do something which few others, statistically speaking, had the will to achieve. Most importantly, the Veteran Student Mediators take an active role in teaching their skills to the younger students. They have taken ownership of the program, and that investment has led to a pride which continues over the years.

With this having been established, I should offer a caveat. One should not attempt to start a program with the high qualification of training criteria I have offered here. My students have considerable time – indeed, four years if necessary – in which it meet these requirements. If a student joins with our first offered training in the second week of school in September, the quickest they could meet the qualifications of a Veteran is by Thanksgiving. This assumes they were to attend every available training opportunity. This is not realistic for most. Indeed, most students who have seriously embraced this have taken half a school year to get there. Having a system in place ready to be effective on the first day of school is not compatible with having no student-mediators ready to mediate before February!

My criteria at present are rather steep. This is because I can afford it to be, as I have a steady and quality Veteran presence in place to take care of things as they concurrently mentor those working to join their ranks. When the program first started, the criterion to become a full time mediator was half of what it is now. This made it accessible for the students to proceed through without jeopardizing the integrity of the program. I always knew the present standards were my target to take effect in year four of the program, and in the first year those numbers were cut in half. By design, years two and three witnessed incremental increases in the qualification criteria.

That said, just because a program is established does not mean a failsafe alternative training is unnecessary. On year my 26 Veterans Student-Mediators from the prior year were depleted by ten graduations and two transfers. The day a time-sensitive mediation was referred happened to coincide with a AP Environmental Science fieldtrip to Crater Lake (this involved nine Veterans), and the others had examinations in their classes or, in two cases, were ill and not at school. The mediation referral stems from a fight and involved themes of grouping tendencies and gossip. It needed to be addressed promptly, yet the scarcity of Veterans was a hindrance. In such rare cases, having an expedited process in which to channel selected students through a program is wise.

I look to see who has accumulated the most training time and experiences. This offers a glimpse of who may be intrinsically invested in the program philosophy already, although I do not restrict myself to this single criterion. If there is a student I know whom my instinct tells me may be particularly good, even if they have expressed interested but have not yet started the training for the program, I may put them on the shortlist for consideration. Once I have a group of three to five, there is an intense program they go through over two weeks. I will meet with them during lunch to bring them through the required trainings, and during their nonscheduled classes they meet with our more experienced Veterans, who will both guide them through practice mediations and share their own stories from the mediation rooms. As real mediations emerge, this select group will, in small numbers accompany the Veterans in an observational capacity. This allows

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<sup>9</sup> There were originally three stages of this hierarchy: Probationary, Intermediate and Veteran. I dropped the Probationary, which was intended to represent someone who had less than one hundred minutes of training, in order to simplify things.

them to see the inner workings of a real mediation, see the theory and trainings put into practice, and watch for nonverbal cues in disputants. They may participate in the questioning if they chose, but are not expected to at that point. It is real-life hands-on immersion and intensity. This realism is the key to this processes success. Those who were already half way through the program at the time of entering the expedited track will be full-time Veterans within ten days, while those with less of a foundation will be elevated in three weeks.

Contrasting the two criteria's for becoming a full-time mediator, the strengths of both are readily apparent. The inherent danger in taking the expedited route and utilizing it often is that if it is too easy - -in terms of time commitment – to become a full time mediator, the quality of the mediator and their investment in the program will become suspect. Those who join the program with the sole intent of enhancing their resume are weeded out by the time necessary in order to meet the traditional standards. This concern is negated in the expedited route, as those students are invited to engage in it, and therefore the Program Coordinator has a sense of who these future mediators are.

TRADITIONAL ROUTE TO VETERANHOOD IN THE PHOENIX HIGH SCHOOL PROGRAM	
<p><u>Requirement:</u> Meet one of the following:</p> <ul style="list-style-type: none"> <li>↳ 1000 minutes training (16 hours, 40 minutes); Level V expertize*; four practice mediations</li> <li>↳ 900 minutes training (15 hours); Level VI expertize*; five practice mediations</li> <li>↳ 800 minutes training (13 hours, 20 minutes); Level VII expertize*; six practice mediations</li> </ul> <p>*of the Levels, these four trainings are required:</p> <ol style="list-style-type: none"> <li>1. Basic Mediation Training</li> <li>2. Program Overview Seminar</li> <li>3. Confidentiality and Legal Considerations</li> <li>4. Cultural Considerations</li> </ol>	<p><u>Strength:</u> Students have to put in time, and in the process they show commitment to the program; when they become Veterans they are completely invested and care about the program's present and future. They preserve the integrity of the program</p> <p><u>Concern/Potential Weakness:</u> Given how long it takes to become a full-time Veteran, some potentially really good mediators do not have the patience and may disengage from the trainings.</p>
EXPEDITED ROUTE TO VETERANHOOD IN THE PHOENIX HIGH SCHOOL PROGRAM	
<p><u>Requirement:</u> Intense two-to-three week immersion in which students . . .</p> <ol style="list-style-type: none"> <li>1. Attended daily lunch training sessions <ul style="list-style-type: none"> <li>↳ These will address the required Levels (above) and 4 more</li> </ul> </li> <li>2. Sit-in on real mediations as an observer</li> <li>3. Meet with every experienced Veteran on campus to hear their stories and learn of strategies</li> <li>4. Practice mediations and specific skills trainings at every opportunity</li> </ol>	<p><u>Strength:</u> The immersion is intense and purposeful. Well-trained and prepared mediators are created in a short period of time. Understanding the rarity of this process, the new mediators honor and preserve the integrity of the program.</p> <p><u>Concern/Potential Weakness:</u> When choosing whom to invite into this expedited process, be able to quantify why whom to avoid suggestion of favoritism.</p>

Given this contrast between the two approaches, the benefits of the traditional path far outweigh the risk which would accompany any program wide application of the alternative. While the expedited route would produce highly prepared and competent mediators in a short period of time, the Program Coordinators unfamiliarity with them due to this rapid succession could prove problematic. The expedited process is reserved solely for the rare times when it is deemed necessary for the health and longevity of the program.

## **Community-based training agencies and resources<sup>10</sup>**

Before addressing school-based programs, let's first make clear that there are many community based programs which may be available to assist in teaching necessary skills to students and staff. In Oregon, there are several community-based non-profit organizations, including but not limited to Mediation Works (Medford, Oregon), Central Oregon Mediation (Bend, Oregon) and Community Mediation Services (Eugene, Oregon). These organizations are staffed by professionals and volunteers schooled in conflict resolution, and their purpose is to offer their services to enhance harmony in school and workplace settings. The Oregon Mediation Association likewise is a clearinghouse of names and organizations of talented peoples. Southern Oregon University, Western Oregon University and the University of Oregon have acclaimed conflict resolution degree-granting programs. Furthermore, a quick glance of online organizations reveals some which offer a wealth of school-setting ideas, such as School Mediation Associates (Massachusetts).

Additionally, there may be conferences which would be appropriate to bring your students to. Our program hosted a day-long Phoenix Mediation Conference, at which I and my Student-Mediators taught up to sixteen different training topics (divided into four sessions), interspersed with half-hour practice mediation sessions guided by experienced mediators.<sup>11</sup> Furthermore, in Portland a nonprofit organization called Resolutions Northwest hosts their annual Oregon Peacemakers Conference for students from Oregon and Washington. I share these up front simply to stress that – in your own communities and states – you may have numerous resources to scrutinize as you consider how to obtain useful skills training. Look to local established high school programs; to your universities and community colleges, as well as to the professors and students within those programs; to professional organizations within your state, and; to online sources. Some are guidance is free and others may have a cost attached, but undoubtedly numerous resources exist.

That having been said, please allow me to use the rest of this chapter to explain the skill training regimen done within our program at Phoenix High School (Oregon).

## **School-based training programs**

An indispensably important part of this program is making available enough workshops and seminars throughout the academic year which enable the Student-Mediators to accumulate a wide variety of skills and knowledge. Use of the word “Workshop” denotes that the training will contain focused opportunities to practice mediation on the topic at hand, while “Seminar” tends to be a more academic sharing of applicable subject related material and will contained limited or no mediation practice. The idea is to provide both hands-on practices at mediation concurrently with putting in the back of their mind several topics which may be recalled should the situation warrant it. The program at our school is built upon the idea that we need students trained for real world issues so that they are prepared for anything lesser which they are confronted with. Indeed, it is in this focus which keeps the students engaged and excited about what they learn. They appreciate being treated as young adults. With two exceptions, all our skill trainings are conducted during lunch sessions.

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<sup>10</sup> My mention of these organizations is not a commentary on their effectiveness nor their cost accessibility. Rather, they are ones I am remotely familiar with. Indeed, Mediation Works is the organization of the above I know the best – and they are quite good – and the Southern Oregon University program in 2011 was headed by John Lange, a former professor of mine who is exceptional at conflict resolution and negotiation; the other groups I know largely due to reputation.

