

**STAFFROOM DIFFICULTIES:**  
**A LESSON PLAN FOR RESOLVING CONFLICT, NEGOTIATING, AND**  
**MEDIATING DISPUTES IN SCHOOLS**

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## Abstract

This project began out of concern for teachers and teaching staffs that seem unable to effectively resolve interpersonal disputes in schools. Existing policies and practice do not seem to be satisfactory in dealing with the negative impact of serious disputes. Like any other organization or workplace, schools experience conflict and there is a need to deal positively and effectively with conflicts and disputes. In the past twenty years academic study and practical experience in Conflict Resolution and Alternate Dispute Resolution have progressed significantly across North America and around the world. Often groups and individuals in dispute are unable to negotiate positive outcomes and a third party mediator is required to help understand and resolve the dispute. This project explores how some school staffs have incorporated the knowledge and experience of conflict management and, especially, third party mediation into their work-lives. Three practicing Alberta mediators were interviewed to add their professional insight and experience into the project. One was a mediator in private practice with an international reputation for teaching the mediation and negotiation process. She was able to share a committed enthusiasm for her work and valuable tips on mediation. The second mediator was an experienced Alberta public school teacher and administrator who worked at sharing the conflict resolution process with school staffs to create a better school climate. She was able to share some of her specific challenges in introducing the process at the school level. The third mediator was responsible for introducing the alternate dispute resolution process to schools through the Calgary Board of Education. Tape-recorded interviews with these three individuals were transcribed and their insights were added to a lesson plan

for resolving conflict, negotiating, and mediating disputes in schools. Creating systems for more effectively resolving conflict takes time and effort. Although there are some individuals in the school system who intuitively understand the dynamics of interest-based negotiation and mediation there is much more to be learned, understood, and practiced on a daily basis by teachers and administrators. Mediation skills are a valuable asset to any adult working in a school.

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## Chapter 1: Conflict in Schools

### Introduction

In schools there is interpersonal conflict. It is an inevitable part of human interaction, human growth and human development. The manner in which conflict gets resolved becomes a part of the culture of a school and is a factor in determining community perceptions of the value of schools. Conflict gets resolved, one way or another, and students, parents, and teachers learn skills and strategies for dealing with conflict. Sometimes the skills and strategies used to deal with issues are constructive and lead to positive human growth and development. Other times, the methods of resolution are destructive. Often when the conflicts are among the professional staff of a school they become energy sapping, time-consuming, distracting, destructive forces and, at times, negatively effect an entire school population and the community the school serves. Many teachers have had to deal with destructive conflict situations in their careers but rarely do teachers have the opportunity to professionally reflect upon, discuss, or understand the dynamics of interpersonal conflict.

This project started because of a concern that educators were all too often becoming involved in negative conflictual situations but rarely were effective interventions used to process the problems. Interest in negotiation and mediation as interventions in interpersonal conflict has increased dramatically in the past number of years in many disciplines, including labor relations, legal disputes, and family relations. My awareness of the uses of negotiation and mediation led to questions regarding the

education system. Were schools profiting from the lessons learned in other disciplines? Were administrations learning the skills of effective negotiation and mediation and using them in schools, especially among professional staff members? What opportunities were there for professional development in the area of conflict resolution?

On a personal level I began this project because, after seventeen years of working as a teacher, I concluded that interpersonal conflict was not being dealt with any differently than it had been seventeen years ago. Most often, senior administrators were called in to solve difficult situations. They listened to the disputants and others affected by the dispute, then did very little for a long time. Frequently, the problems got worse. Attempts at resolution may have included several more visits to the school, discussions about the code of ethics, and statements to disputants about how they should behave. Eventually staff members or administrators resigned or were transferred, without the problems ever being adequately addressed. For example, four different teaching years out of seventeen were spent in a state of serious dispute where the entire school was left with low morale and an inferior educational environment. This happened even though many different staff changes occurred. Each dispute became a lose-lose situation for staff and the students. In another case, I observed post-secondary institution graduate-level courses were sabotaged because of interpersonal conflict and effective interventions did not seem to exist, or were not being executed properly.