<sup>11</sup> In spite of overwhelming positive feedback and demand, the tightening of school budgets as the recession took hold caused districts to hesitate before committing to the costs of transportation and substitutes, so it was sadly a short-lived experiment.

When considered holistically, the content of these trainings serve to empower the Student-Mediator to succeed in their conflict resolution duties. The more training opportunities they engage in, the better prepared they will be. Some of these workshops and seminars are tailored to the formal structured mediation process, others to specific skills and techniques to address underlying tensions, construct resolution agreements, and so on.

1. **Basic Mediation Training Workshop** – This is a three hour long workshop which addresses the foundations of precisely how to do mediation, from start to finish. This includes the opening statement setting ground rules, asking pertinent information gathering questions, discerning the difference between a mediation and a caucus and when to use the latter strategically, and how to guide disputants toward a resolution. It also address the importance of why and how we document the mediation.
2. **Confidentiality and Legal Considerations** – This is a forty minute seminar which seeks to define and explore the concept of confidentiality, examining Oregon state law and addressing the gray areas in maintaining confidentiality when dealing with disputants in the high school setting. The emphasis is upon the importance of thoroughly understanding the concept, and in how to check for understanding of confidentiality in the disputants. The training also survey's the legal report-out issues, caution against entrapment, and specify what may be shared with staff in the post-mediation debrief.
3. **Program Overview Seminar** – In this thirty minute session we review the structure of the program and how it fits within the overall workings of our high school, emphasizing what participants need to do in order to become Veteran Student-Mediators.
4. **Cultural Considerations** – The process of mediation is a western creation, and as such it is important to recognize that the traditional approach may not be best for everyone. This ninety minute training is devoted to cross-cultural awareness and strategies designed to bridge any related issues brought to mediation. It identifies the major areas involved in conflict – language, expectations, assumptions, biases and prejudice, and values – and delves into exploring the meaning of culture, subcultures, tradition, and ethnocentrism. The training offers tips for communicating with non-native speakers of English and the need to recognize our own biases.
5. **Psychological Prompts for Conflict Seminar** – This is a two hour session in which we examine the psychological foundations and manifestation of conflict issues, and concentrate on developing an understanding of how to identify such underlying causes of conflict. We address defense mechanisms, including but not limited to denial, displacement, repression, reaction formation, rationalization, paranoia and dissociation. Students are exposed to the psychological basis for fear, neurosis, histrionic traits, bipolar tendencies, compulsive traits, obsessive traits, oppositional defiant characteristics and narcissistic traits. The training further addresses the roots of depression and anger, issues of jealousy, grooming patterns, groupthink and conforming tendencies, emotionality, learned behaviors, classical conditioning, and self-injury. Importantly, the manifestation and purpose of boundaries, the impact of boundary violations are addressed, as too are the characteristics of emotional dependency and co-dependency.
6. **Sociological Prompts for Conflict Seminar** – This is a ninety minute seminar in which participants examine the sociological influences upon the manifestation and continuation of conflict issues, and concentrate on developing an understanding of how to identify

such underlying causes of conflict. The training addresses perspective, particularly in how people interpret things differently; the theory of Emil Durkheim; prejudice and racism; peer-pressure; cultural stratification; stereotypes, grouping tendencies and labeling; authority issues; victimization; failure to recognize or accept responsibility; socialization; conflict theory, as framed by Carl Marx and Max Weber; socialization of gender roles through media, and; discusses the discrepancy between conflict and consensus.

7. The Clearness Committee Workshop – This is a process modeled after educational theorist Parker Palmer’s initiative, in which for nearly four hours participants utilize a saturation of clarifying questions, observation of non-verbal behavior and reflections to aid an individual in discovering new levels of truths in their perspectives. It is in the piercing, open-ended questions and mirroring back to the focus person where the value of this activity is most seen.
8. Athletic Teams Disputes Workshop – This is an eighty minute workshop designed to explore the nature and manifestations of disputes surrounding high school athletic teams. Dispute scenarios used in practice are exclusively those which emerge in athletic teams and related extracurricular sports clubs.
9. Gender in Conflict Resolution Workshop – This forty minute training specifically explores a gender-based approach toward dispute causes and resolution perspectives.
10. Preventing and Mediating School-Based Harassment Workshop – The title says it all. This is a two hour educational seminar and workshop which explores the manifestations of harassment, identifying the extent of hostility, what may distinguish harassment from flirtation, boundary violations, stalking behaviors, and other elements pertaining to such silent issues. Source materials originate largely from the Northwest Regional Educational Laboratory, police harassment documents, relevant films and newspaper clippings.
11. Gangs in Conflict Resolution – This forty minute training examines the root formation of gangs, chart its prevalence in area schools, explores manners by which to identify suspected gang members and focuses on mediation room strategies.
12. Suicide Intervention – This forty minute training seeks to prepare Student-Mediators with the skills necessary to handle any suicidal themes which may emerge over the course of mediation. Participants should walk away from the training capable of handling two situations: what to do if they are face-to-face with a suicidal person, and what to do if they were to receive a call from a suicidal person.
13. Situation-Specific Conflict Topics – In this forty minute training we explore the prior situation-specific situations which have emerged over the years, reviewing strategies previous Veterans have chosen while extrapolating additional considerations. Further hypothetical situations will be offered for further skill building. This training seeks to delineate the difference between preemptive, preventative and responsive resolution tactics.
14. Bystander Intervention Workshop – This three hour workshop is divided into thirds: the first is academically orientated, the second involves gender specific groupings, and the third returns to coed practices. It is geared toward identifying degrees of harassment

and other aggressive tendencies, isolating gender-specific concerns, patterns of bystander inaction and options for defending those who are in need.

15. Transitioning from Middle-to-High School Issues Seminar – This forty minute seminar shares with students the basic information we receive in a mediation referral and then reveals what the real issue turned out to be and how the mediators approached handling it. We use real situations from the first three years of the program as our examples in this seminar.
16. The In-Crowd and Social Cruelty Training – This seventy minute training is an exploration of the characteristics, tendencies and psychological dynamics which affect acceptance, status hierarchy, bullying and intimidation, social clicks, stereotypes, exclusion and popularity, as well as the manner by which people assume such roles and how they respond to acceptance or exclusion, and bystander intervention. Film clips from an ABC News special is utilized.
17. Specific Skills Set / Active Listening – A thirty minute training geared toward emphasizing specific skills. They include listening for underlying issues, recognizing how specific word choices shape the meaning and tone of an issue, and reflect perspective.
18. Specific Skills Set / Refereeing the Discourse – A thirty minute training geared toward managing and controlling difficult conversations.
19. Grief and Loss Seminar – A forty minute training which explores the manifestation of grief, stages for coping and appropriate active listening in situational contexts, along with professional resources and coping strategies. There is an emphasis upon how to maintain the Student-Mediators role as neutral participants while not engaging in counseling-like behavior. (This training was inspired by the 2010 murder of Chelsea King of Poway High School in California).
20. Perception and Thinness Seminar – This forty minute training addressed how to respond and what to listen for when speaking to someone who is suspected to have bulimia, anorexia or compulsive exercise. It will address the psychological and sociological issues which underpin such health concerns.
21. Practice Mediation Workshops – Veteran Student-Mediators will pull some Intermediate mediators into the mediation conference room, and teach them the skills and strategies inherent in the mediation process. This could look like anything from reviewing the basic mediation script to having the Veterans pretend to be disputants, and offering a critique to the Intermediates as the practice continues. Each lasts about twenty to thirty minutes.
22. Specific classes – Phoenix High School has offered semester long courses in Introduction to Psychology, Honors Psychology, Psychological Literature, and Sociology. Given the nature of their curriculum, they are considered preparatory within the structure of the program and there may earn the mediator a Level, although it is not counted toward the accumulation of minutes.

These aforementioned training opportunities offer a glimpse of the preparatory aspects of the program at Phoenix High School (Oregon). This may readily be replicated at other schools if a

program coordinator deems it an appropriate fit. It does not include several off-campus opportunities which are made available through Mediation Works and Southern Oregon University.

### **Choosing which referral topics to start with**

Student-Mediators in my program are typically prepared with skills which allow them to address a wide swathe of issues which may come across the mediation room table. We advertise to the staff a list of situations which we are ready to tackle. These include, but are not limited to, the following topics:

- ↻ Student relationship issues
- ↻ Friendship issues between students
- ↻ Student confrontations
- ↻ Personality conflicts
- ↻ Vocabulary as a source of tension
- ↻ Reinforcement of school rules
- ↻ Preventive intervention
- ↻ Athletic team issues
- ↻ Peer pressure
- ↻ Rumors and gossip
- ↻ Class (freshman, sophomore, etc.) conflict
- ↻ Communication and miscommunication
- ↻ Bullying and harassment
- ↻ Physical fighting
- ↻ Issues of prejudice, racism and sexism
- ↻ Academic concerns
- ↻ Behavior which demonstrates a lack of respect
- ↻ Outlining consequences for rules violations
- ↻ Extracurricular and co-curricular matters

While those are what we advertise, this certainly is not all the program has done. Following the 2008 establishment of a MySpace page which was intended to spread hurtful rumors, the mediators – who are more technologically savvy in social media than most of the staff – investigated at our principal’s request and identified both the authors of the content as well as victims, who attended Ashland, Phoenix and North Medford high schools. Every few years mediators have been asked to provide social interaction skill building to special needs students. This was always voluntary, but the mediators were willing. Most seriously, when some seniors were expelled months prior to their graduation in 2003, the district Superintendent chose to hold their expulsion in abeyance pending the students’ completion of certain obligations. One of those mandates what their participation in mediation. Upon successfully meeting all their requirements with good faith efforts and barring any repeat offence, the expulsion would be purged from their record and they would be allowed to walk at graduation with their class.

We did not start at this point; rather, we matured over the first several years of the program to this level. Programs whose goal is to start here may be overreaching. Ambition is good, but it is wise to build toward the vision you have rather than jumping in head first. In terms of precisely which topics you would encourage your staff to refer to mediation, be selective and start with just a few. I would recommend focusing on themes of gossip and rumors, relationships and friendships, class rivalry, and respect issues. This is a manageable starting point and promotes a singular purpose among the participants. Once they have mastered these, it becomes easier to build upon their areas of expertise and diversity their trainings, thereby broadening their abilities. They will amaze you with their capabilities and seriousness of purpose.

### **Be prepared to adlib situation-specific training topics as necessary**

As noted, most mediations have little or limited information available prior to assigning a pair of mediators to it. However, there are rare exceptions, exceptions which facilitate an opportunity to create a teachable moment for all.

In October 2003 a student overzealously advertised the emergence of a Gay-Straight Alliance. After school one day he put up 500 fliers announcing the group’s first meeting; keep in mind that the school population was only 800! In October 2005 a group of three prominent senior student-athletes were accused of harassing a fourth. In February the nationwide debate over the status of

immigrants in the United States was spilling over into neighboring schools, as anyone who was of Hispanic or Latino heritage fell under an umbrella of suspicion by a few. In November 2006 a mother had telephoned our principal. A co-dependent group of friends who had a history of rumor- and gossip-themed conflict were excitedly expecting one of them to give birth. She chose to have an abortion, and the girls' mother was calling to inform us that the other girls did not yet know and she feared her daughter may be ostracized by them. In December 2007 we noticed an unusually frequent appearance of certain girls in our referrals. Upon investigation, multiple freshman names emerged, coalescing around two distinct social groupings in rivalry with one another and a history which extends back to the fifth grade. In January 2008 a new math teacher who was hired a month into the school year was reporting repeated, seemingly unrelated discipline issues with a majority of students in his classes. In the fall of 2008, as the weeks drew closer to the Presidential election between John McCain and Barack Obama, dozens of students chose to wear clothing which was intended to elicit a partisan response.

All these aforementioned situations were not encompassed within the realm of any particularly training, yet advanced notice of them allows for preparatory strategy sessions. Such meetings were a program-wide emergency meeting at lunch of all Veteran Student-Mediators. It was important that everyone be briefed on the situation, as I did not know who would eventually be assigned the mediation. This also provided an opportunity for students to request not being assigned should the topic be uncomfortable for them, such as was the case for a few with the abortion referral. In these meetings the roughly two dozen of us circled the desks over our lunches and I explained all that was known. From that, a roundabout discussion commenced. We had two goals. First, to brainstorm all imaginable conflicts which may relate to the situation. For instance, in the December 2007 case, the mediators pondered if the disputants in one group defined themselves more by drama than by friendship, or if they perhaps defined themselves by the adversity they perceive they face. The possibilities of grouping tendencies, conformity, control issues, and even efforts to perpetuate an image of themselves as victims were speculated. The need to differentiate between normal, dependent or co-dependent friendships became a necessity. Similarly, as in the Gay-Straight Alliance referral, Student-Mediators anticipated the possibility of possible conflicts revolving around religious or ideological predisposition, labeling, a lack of understanding on precisely what the club was and how it would operate, and questions about fairness in relation of school rules.

Second, we sought to identify any mediation strategies which should be utilized supplemental to our usual tactics. The first ground rule established was a necessity to tightly control the discussion in a mediation. We agreed to not allow a key question to be posed. "Are you gay?" "What is your legal status?" "Why did you have an abortion?" We do not want to validate the question by allowing it to be answered. Certainly, these questions will distract from a peaceful resolution more than they will contribute to one. They are irrelevant to the matter of respect. One disputant treats the other with respect all year long, but then a conflict emerged when they come to question the others legal status, or gender orientation, or political views. What has changed in this equation? Why would someone's status in the United States matter in terms of daily interaction and courtesy? It is this angle we sought to take.

Utilize the caucus not just as a part of the process, but rather as purposeful strategy. With accusations of harassment we never bring the disputants together unless all parties agree and the mediators are convinced it would be a safe environment and something they can control. Likewise, it was agreed not to bring the girl who had had an abortion together with the other girls unless all agreed and we had an opportunity to caucus with each individually beforehand in order to set the stage for where the next step would go. When possible we sought to bring in existing Supreme Court legal precedent in order to emphasize that everything was operating within the

bounds of the law, rather than the arbitrarily following of a partisan agenda. Students have a legal right to form clubs so long as it is done in accordance with existing school rules. Schools are required to enforce anti-discrimination laws. This cushions the pursuant mediation. Additionally, there was a need to search for the unifying theme which may contribute to an eventual resolution. For the rival groups, continually touching upon the theme of responsibility and individual accountability may prove beneficial. For the political discord, a realization that political participation equates to patriotism is a powerful approach. As for the class wide mediation, that is just what we did. Identifying and grouping different students within the class in consultation with the teacher and a mediator who sat in on the class one morning, we engaged in eleven simultaneous mediations and caucus's designed to gather information and narrow down the roots of what was truly going on. This was the only class wide mediation commenced at the high school in the first dozen years of the program.

These emergency troubleshooting meetings have proved invaluable in collectively bringing all the Student-Mediators a step further in their abilities, and the problem solving nature of the meetings truly reveals their critical thinking strengths.

### **Making it up as you go along!**

As noted, once the mediators have a foundation in place, it is possible to expand upon the situations they are charged with addressing. Their repertoire of trainings, in conjunction with their own interests and life experiences could give them an advantage which adults do not enjoy when speaking to disputants.

In October 2011 a senior's new long board disappeared from the band room during a football game. It had a value of over \$250, money which Joe had raised himself through odd job. He looked everywhere before reporting the theft to our School Resource Officer. On the first day back to school following the December holidays he was walking down the hallway and came across Bryce carrying a worn beat-up board without wheels which looked familiar. Upon examining the board, Joe immediately recognized certain knicks which he himself had put into it in his early rides. Upon receiving the report, the School Resource Officer was frustrated by the lack of cooperation by Bryce and another name which emerged, Matt. Both are sophomores. Matt admitted only to "finding the board as is" on the side of the street some distance from the school and, "since I don't ride, I gave it to me friend Bryce." He did not have an answer as to why he did not turn it in to authorities or leave it where he claims to have found it. Bryce admits to having sanded down the board, scaring certain areas and removing the wheels, and even said "I sort of suspected it must have been stolen property." Curious, inconsistent and evasive answers littered the boys answers as the investigation progressed. Their parents backed their assertion of the events wholeheartedly, the school wanted to suspend them for theft and defacing of property, and Joe's parents – who really wanted things set right and demanded an apology – were reluctantly prepared to sue the families for damages. It was in this climate of recrimination and on the verge of serious consequences when the mediation program was asked to intervene by the School Resource Officer.

The officer wanted to provide an opportunity for the boys to take responsibility, to apologize, and to make amends by devising a plan to repair the board. There was no guarantee that the program could accomplish this, as it borders on arbitration which we strive to remain distanced from. However, any chance to elicit a positive solution is worth pursuing. Advocated by the officer, Joe's parents and the school administration agreed to delay initiating their disciplinary response for a day in order to let mediation run its course. It was hoped this could be a life-shaping lesson for the boys.

Mediators Courtney and Kaleb, both seniors, were brought in to intervene. Entrapment was not an issue here, as we were not soliciting any new information for the authorities. In a pre-mediation strategy session, it was decided that it would be advisable to honestly lay out all the possible repercussions which could be directed against the boys in order to illustrate the seriousness of theft and consequences of being in possession of inappropriately obtained property, yet also to note that good faith participation in the process could minimize, at least, the length of the school-imposed suspension. They could not speak for what Joe's parents would do on a legal level, but only say that his parents wanted the "right thing" done. We wanted to be realistic, to make sure the boys understood that they were walking a precipice and such behavior has repercussions.