Newspapers were constantly advertising conflict resolution, mediation, and negotiation courses for the general public but schools and universities didn't seem to be using such skills and knowledge in their own disputes. After enrolling in some introductory conflict resolution classes, I realized that there weren't many educators

taking the courses. At the same time, job advertisements for administrative positions frequently listed strong conflict resolution skills as a requirement. This project eventually became a quest to discover the theory and practice behind conflict resolution programs, especially as they were being used by educators, for educators, in schools.

There are many models of mediation, each recommending a slightly different process. This project chose the model commonly used and taught in Alberta by the Alberta Arbitration and Mediation Society (AAMS). It is a four-step model which provided a structured system from which I was able to create a lesson plan for educators to use in schools.

#### Project Description

Children as Peacemakers (1995) and The Friendly Classroom for a Small Planet (1988) are examples of conflict resolution programs that have been introduced into Canadian Schools. Outside of schools, conflict resolution programs have become very popular and are developed for both the public and private sectors. The fundamental question of this project is: How are schools using the skills, knowledge, and experience developed in mediation programs to manage disputes among staff?

This project focuses on the development of a model, a lesson plan, for dispute resolution and conflict management in schools based on the proven, effective, skill-based model of alternative dispute resolution currently used by the Alberta Arbitration and Mediation Society (AAMS). The AAMS offers a twenty eight-day program, including a skills assessment evaluation, leading to a nationally recognized certification in conflict management. Graduates of the program mediate and arbitrate in many walks of life



including community justice, workplace conflict, divorce and family mediation, cultural conflict and business negotiation.

The Alberta Arbitration and Mediation Society four-stage model of mediation is not the only model; there are many different models of mediation with a multitude of do's and don'ts; there are four, five, six, or seven stage processes. There are different applications, from formal signed agreements where lawyers represent clients to informal sessions where grade school students mediate playground disputes. The primary authors cited as mediation sources in this paper to describe the AAMS mediation model are: Beer & Stief, (1997), Folberg & Taylor, (1984), Slaikeu, (1996), and Moore, (1996). Because the focus of this paper is to provide a lesson plan for adult educators who may profit most from third party mediations, the AAMS model is used.

Some teachers and administrators have personally incurred the expense, taken the time, and made the effort to become certified conflict managers and are promoting the skills and techniques of conflict management at all levels in schools. They have seen conflict resolution as valuable, they have completed the training, and they use the skills and knowledge in their daily practice. Through interviews with three such dedicated educators, this study will incorporate their lived experience into the established AAMS model of dispute resolution. By combining the proven efficacy of an established conflict management program with the practical experience of educators who have used the skills and knowledge in schools this study will provide professional educators with the opportunity to read, discuss, and inwardly digest a proven method of how to constructively manage interpersonal conflict in schools.

As with all lesson plans, however, it is only a model. It requires professional and creative educators to put life and spirit into the plan so the lessons of conflict can be used constructively to deepen and strengthen interpersonal relationships in schools.

## Chapter 2: Literature Review

### Conflict

M. Scott Peck (1978) suggests that “it is in the whole process of meeting and solving problems that life has its meaning. Problems are the cutting edge that distinguishes between success and failure. It is through the pain of confronting and resolving problems that we learn. It is for this reason that wise people learn not to dread but to actually welcome problems” (p. 16). This is the often unseen, positive side of conflict because conflict offers the opportunity for change and growth.

Costantino and Merchant (1996) describe conflict as a process. It is an indicator of dissatisfaction and they suggest, “We move away from the idea that conflict is a tangible problem that can be solved, tamed, managed, or controlled. Rather, conflict is an interaction, a signal of distress from within or outside the system” (p. 5). This dissatisfaction may lead to anxiety, disappointment, frustration or even depression. The choice that professional educators need to make is to turn the difficulty into the lever for change that encourages engagement, activism and, eventually, satisfaction from resolving conflicts (Magnusson, 1991).