The following day both students were absent. Their parents said they were "not feeling well." It was only a day after when we were able to get them. The mediators pursued caucusing first with Matt, and then with Bryce before speaking to them together and laying out consequences. It took time, but the import of the magnitude of their choices was made clear. Once established, Joe was brought in, apologies made, responsibility taken, and the matter turned to how to make this right. A conversation which started about limited monetary exchange evolved to an offer by Matt and Bryce to personally repair the board to Joe's specifications of a near-new condition, and under his and a parents supervision. Joe was ecstatic, and enthusiastically embraced the solution. This commitment of a hands-on face-to-face cooperative solution enforces accountability on the part of the boys, rather than the faceless non-confrontational nature of monetary offerings, was profound.

To conclude the story of Joe, Bryce and Matt, while Joe's father, step-mother and step-father all were in support of the agreement, it was only his mother who had reservations, as she defined reparations in a monetary sense. Yet a call from our Assistant Principal placated her.

### **Bullying and Harassment**

Bullying and harassment have been in the spotlight for over a decade. Recent tragedies have kept it on the front pages. In March 2010, fifteen year old Irish immigrant Phoebe Prince of South Hadley, Massachusetts, committed suicide following a six month period of being bullied by a group of nine teenagers. The November 2011 death of drum major Robert Champion of Florida Agricultural and Mechanical University shined a spotlight on the impact of when hazing becomes institutionalized, in this case within a specific program as a form of initiation. A month prior Ashlee Conner, a fifth grade honors student in Illinois, took her own life after having been bullied through electronic forms of communication. Countless other youth are victims of bullying throughout the nation. According to ABC News, 160,000 youth stay at home each day from school due to fear of being a victim. 160,000 is roughly the population of Santa Rosa (California), Dayton (Ohio) or Tallahassee (Florida). While the archaic mindset of bullying as a rite of passage or a natural byproduct of growing up or a reflection of parenting styles seems to be slowly dissipating, the reality is that this behavior does persist on the playground and in the classroom. We need to recognize this. Educators need to be assertive in confronting it.

Administrators are reluctant to refer a known harassment case to mediation for fear of liability. Admittedly, this view is not totally unfounded. Regardless of whether or not the mediators are successful in cementing a resolution agreement, the reality is that the school would have failed to apply firm discipline and, indeed, may be perceived as ignoring the issue, minimizing its importance by delegating it to students to address. However, with mediation as a major link in the chain – as opposed to the only link – for such serious matters, this could prove beneficial to all.

The challenge when a theme of bullying emerges in a mediation is precisely how to address it without sounding accusatory. They may choose to not participate, be it out of fear of having been caught or disdain of having been accused. But even if the student remains in the room, the threat of administrative discipline is a hollow one. There is often an absence of witnesses in such cases, and the victim is often hesitant to speak out for fear of intensifying themselves as the aggressors focus. Furthermore, even if a student admits engaging in certain behavior, he could hide behind the claim of not knowing what acceptable behavior was or not. In other words, claim ignorance and, by extension, innocence.

We have devised a manner in which to maneuver around these concerns. When a claim of bullying emerges, first the Student-Mediators know automatically that they will proceed only with caucus's. The only circumstances in which they will bring together both disputants is at the end, if both agree. It also is an automatic report out issue, so I and the School resource Officer will be receiving a post-mediation briefing. In the process of mediating each disputant, we make a point of reviewing the "Bullying/Harassment Clarification" form our program created. It clearly delineates examples of different forms of harassment, categorized as verbal aggression, racial and ideological, intimidation, emotional, use of electronics, physical aggression, sexual and written or drawn harassment. This is often an eye opened for students.

It is in how the Student-Mediators frame the document which avoids anything accusatory. To the presumed aggressor, they stress "you need to understand what behaviors are considered harassment. If anyone says you make them uncomfortable because you do any of these, that is harassment even if you have no intent to do so. We are sharing this to protect you." Similarly, to the presumed victim the mediators make clear that everything on the list is actionable. The moment the mediation is concluded, the mediators will debrief with the program coordinator, the on-campus officer and the administrators, and that if any of these things occur then the administrators and law can literally throw the book at the aggressor. They can no longer hide behind claims of ignorance.

In short, it is important a potential victim understands what behavior is actionable for the school, and for a potential aggressor which behaviors will not be tolerated

This is the form we use for all situations which may involve bullying or harassment.

Revised December 2007, Phoenix High School, Oregon

## Bullying/Harassment Clarification

1. Harassment often reflects the uncomfortable feelings of the target, and as such may be defined by the victim.
2. Harassment is defined by the appearance of the intention of the action; while one incident in and upon itself may or may not be actionable, often a pattern of such behavior may clearly illustrate bullying behavior.
3. Words and actions which threaten or incite are not considered protected speech under the 1<sup>st</sup> Amendment
  - ↳ (In 1969, the Supreme Court ruled that to suppress student speech on campus, a public school must show it aims to prevent "substantial disruption" in the classroom, which bullying/harassment certainly creates.)
4. Responding to harassment with harassment is not acceptable, and will be treated the same regardless of who initiated the harassment in the first place. *Mediators: emphasize personal responsibility and social justice*
5. There is a difference between implicit (implied) and explicit (clear) communication; both are viewed equally.
6. Punishment for those who engage in harassment:
  - ↳ All school-based discipline options are available, up to and including suspension and expulsion.
  - ↳ All non-school-based discipline options are available, including referral to the Police/Sheriff's Department.

Harassment includes, but is not limited to, the following examples of behavior

### Verbal Aggression as Harassment

- Name calling
- Mocking, teasing or using sharp sarcasm
- Intimidating telephone calls; threats
- Creating, spreading or encouraging rumors
- Remarks containing demeaning implications
- Making noise (whistling?) at someone
- Trying to 'get back at' someone through words

### Racial and Ideological Harassment

- Derogatory comments or nicknames about religious, political, racial or cultural differences
- Ethnic slurs; frequent insensitive commentary

### Intimidation as Harassment

- Publicly challenging others to do something they don't want to do.
- Playing dirty tricks; veiled threats
- Boundary violations
- Demanding money or other things
- Commanding/ordering someone

### Emotional Harassment

- Leering/staring at someone
- Setting someone up to look bad
- Excluding; tormenting; ridicule
- Hiding or taking someone's possessions
- Violation of boundary's
- Threatening gestures; intimidation

### Use of Electronics as Harassment

- Posting online mean spirited comments about anyone
- Posting online names/contact information; cyber-bullying
- Sabotage or intentionally configuring another's property
- Taking and/or posting online photos taken in locker rooms or of people in other compromising moments or positions
- Repeated, frequent text messaging to a target for the purpose of causing annoyance, agitation or distress.

### Physical Aggression as Harassment

- Pinching; slapping; pushing; kicking; spitting; punching
- Unwelcomed touching on any part of the body
- Throwing items (spitballs, paper) in someone's direction

### Sexual Harassment

- Touching any part of the body; brushing up against a body
- Dirty jokes or sexual language; repeated sexist behavior
- Unwanted, persistent flirting
- Showing sexually suggestive images
- Persistently inviting someone out on dates or to go steady when they've earlier declined.
- Spreading gossip regarding one's personal life
- Derogatory nicknames; making noise (whistling)

### Written/Drawn Harassment

- Spreading written accusations about someone
- Threatening or inappropriate notes or drawings/artwork
- Intentionally doing drawings which have subtle known hurtful meanings (swastika; noose)

This is the form which Veteran student-mediators review with the students they are teaching skills to within the program.

Revised December 2006, Phoenix High School, Oregon

## Practice Mediation Evaluation Checklist

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Instructions: Veteran Student-Mediators, when you are assisting in the training of Intermediate Student-Mediators through practice mediation scenarios, this Evaluation Checklist is available for you to identify strengths and weaknesses if the Intermediate Student-Mediators you are working with. This is to be used as a teaching tool to aide those inexperienced Student-Mediators.

### SCORING GUIDE FOR PRACTICE MEDIATION EVALUATION

- 5 – INSTINCTIVE; This person has shown natural abilities/gifts with these skills
- 4 – STRONG; Pretty well skilled, improvements will come mostly from additional experience
- 3 – OK/FAIR; Needs to smooth out the process; show's some 'sparks' of exceptional talent but appears to still have used somewhat unrefined mediation tactics
- 2 – SO-SO; Appears 'lost' at times. Responses to Disputants comments may be delayed. Might have difficulty responding to some situations/scenarios which will emerge. More training's needed.
- 1 – WEAK; Needs some serious mediation refresher training.
- N/A – Not applicable; No opportunity to demonstrate this in today's practice scenario.