Costantino and Merchant (1996) indicate that many healthy organizations are heading in the direction of ‘interest-based’ dispute resolution methods where understanding and solutions are sought based on ideals other than authority and rights. This doesn’t mean that authority and rights are wrong; it means that all stakeholder groups must have input into the spirit, meaning, and use of the methods used in the

resolution of the conflict in which they are involved. Interpersonal conflict, then, becomes something that can be talked about openly and honestly. In schools, teachers can use the Code of Professional Conduct for discussion, rather than using it as a law to prevent dialogue. Roberts (as cited in Senge, 1994, p. 213) discusses the importance of “loyalty to the truth” and “being loyal to the spirit” of the truth. Teachers must be prepared to carefully examine concepts such as ethics, truth, and honesty to deal with conflict.

Investigating interpersonal conflict is a risky business (Fowler, 1998). It is risky to investigate interpersonal issues; risky to leave personal issues poorly managed. She says, “I believe there is risk for teachers in the refusal to know things that seem too difficult to know, both about themselves as mortal human beings in relationship and community and in the remarkable work required of excellent teachers.” Her view is that teachers need “an entry point, a relational connection to open thought, reflection, and reconstruction that is not personally threatening to individuals” (p. 2). Because of the intense personal nature of schools there should be an open invitation for educators to investigate and develop ethical interpersonal teaching practices, even if it is risky business.

Often in well-managed schools conflict does not appear to exist. However, this is an illusion because the conflict is there; it is just managed well. Bergeron (1987) says conflict is reduced through structures such as clarifying roles and responsibilities, improving communications, or modifying the values and beliefs of the organizational culture. He also says that conflict may be reduced through effective interpersonal relations, using strategies ranging from avoidance or accommodation to compromise,

force, or collaboration. A successful school may consciously or unconsciously build in the elements of successful conflict resolution.

In some schools conflict is not managed well. Under the emotional pressure of interpersonal conflict teachers may find themselves reverting, often uncharacteristically, to instincts ranging from passive avoidance to aggressive fighting that move the conflict further from effective resolution. When faced with conflict, teachers and administrators may attempt to “hide it, quash it, control it, fight it, deny it, or avoid it, but whatever they do, they cannot make it disappear: conflict is an organizational fact of life” (Costantino and Merchant, 1996, p. 3). Conflicts may result from many factors including differing expectations, competing goals, conflicting interests, confusing communications, or unsatisfactory interpersonal relations. Examples of typical conflict may include a teacher’s performance evaluation, how a school’s resources are allocated, poor student results on examinations, or parent dissatisfaction. Teachers and administrators need to examine how they personally and collectively react to conflict. They need to understand the conflict management system they work in and accept responsibility for it or, if necessary, change it.

In describing core concepts of a learning organization, Senge (1994) suggests that “the premise that organizations are the product of our thinking and interacting is powerful and liberating.” He suggests that individuals and teams (of teachers) “can affect the most daunting organizational barriers. These barriers were created by people’s wishes, expectations, beliefs, and habits. They remained in place because they were reinforced and never challenged: eventually they became invisible, because they were so

taken for granted” (p. 48). Conflicts need to be examined, in part to see how our thinking and interacting contribute to issues.

In recent years, many books have become extremely popular because they provide systems that help us to manage difficult interpersonal situations. Covey (1989), Peck (1971, 1987), Rusk (1993), and Ury and Fisher (1981) are all examples of authors who have written about principles that are the foundation of more effective communities, people, families, and businesses. There are similarities in the principles they advocate for developing better relationships, mediating and solving problems. For example, Rusk (1993) discusses the power of ethical persuasion and outlines the following three-step process: 1) exploring the other person’s viewpoint, 2) explaining your viewpoint, and 3) creating resolutions. The first two of these principles coincide with Covey’s (1989) fifth habit in his book on the habits of successful people, where he suggests we seek first to understand others and then we strive to be understood. The principle of genuinely listening to others is also one of Peck’s (1971) central themes. Covey’s fourth habit of working towards a win/win solution is similar to Ury and Fisher’s (1981) method of inventing options for mutual gain. Principles such as these have been incorporated into most conflict management systems. If schools are to manage conflict more effectively, they need to embrace such principles and embed them in their culture.

### History and Research

Rapoport (1960) suggests that conflict is a theme that has occupied the thinking of man more than any other except for God and love. “In the vast output of discourse on the subject, conflict has been treated in every conceivable way” (p. 10). Philosophers,

sociologists, economists, political scientists, anthropologists, psychologists, and management scholars have all studied conflict.

The theme of many historical conflict studies is that conflict is detrimental and, therefore, structures and mechanisms should be devised to eliminate it or to improve the social system of the organization. Plato and Aristotle were classical philosophers who stated that, “Order marks the good life and disorder the opposite. Conflict is a threat to the success of the state and should be kept at an absolute minimum, and removed if possible” (Rahim, 1986, p. 2). In the nineteenth century Darwin indicated that biological species grew by confronting environmental challenges. Social Darwinists (such as Spencer, 1862; Sumner, 1906) recognized the role environmental conflicts play in human growth and development that led to the doctrine of survival of the fittest. Marx (1867) believed that conflict between the classes was the mechanism for change and development. He thought his classless society would be free from conflict and alienation.

Folberg and Taylor (1984) provide a summary of other historical and cultural forms of mediation and alternate dispute resolution. They begin with ancient Chinese Confucian views that supported resolution through moral persuasion and agreement rather than sovereign coercion. They discuss the history of conciliation and mediation in Japanese law and custom, the African custom of the neighborhood meeting, how rural extended families with strong matriarchal and patriarchal traditions in many cultures offer wisdom, precedents, and models to help families to solve problems, and how Jewish and Christian traditions have used ministers, priests, and rabbis to serve as mediators. A biblical quote, often seen in mediation literature states, “Blessed be the peacemakers for

they shall be called the sons of God” (Matthew, 5:9). They further discuss North American labor/management relations, civil rights movements and how alternate dispute resolution struggles developed beginning in the late 1960s.

In the second half of the twentieth century the study of conflict began to grow with what have become classic studies such as those undertaken by Coser (1956), Deutsch (1973), Fisher and Ury (1981), and Moore (1996). Conflict was described as having productive and destructive potentials or functional and dysfunctional outcomes, and even an inevitability. Throughout the last few decades of the century, the process of defining and practicing Alternate Dispute Resolution began to develop in many fields.

Dysfunctional outcomes are summarized by Rahim (1986). He outlines how some people may feel defeated by conflict. A climate of distrust and suspicion may develop or distance between people may be increased. Instead of cooperation, an atmosphere of introspection, withdrawal or resistance to teamwork may develop. People may even leave because of turmoil.

Deutsch (1973) believes that, too often, conflict is cast in the role of villain, like something to be avoided. However, he argues, there is no such thing as the psychological utopia of a conflict-free existence. In fact, most people seek out conflict in “competitive sports and games, by going to the theater or reading a novel, by attending to the news, in the teasing interplay of intimate encounters, and in their intellectual work” (p. 10). To Deutsch, the critical question is not how to avoid or suppress conflict. Rather, the question should be how to create the conditions that encourage constructive, enlivening confrontation of the conflict. A useful distinction can be made between “lively controversy and deadly quarrel” (Folberg & Taylor, 1984, p. ix).



Deutsch (1973) outlines some of the many positive functions of conflict. Conflict prevents stagnation, it stimulates interest and curiosity, it creates an opportunity for problems to be aired and solutions found, and is the root of personal and social change. Conflict is part of the process of testing and evaluating one's capabilities and, therefore, may create a pleasurable experience in the full and active use of one's abilities. Conflict helps differentiate groups and individuals, thereby creating unique identities. Often external conflict can create internal cohesiveness. Conflict may revitalize norms or contribute to new norms. Also, power relationships can be continually readjusted through conflict.