### **Step One – Getting Started**

	MEDIATOR 'A'	'B'	
Student-Mediators get the Mediation file and examine the issue report/referral	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators brief with the referring person to gain more information	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators obtain the class schedule of the Disputants	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators confer and decide on the best approach to use from the outset	5-4-3-2-1	5-4-3-2-1	N/A

### **Step Two – The Mediation Process**

	MEDIATOR 'A'	'B'	
Introduce the Student-Mediators	5-4-3-2-1	5-4-3-2-1	N/A
Introduce the Disputants (if necessary)	5-4-3-2-1	5-4-3-2-1	N/A
Clearly state the ground rules and get a 'yes' to each	5-4-3-2-1	5-4-3-2-1	N/A
Emphasize the importance of confidentiality	5-4-3-2-1	5-4-3-2-1	N/A
Speak with authority, confidence and conviction	5-4-3-2-1	5-4-3-2-1	N/A
Did the Disputants both verbally agree to the ground rules?	5-4-3-2-1	5-4-3-2-1	N/A
Ask for Disputant A's story	5-4-3-2-1	5-4-3-2-1	N/A
Paraphrase/repeat the story of Disputant A	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators reflect/mirror back the feelings/thoughts/mood of Disputant A accurately?	5-4-3-2-1	5-4-3-2-1	N/A
Ask Disputant A to verify the restating/mirroring as accurate or not	5-4-3-2-1	5-4-3-2-1	N/A
Ask for Disputant B's story	5-4-3-2-1	5-4-3-2-1	N/A
Paraphrase/repeat the story of Disputant B	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators reflect/mirror back the feelings/thoughts/mood of Disputant B accurately?	5-4-3-2-1	5-4-3-2-1	N/A
Ask Disputant B to verify the restating/mirroring as accurate or not	5-4-3-2-1	5-4-3-2-1	N/A
Use open-ended questions to attain/gather information	5-4-3-2-1	5-4-3-2-1	N/A
Ask for Disputant A's story	5-4-3-2-1	5-4-3-2-1	N/A
Paraphrase/repeat the story of Disputant A	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators reflect/mirror back the feelings/thoughts/mood of Disputant A accurately?	5-4-3-2-1	5-4-3-2-1	N/A
Ask Disputant A to verify the restating/mirroring as accurate or not	5-4-3-2-1	5-4-3-2-1	N/A
Encourage the Disputants to keep speaking/sharing/talking	5-4-3-2-1	5-4-3-2-1	N/A
Assess the Disputants real needs by asking "Why" questions	5-4-3-2-1	5-4-3-2-1	N/A
Assess the Disputants real needs by asking "What" questions	5-4-3-2-1	5-4-3-2-1	N/A
Assess the Disputants real needs by asking additional clarifying questions.	5-4-3-2-1	5-4-3-2-1	N/A
Paraphrase common themes which both Disputants have alluded to	5-4-3-2-1	5-4-3-2-1	N/A

# Practice Mediation Evaluation Checklist

(Page 2 of 2)

	MEDIATOR 'A'	'B'	
Recognize the multiple perspectives inherent in the situation	5-4-3-2-1	5-4-3-2-1	N/A
Get Disputant A to see Disputant B's perspective/position/view	5-4-3-2-1	5-4-3-2-1	N/A
Get Disputant B to see Disputant A's perspective/position/view	5-4-3-2-1	5-4-3-2-1	N/A
Do you (the Student-Mediator) understand where Disputant A/B is coming from?	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators ask Disputants for possible solutions	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators ask Disputants what their options are in which to consider	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators take notes as the brainstorming was taking place?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators ask clarifying "How" questions?	5-4-3-2-1	5-4-3-2-1	N/A
Did Student-Mediators paraphrase with the intention of clarifying the two Opposing positions?	5-4-3-2-1	5-4-3-2-1	N/A
Were the Student-Mediators actively looking for a Win-Win solution?	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators allow the Disputants to reach their own decision/conclusions?	5-4-3-2-1	5-4-3-2-1	N/A
Is the solution a Win-Win solution for both Disputants?	5-4-3-2-1	5-4-3-2-1	N/A
Is the solution/agreement fair?	5-4-3-2-1	5-4-3-2-1	N/A
Is the solution/agreement reasonable?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators let the Disputants solve their own problems?	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators ask Disputants clarify what will be done in this solution	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators ask Disputants to clarify when the solution will take effect	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators ask Disputants to clarify how the solution will solve issue	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators ask Disputants to clarify who is going to do what For the solution to work	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators ask what the two Disputants can/will do differently	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators strive to get responses from the Disputants	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators invite the Disputants to speak to in future about concerns	5-4-3-2-1	5-4-3-2-1	N/A
<b>Step Three – Concluding the Mediation</b>	<b>MEDIATOR 'A'</b>	<b>'B'</b>	
Disputants shake hands or otherwise offer or imply some positive gesture	5-4-3-2-1	5-4-3-2-1	N/A
Have disputants sign paperwork stating the agreement to their situation	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediator A escorts Disputant A back to class	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediator B escorts Disputant B back to class	5-4-3-2-1	5-4-3-2-1	N/A
Both Student-Mediators jointly fill out the mediation file paperwork completely	5-4-3-2-1	5-4-3-2-1	N/A
Student-Mediators thoroughly debrief the mediation with the referring teacher	5-4-3-2-1	5-4-3-2-1	N/A
<b>Step IV – Other Factors</b>	<b>MEDIATOR 'A'</b>	<b>'B'</b>	
Did the Student-Mediators maintain good eye contact with the speakers	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators behave in a professional manner?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators speak objectively? (not subjectively or judgmental)	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators behave in a manner appropriate for the mediation?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators demonstrate neutrality at all times, and use neutral statements?	5-4-3-2-1	5-4-3-2-1	N/A
Did Disputants have an equal opportunity to find/express their voice?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators work as a team?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators demonstrate patience and restraint?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators use appropriate language?	5-4-3-2-1	5-4-3-2-1	N/A
Did Student-Mediators clarify and define any words which the Disputants indicated (verbal or nonverbal indication) they did not understand?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators display good physical/body language?	5-4-3-2-1	5-4-3-2-1	N/A
Did the Student-Mediators emphasize the importance of confidentiality?	5-4-3-2-1	5-4-3-2-1	N/A

*Veterans, please go over this form with the Intermediate Student-Mediators, and when done leave this in their possession. Let Mr. Cornet know the top three things these young people should focus on for their next practice mediation. If they received all 4's or 5's, Mr. Cornet would like to know this also.*

# Part IV

## Important Considerations Relating to Program Development

### **Be careful of overreach, and be patient!**

Creating any program takes a full three years in order to gain traction and another two before I would consider it to be durable.<sup>12</sup> This is true not just of academic programs, but also of more traditional programs like a track team or a speech and debate club. While an emerging club may have demonstrated strength early on, it is not a regular presence on a campus until over half the student population has come to expect it to be there and not entrenched in the school climate until later, when it has overlapped the presence of all students at the school.

Furthermore, the toughest audience a Program Coordinator will have to persuade to embrace this initiative are the very teachers at the school whom they will be dependent upon for mediation referrals. Teachers have seen too many “false starts” to promising ideas, be it at a national, district or even building level<sup>13</sup>. To them, promising programs are viewed more like experiments. Durability is measured by consecutive years of existence, and quality is viewed as a reflection of its results. Too often educators have seen ideas introduced with tremendous fanfare and carried forth only partially before its organizers grow complainant or abandon it to move on to the next grand idea. Teachers are skeptical about any program involving a new layer of bureaucracy, not by nature but rather because they have seen this before. They want to see a program like this be successful, but share trepidation of getting too invested in something which may fail. It has happened before in this profession. There will come a point when there is an established tradition and reputation which sways them over. It takes time, and the program supports must remain patient and persistent.

### **Deliberations over qualifications of a Program Coordinator**

An issue confronted by many schools from the outset, even before considerations of program development, is addressing who will be coordinating the program. Creating a program while uncertain about who will be orchestrating it borders on a futile exercise. This is not an athletic program whose coaching staff can be replaced since the rules of the sport remain consistent from school to school. With mediation, each program is tailored uniquely to each school, and the dissolution of a program will not be met by public outcry as the evaporation of football or baseball would be. Mediation is not a headline grabbing enterprise, an indication of the modesty and discretion inherent in the process. Often failure in the establishment of mediation is as much due to a lack of interest as it is to a lack of administrative support. Educators throughout the nation have seen their work load intensify time and again with no adequate compensation or

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<sup>12</sup> This observation, I later learned, is supported by studies by Cameron and Dupuis in 1991 and Dowell in 1998, who estimated through research that it took students two years and staff five years before mediation was seen as a legitimate alternative to the traditional method of discipline.

<http://www.thefreelibrary.com/Reducing+levels+of+elementary+school+violence+with+peer%20%20%20%20+mediation.-a0165780643>

<sup>13</sup> For those reading this who are educators from Oregon, you might remember the promise of CIM (Certificate of Initial Mastery) and CAM (Certificate of Advanced Mastery) and its intent to replace the traditional diploma, or the enthusiasm surrounding SIOP (Sheltered Instruction Observation Protocol), which itself was a repackaging of long accepted best practice teaching models. Education is replete with abbreviations of programs which had their ten minutes of fame before fostering discontent.

support. A teaching putting in a sixty hour workweek is not uncommon, and therefore find themselves reluctant to take on yet another task no matter how beneficial it may be.

Should the figure be a trained educator or would an off-site volunteer be best? Teachers know the students and are in a position to respond to a situation immediately, and they could also keep tabs on figures in a manner impossible to an occasional volunteer. Volunteers could come on campus once a week to direct yearbook or speech and debate; it is impracticable for mediation as referrals need to be responded to promptly. Should a classroom teacher who is more assessable to students on a daily basis be the preferred choice for coordinator over an administrator who has access to all discipline and confidential reports? And what of a counselor who knows all the students? The advantage of the classroom teacher is that their door is literally open all the time. They may see 170 students daily, providing a wide pool of whom to recruit from. Over the course of their instructional duties, the teacher becomes familiar with students habits, personalities, work ethic and, to a surprising extent, with their sense of responsibility. By contrast, administrators are often preoccupied with meetings, and both they and the counselors are unable to have an open-door policy. This is not to suggest that these front office figures are incapable to coordinating such a program. Quite the contrary. I only mean to suggest that a classroom teacher may better meet the needs of the student population in a more timely fashion.

Should the program coordinator have formal training in conflict resolution and mediation, or does a school just need a figure who has a knack for conceptualizing organizational structures and possesses the skills to realize them? Everyone has their own opinions as to what qualifications are ideal in a program coordinator. I offer that there is no absolute answer to this question. When I created my program, I had only one year of teaching experience under my belt. It is true that I am an Eagle Scout with some conflict resolution training and considerable experience working with teenagers for a decade on the athletic fields. However, it is likewise true that I have had no formal mediation training. The structure of what I created I did so simply because it made sense. It was good for the students. I wanted us to be self-sufficient in case we were confronted by restricted funding. The skills learned in how to develop and present lesson plans for the classroom are the same skills used to formulate and teach subject-specific skills trainings, like on bullying and harassment. The same skills I use daily as a teacher I apply to teaching mediation skills to my mediators. In other words, having trained as a professional educator proved more valuable to my success than any other variable. That said, while formal mediation training is desirable, it is not as important as the intangibles just mentioned. You could have the greatest mediation as your program coordinator, but the program will be destined to fail if they cannot communicate, can nor relate to an inspire their student-mediators, and cannot envision nor maintain a liability-conscious structure underlying a program

I remember Larry Soll, the education outreach contact at Mediation Works in 2008, once describe four different types of program coordinators: the highly involved hands-on high energy coordinator, the laissez faire mellow low energy coordinator, the overwhelmed-with-everything coordinator, and a coordination-by-committee approach. These were the broad categories of engagement he witnessed. Clearly the two approaches which bookend this list are more desirable than the middle pair. While I operate the high energy model, I believe there is a tremendous amount to be gained by considering the committee approach as well. A school where a classroom instructor (who recruits and is the point contact for students) paired with an administrator in charge of discipline (who could refer appropriate matters) and a counselor (who could orchestrate the trainings) would be a powerful teaming. I am not familiar of this having been applied anywhere, yet I can see clear strengths.

The clearest strength of a committee approach has to do with distributing not just the coordination responsibilities, but also the consequential time commitment. As the sole program coordinator, my time commitment is immense. With two exceptions, all my trainings are scheduled during my lunch time. I offer an average of three forty minute trainings a week. This translates to an additional eight hours of my time each month. The miscellaneous recordkeeping – updating who is attending the training, looking up schedules, checking the mediators' grades, preparing for meetings, engaging in strategy sessions, and so on – is another two to five hours a month. Doubtless there may be ways to create a program which reduces this time commitment, but to make such adjustments I worry would affect an adverse structural change in my program. However, a newly designed program may be able to weather such changes if the structure itself is incorporated within the mindset of time management. Again, the time demands upon a coordinator will differ just as programs themselves differ.

### **Some thoughts on the matter of funding**

Funding for a program needs to be viewed through the lens of two categories: stipend and supplies. There is no consistency in the amount a program coordinator receives, nor from which source. I volunteered my time when the program was created. In 2001 I was offered an annual \$1,000 stipend from the district fund and told that while there was no formal budget for the program that nevertheless monies could be scrapped together for supplies to facilitate trainings as requested. In 2003 that stipend was raised to \$1,300, and to \$2,000 in 2006 with an additional \$800 allocated for registration in any conferences I sought to send our program's representatives to along with any related transportation costs. By this point Federal Title IV money was the sole source of the mediation programs funding. Title IV funds were not renewed in 2010; rather than absorb the cuts into the district's general fund, someone made a choice to no longer fund mediation at any level in the district. This was a concern but not an overburdening one. I had designed the program to be self-sufficient, just in case such a situation occurred. With I and the mediators teaching skills, we could have a continuation of quality, at least for the foreseeable future.

This is not a huge amount of money. To put it in perspective, a typical assistant coaching salary for a three month long season is \$3,000. So, our district at its height was paying a coordinator \$2,000 for the entire year when it pays an assistant coach of most sports teams \$3,000 for just a third of that same year. In point this out it is not my intention to complain but rather to recognize that the example presented herein is not an abnormality. This is not uncommon.

Several colleagues questioned why I kept the program going. They pondered if I felt taken advantage of for orchestrating the program as a volunteer, not to mention the years in between with such a minor stipend. My response – which to some degree reinforced their position – was that as coordinator I was never paid comparable to what the work entailed. While a valid point on their part, money is not the driving reason why educators have chosen this profession. Compensation demonstrated how much a company values and respects an employee within the confines of available resources. My respect for my students overshadowed any raw feelings I had for the district. I could anticipate with dread what would happen if I were to have handed the reins of the program over to someone else. My student-mediators would have felt abandoned. My program I have been so invested in would cease to be what it was, be it in results to its philosophy.

Why do I share all this? It is important we keep the discussion grounded in realities. My purpose is to point out that educators need to be honored for what they do. In this world where the very understanding of what teaching responsibilities are is constantly being amended, we cannot expect that someone will volunteer just because it is something which will benefit the

students. There are sources of funds available, but the district administrators need to feel it important to locate them and step out of an apparent sense of complacency that all is ok at present. Even if the district budget is truly exhausted, there are options. Other Federal Title funds may be sought. There may be Grants available from nonprofit organizations. Perhaps a local levy which would affect taxes by a mere \$2 per residence for the purpose of funding conflict resolution, leadership and community service initiatives may be put up for a community vote. Reduction of financial waste in one corner of the district may fund another program. For all the focus on the school buildings and the classroom themselves, never have I heard of a district auditing their own district office precisely to look for areas of redundancy which may be trimmed. While schools tend to carry over one budget to the next year with only slight adjustments to the numbers, never have I heard of someone sitting down with the previous year's district budget and going over it with a fine toothcomb to identify possible savings. I am not speaking about cutting jobs, but rather looking for and identifying wasteful spending.

The revenue found would then not only allow for a respectable stipend for a program coordinator, but also money could also facilitate skills trainings for students by hiring outside experts, bringing mediators to conferences, providing them with mediation t-shirts, and other things.

### **Where do mediation referrals come from?**

It is not difficult to envision a program in place, one integrated seamlessly into a schools culture as an alternative route to the traditional forms of discipline, and with willing and talented student-mediators ready. However, the one variable missing is referrals to the program. They should not be taken for granted. Everyone knows conflicts abound, yet this does not translate directly to referrals. The greatest program in the world will not meet its promise in the absence of referrals.

The reason why is potentially multifaceted. The teaching staff may not buy into the program. Administrators may be complacent of maintaining what they have without feeling it needs to be nurtured, or they are hesitant to engage the program, often due to concerns of liability or a lack of appreciation for what the students are capable of doing. The student population itself may not be fully cognizant of the programs existence. Staff may pass a referral along to their supervisions, counting on someone else to refer. Reasons for an absence of referrals may come from numerous angles, but the solution to them is clear. The responsibility for resolving this falls squarely on the shoulder of the program coordinator.

The program coordinator needs to be a persistent advocate for the program at the staff level, and should strategize ways in which this energy may extend to both the staff and student populations. There are many ways in which to jumpstart the referral process.

The school staff should be the strongest source of referrals, and as such it is necessary to cultivate their faith in the program. This may be done in numerous ways.

- ↳ Have your student-mediators approach every staff member, to hand them some referral forms, remind them of the program and the topics commonly dealt with under its auspices. This is called the "September Staff Briefing" in my program. It takes five minutes, and serves to put the program on their radar. It also allows teachers to witness firsthand the maturity and poise of your students.
- ↳ Student-mediators may be invited to speak to the entire staff at a staff meeting. The post-mediation debrief staff receive is also important, as the teacher sees there was immediate follow-up to their concern. This stands in stark contrast to the expectation that once a disciplinary referral is made to administration it may not be acted upon.

Inclusion into the school bulletin is not necessarily the most effective manner in which to communicate the program to one's student population. While there is no detriment to doing it, the reality is that at many schools the bulletin is an irregular presence affecting campus life. Rather, there are other methods through which to connect.

- ↪ Student-mediators could give a short presentation to selected classes. Often the English classes are targeted for such a thing, as graduation requirements mandate the entire student population is in an English class and as such one may get through to all the students. However, an advisory, homeroom or other class may be an option.
- ↪ Selecting courses which all freshman and sophomores take has proven particularly beneficial in eliciting referrals, as well s new recruits to the program.
- ↪ Intercom announcements could advertise skills trainings and, by extension, the program.
- ↪ If your school has a video program which produces a weekly broadcast for students, then this could be a news item.
- ↪ Coverage in the school newspaper may further prove helpful.
- ↪ Put up an exciting visual display somewhere in a commons area in the school.

Advertise the program not just for the purpose of getting dispute referrals, but also to recruit younger students in the program. Once the program has enough participants, it takes on a "cool" image, wherein there is a sense that this is a place students have to belong to. The more participants involved in the program, the more comfortable other students may feel to refer a situation.

Absent a connection to either the staff or student populations, another option is to scour through the days' discipline and disciplinary write-ups, pulling aside those matters which you feel your mediators are prepared for. Mediation, therefore, may be an alternative to detention or other forms of discipline. This also serves to clear the docket of issues administrators eventually have to deal with.

### **Parent outreach**

It is always advisable that parents are kept in the loop of any activities their son or daughter is engaged in, even if it is an on-campus club activity. This honors the students and their efforts, and also makes parents into allies rather than adversaries. There is no downside to this. It is good public relations with them, and occasional questions at home asking about the program may encourage their youth to remain with it were they to have considered otherwise.

This is a sample of what a recruitment letter may look like.

10<sup>th</sup> September 2011

Hello,

I was told by a student or a staff member that you have shown the characteristics necessary to be a good mediator. What do mediators do? We are a professional leadership organization which is devoted to resolving conflict on campus. The Phoenix High School Student-Mediators would like to personally invite you to join our program. Please allow us a moment to tell you a little about the program.

The Student-Mediation Dispute Resolution Program at Phoenix HS is the oldest continuously active program between Salem (Oregon) and Sacramento (California). The program is open to everyone, regardless if they have mediated before or not. From this large group of all participating students, all of whom are learning mediation skills, only the most highly skilled are elevated to the status of 'Veteran Student-Mediators', wherein they then become the leaders in my program and around school and mediate the real issues which occur. The Phoenix HS program is known throughout the Pacific Northwest. We have become a model which other institutions seek to learn about. Here is a sampling of what students – your classmates – in our program have engaged in:

- ✧ Student-Mediators may earn high school elective credit.
- ✧ Student-Mediators may earn academic credit from Southern Oregon University.
- ✧ Student-Mediators may earn professional Mediation Certification.
- ✧ Student Mediators have been invited to present to professional audiences at conferences hosted by the Oregon Department of Education, the Oregon School Board Association, the Oregon Mediation Association and at universities and nonprofit organizations.
- ✧ Student-Mediators have been honored with regional awards and have been recognized by US Senators; the experiences of one Student-Mediator qualified her for participation in a national organization through which she met President Obama at the White House!
- ✧ We have hosted representatives of high schools from California, Oregon and Washington, teaching their students and staff about what makes our program successful and providing support to theirs.
- ✧ In 2009 we hosted the first-of-its-kind conference for high school mediation.
- ✧ Student-Mediators have worked with non-profit organizations and conducted professional mediations.

In all these aforementioned capacities, it is the students within the program who take an active role in making the program successful.

Skills trainings are offered frequently, and you come to as many as you can as you work toward meeting a prescribed requirement for being a Veteran. Each training has a theme – such as how to deal with confidentiality, the law, harassment, suicide intervention, gangs, relationship issues, and boundary violations, just to name a few – and all of these are designed to prepare you for real-life post-high school conflicts. Our mediations have ranged from the benign gossip topics to a handful which have required reporting out to legal authorities.

We hope you will seriously consider joining the Student-Mediation Dispute Resolution Program at Phoenix HS. It's a lot of fun and a great experience making a positive difference in the culture of the school. Everyone is welcome to become a member of the program; please invite your friends to join us as well. If you have questions, please feel free to contact I or any of my Student-Mediators.

Mr. Cornet  
Student-Mediation Dispute Resolution Program Coordinator  
Phoenix HS instructor for advanced and introductory social studies courses  
Cross Country Head Coach

For students who just join the program, this is the letter I would send their parent or guardians.

10<sup>th</sup> September 2011

Hello Parents and Guardians

I am the coordinator of the Student-Mediation Dispute Resolution Program at Phoenix HS, and I am thrilled your son/daughter has recently been active in this extracurricular activity. You should be proud of their initiative here. I would like to take a few moments to inform you of the program which he/she is participating in.

The goal of this program is to saturate Phoenix HS with as many students trained in conflict identification and dispute resolution skills as possible, all the while retaining a smaller, more highly skilled group to mediate the real conflicts which emerge on campus. Since its' founding in 2000, between 10%-13% of the schools' student population have received mediation-specific skills training under the auspices of the program during any given semester.

Having only recently joined the program, your son/daughter is presently considered either a 'Probationary' or 'Intermediate' Student-Mediator, meaning they are basically a mediator-in-training. Skills trainings are offered throughout the year, and students may choose which and when to attend. This program will have no adverse impact on student grades, as most of the skills trainings are offered during lunch. (In fact, studies show the more active a student is in a school activity or sport, the better their grades become!) I will chart the time students spend participating in skill trainings as well as the different types of trainings. There is a set criterion students must achieve to move from this mediator-in-training status to that of a Veteran Student-Mediator, at which point students will mediate the wide range of authentic conflicts which emerge on campus. Due to the voluntary nature of attending the trainings, students will progress through the program toward becoming a Veteran at different paces, with some becoming a Veteran in as short as four months while others may never achieve this in their four years.

Becoming a Veteran Student-Mediator is more than just building a resume; it is when they truly become a leader on campus. Veteran's have an open door to administrators, brief staff members as professional equals, educate other students in resolution skills, are visible role models and mediate real student disputes. Over the years our Veterans have lead presentations to professional audiences at conferences sponsored by the Oregon Department of Education, the Oregon School Board Association, the Oregon Mediation Association and at universities and community nonprofits; taught dispute resolution strategies to numerous middle and high schools in northern California, Oregon and southern Washington; worked with non-profit mediation organizations on strategy formation and in training adults, and; students may earn Oregon State Mediation Certification as well as accredited academic credit from Southern Oregon University and elective credit here at the high school.

I wanted to express to you how happy I am that your son/daughter has joined this successful program I'm so proud of. While a few students participate so irregularly that they do disengage from the program over time, most realize value in the skills they learn and recognize how it may be applied to their future life. Please recognize your son/daughters initiative, and I do hope (and expect) him/her to remain engaged for the remainder of their high school career and, in the process, become a full-time Veteran Student-Mediator.

If you have any questions about the program, please don't hesitate to contact me.

Mr. John H. Cornet  
Student-Mediation Dispute Resolution Program coordinator  
Phoenix HS instructor for introductory and advanced courses in  
US History, American Government, International Studies,  
Psychology and Western Philosophy  
J o h n . C o r n e t @ P h o e n i x . K 1 2 . O r . U s

## This letter I send when a student becomes a full-time Veteran Student Mediator

10<sup>th</sup> September 2011

Hello Parents and Guardians

I just wanted to take a few moments to express my appreciation to you for your son/daughter's involvement in the Student-Mediation Dispute Resolution Program at Phoenix HS. As a Veteran Student-Mediator, he/she is someone whom I and the schools' administration rely heavily upon not just in their ability to make the school a safer, more mellow place, but also in their leadership and initiative-taking behavior.

Please allow me a brief moment to explain the program he/she is a valued member of. Your son/daughter has worked diligently since joining the program to meet the requirements necessary to become a full-time Student-Mediator. In the process, he/she has become an expert in how to identify different degrees of emotions, ask clarifying inquiries in a manner which gets to the heart of a divisive situation, and guide disputants in the dismantling of tensions. Through their demonstrated expertise they have earned a high school elective credit for this program and are eligible for academic from Southern Oregon University (if they chose to pursue those requirements).

Ours is the oldest continuously active autonomous mediation program between Sacramento (California) and Salem (Oregon). Your youth, his/her colleagues and their predecessors in the program have established and maintained a prominent reputation for the program in the Pacific Northwest. We have been invited to give presentations to professional audiences at conferences hosted by the Oregon Mediation Association, the Oregon Department of Education, the Oregon School Board Association and at universities; staff and student representatives of high schools from northern California to southern Washington have come to the Phoenix HS campus to learn of our program; we engage in community service, and; professional non-profits who work in schools have regularly asked us to assist in their trainings as fellow staff-trainers. I can speak with ease for hours about how impressed I am with every person who has entered into the Veteran leadership circle, and your youth is no exception.

It is this program to which your son/daughter is the most recent in a long line of mediators. They are truly genuine in what they do, and this expertise has been noticed by others. Some alumni of our program have been recognized by the Superintendent of the Oregon Department of Education and our state's national representatives to the United States Senate. Your son/daughters devotion and resoluteness has been incredible. Our challenges in recent years ranged from the usual issues of appropriateness of conduct in the classroom, incessant gossip and miscellaneous relationship concerns to the complexities of topics touching on themes of immigration, politics, physical violence, psychology and legal issues. Throughout it all our mediators have put their own personal ideological leanings aside and devoted themselves to what they do very well – finding a peaceful resolution to whatever topic is at hand. It is this hallmark which I cannot commend them enough for, for in so doing they continuously put the resolution of the conflict ahead of becoming embroiled in the conflict itself.

Thank you for the kind, polite young person who you send to school every day. It is a true joy to work with each of them. They honor the mediation program with their poise, maturity, responsibility and leadership initiative. If they have not spoken much about it, I would encourage you to ask them about every detail of the program. They have taken ownership of the program in many regards. I remain very proud of all Veterans.

Mr. John H. Cornet  
Student-Mediation Dispute Resolution Program coordinator  
Phoenix HS instructor for introductory and advanced courses in  
US History, American Government, International Studies,  
Psychology and Western Philosophy  
John.Cornet@Phoenix.K12.Or.Us

# Part V

## Afterthoughts

Mediation is a form of leadership which is distinctively different from a typical leadership class (which is geared more toward organizing assemblies and encouraging school spirit) and agricultural leadership class (which is more speech and presentation orientated). The goal of a school-based mediation program is to increase understanding in working toward resolution while attempting to clarify the true intent of the disputants. Two studies have shown that peer mediation has reduced 75% and 25% of the occurrences of suspensions.<sup>14</sup>

### **Mediation as support for a crisis situation**

Once a program is in place and established as part of the school culture, it offers administrators other options when confronted with unanticipated situations.

Five years into the program there was a vehicle accident in eastern Oregon. All four in the vehicle had been affiliated with our high school. Two recent graduates were killed while a recent outbound transfer and a current student were both seriously injured. A crisis team of community members, athletic coaches and counselors were brought in to the library for any staff or students who needed support. Such a crisis response is not uncommon across schools throughout the nation. Our principal then did something unique. Her concern was less about students in the library who were receiving support, and shifted to those who harbored silent emotionality, some of whom who might ask to leave a classroom but then become adrift, not quite making it to the library and instead reclining into a corner of the school with their head in their hands. She elicited the mediation program. At her request, I stationed two mediators in each hallway with the task of intercepting any student who leaves their classroom, assesses their emotionality, and if appropriate escort them to the library where the professional support resides. She did not ask her student leadership group to do this, nor the agricultural leadership class or even our advisor representatives. She recognized the training these students had, particularly in the realm of active listening, interpreting nonverbal communication and general psychology. Importantly, they know how to speak to a student in any frame of mind and have the wherewithal of not just what to say, but also when not to say certain things.

While not part of any formal program, mediators have also occasionally been asked to welcome new students who have transferred into the school and provide a tour. This provides an opportunity

### **This is about students...what do they get out of it, and how can we honor them?**

This type of program is highly beneficial for students. In the final analysis, programs such as these are molding creative, adaptive, community-orientated leaders.

The mediators themselves learn skills in interpersonal communication, practice resolving conflict and actively engage as leaders on campus. They reinforce through confidence and repetition traits of self-advocacy, and cement themselves as young leaders and role models. Consider those mediators who have returned from a mediation session thoroughly enthusiastic about their experience. Lucia, raised in an English-language household but schooled for a dozen years in a Spanish-English bilingual immersion program, mediated several disputants as a senior solely

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<sup>14</sup> <http://sites.google.com/site/peermediationprograms/home/facts-and-statistics>

using her Spanish language skills.<sup>15</sup> Ana, who while fluent in Spanish came to recognize how her bicultural fluency was just as important as her bilingual skills. Jessica, whose mediation ended in a catharsis of tears as the disputants came to recognize they were on the verge of throwing away a half dozen years of friendship over a preventable trivial matter. These young student-mediators experience the adrenaline rush of success and the confidence to take on anything.

Disputants get exposed to a process which emphasizes restorative justice. It holds them accountable for their actions and emphasizes responsibility. It preaches the value of communication and illuminates how shortsightedness and stubbornness may foster an otherwise avoidable conflict. Moreover, it helps them see non-violent routes to resolving tension. Ideally, they come to view de-escalation as strength, while the perpetuation of animosity and spreading of gossip becomes a vice.

These are the discernible behavioral changes and skills which are witnessed. While the presence of a mediation program in and of itself does not change the climate of a school it can affect positively all whom are involved in it<sup>16</sup>. This does not speak to other ways in which students may be honored. In addition to the letter to parents for all in the program, I make signed certificates for all Veteran Student-Mediators. Several have received letters of appreciation from elected government officials, while others have been nominated for awards and other recognition<sup>17</sup>. Furthermore, as the program has remained unchanged since its inception I have a list of the most trained and most experienced mediators, so as to honor the top fifteen in each category. This nicely reinforces the program history, and the idea that the present students are merely the most recent in a long line of youth within the program who are affecting positive change. It is a fraternity which they remain proud of for years following their graduation. In other words, the program is bigger than any one person or any class of mediators. They take pride in that.

### **Parting words . . .**

The benefit of a mediation program in the schools has never been in question. Numerous studies reinforce these benefits. Curiously, no state or federal agency has put forth any criteria – for any school program, mediation or otherwise – which may be used to assess quality. To have such an assessment which schools may aspire to and apply for would be an advantage in further raising the visibility of programs, and for exciting student engagement within them. In the absence of any such Distinguished Program Recognition criteria, I propose the following themes be used in consideration of whether a program can justify its existence:

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<sup>15</sup> The Phoenix-Talent School District is home to the only K-12 bilingual language immersion program in southern Oregon

<sup>16</sup> This is a controversial assertion. At one point I was naive to believe it, until I realized that a mediation program, no matter how widely advertised nevertheless only reaches a limited segment of the population, and often not all those who really need it. I suggest that in order to create building-wide cultural change, there must be multiple reinforcing campus-wide programs. For instance, (1) mediation, concurrently with (2) an anti-bullying campaign, (3) a thematic focus on these themes as they emerge in classroom curriculum, and also (4) a reinforcement of school rules which reaffirm the penalties for derogatory behavior, fighting and harassment. While in isolation these aforementioned programs may have a limited and difficult-to-statistically measure affect, in conjunction with one another the messages will serve to reinforce one another.

<sup>17</sup> This is really neat, and facilitating it is not difficult. As program coordinator you should consider writing a short letter to your Senator or Representative (either at the state or federal level) or even to the superintendent of your state Department of Education, expressing that you'd like to honor your standout mediators and it would be meaningful to the youth if the official would kindly send a short letter so the student can see that their efforts were being noticed beyond the district boundaries. (It may be their aide who writes the letter, but that's ok). Most of the time – although not always – the official has been kind to comply with the request.

1. Is the mediation program accessible to all students to join if they so choose? Does the participation rate (of mediators or those in training) represent a significant proportion of the school population? When considering both disputants and mediators, does the program serve at least ten percent of the school population each year?
2. Are the mediation skill trainings comprehensive (in scope or frequency) and relevant? Are the topics addressed and skills emphasized consistent purpose and intent of education?
3. Do mediation referrals occur frequently enough for mediators to be kept busy and to apply their skills?
4. Is there a pattern of successful results supported by documented statistics, participant feedback surveys or intuitive observation?
5. Does the structure of the program suggest an ability to survive through staff changes, administrative disinvestment or funding irregularities?

Point one addresses whether the program is an inclusive equal opportunity medium for students. It also seeks to address the question of participation. To truly attempt to affect a significant impact, the more students exposed to and welcomed into the program the better. Points two through four assess the effectiveness of a program. They are exploring multiple definitions of success, delineating the programs' use and examining results. Results are framed by whether or not there was a lasting and successful agreement, as well as correlating the years the program has been in place relative to the history of disciplinary issues during that same time. Point five speaks to the programs structural persistence. Is it durable enough to withstand unforeseen challenges? In the final analysis, the overarching question to pose is this: if your schools' mediation program were to abruptly disappear tomorrow, would the students, staff and administrators notice or care? Would there be a sense of urgency in the need to get the program back on its feet?

The wording in the aforementioned five points is purposely generalized because each program should reflect the uniqueness of each school. Not only will the needs of Berkeley High School in California differ from the needs of Berkeley High School in South Carolina, but so too will the type of trainings reflect who is providing them and under what circumstances. Absent from the criteria are matters related to any minimum grade necessary to participant, the degree of administrative support, specifics of program structure beyond persistence, or any impact upon graduation rate. It does not ponder whether the program relies upon student ownership or staff direction to keep it going, nor smaller elements of a program, such as whether or not students may earn transcribed credit for their involvement in it. These are all important issues which lend themselves to statistical data-driven support and are worth considering, but they are not specifically laid out among the proposed Distinguished Program Recognition criteria due to the predictable variety of program constructs.