Rahin (1986) describes how the view of conflict developed so that it became a legitimate, inevitable and even a positive aspect of organizations, perhaps even essential to productivity. He suggests that conflict is functional if it results in creative solutions which otherwise would not have been possible. "Little or no conflict in organizations may lead to stagnation, poor decisions, and ineffectiveness. On the other hand, organizational conflict left uncontrolled may have dysfunctional outcomes." A central theme of conflict became "too little manifestation of conflict is stagnancy, but uncontrolled conflict threatens chaos" (p. 8).

Costantino and Merchant (1996) view conflict as a process, a fact of life in any organization which is neither bad nor good. It is an "expression of dissatisfaction or disagreement with an interaction, process, product, or service" (p. 5). Many factors may contribute to conflict, including differing expectations, competing goals, conflicting interests, confusing communications, or unsatisfactory interpersonal relations. In schools, conflicts may result from such things as a performance appraisal, resource allocation,

time-tabling, parent displeasure, or student anger. Conflict is inevitable and is a process through which dissatisfaction, disagreement, or unmet expectations may be expressed.

It is useful to make a distinction between conflicts and disputes because often the two terms are used interchangeably. A conflict is a process while a dispute may be a product of the conflict. For example, a teacher may be upset with the hiring practices of a school or principal. This is a conflict but the method of dealing with the conflict, such as a grievance or a complaint, is the dispute, or product of the conflict (Constantine and Merchant, 1996).

While disputes are often the most visible signs of conflict Constantine and Merchant (1996) outline other, less visible evidence of conflict. Uncontrolled, aggressive competition between departments or colleagues may be a sign of conflict. Sabotage, inefficiency, low morale, or withholding knowledge may also signal conflict. There are clear similarities between the negative reactions to conflict and what Dreikurs (1949) described as maladaptive behavior that comes in the form of four mistaken goals. These are: attention getting, power, revenge and assumed disability. When people are not successful at meeting needs or finding acceptance in a group using positive means they may resort to having the needs met in 'mistaken' ways. They will seek attention using inappropriate behavior. If they are successful and if they feel accepted they will continue to behave in this manner. However, if they are not successful, especially in forming an attachment to the group, then their needs may be met in a different manner. This may be by trying to achieve power as a means to belong. An example of this may be a teacher thinking: "The principal is an important person with a special place in this group and she gets her own way so if I can get my own way using power in a similar fashion then I also

will be accepted in the group.” Should this behavior work, then power-seeking may be incorporated into people’s lifestyles for the rest of their lives. Developing the mistaken goals of any of the four areas noted by Dreikurs may become lifestyle choices and these may be pursued in constructive or destructive ways (Grunwald & McAbee, 1985).

### Mediation Defined

There are many variations in the definitions of mediation. However, for this discussion Folberg and Taylor (1984) provide a workable definition that describes mediation as a process that falls along a spectrum or continuum of possibilities. They describe it as:

...an alternative to violence, self-help, or litigation that differs from the processes of counselling, negotiation, and arbitration. It can be defined as the process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach consensual settlement that will accommodate their needs. Mediation is a process that emphasizes the participants’ own responsibility for making decisions that effect their lives. It is therefore a self-empowering process. (p. 7)

Mediation is a goal directed, problem-solving intervention, intended to resolve disputes and reduce conflict, as well as provide a forum for decision making.

The fundamental purposes of mediation are to produce a plan for the future that the participants accept, to prepare participants to accept the consequences of their own decisions, and to reduce the anxiety and other negative effects of the conflict. The mediator accomplishes this through reducing the obstacles to communication, maximizing the exploration of alternatives, addressing the needs of participants, and providing a model for future conflict resolution. Confidence and trust in the process is critical to the mediation process. However, a therapeutic relationship between the parties and the mediator is not necessary, as it may be in other interventions. Mediation is not intended to look at past behavioral patterns or change personality; rather, it is task-

directed and goal-oriented. Mediation may be seen as a set of skills and a process that can be used selectively when conflicts demand a structured agreement between participants (Folberg & Taylor, 1986).

### Interest-Based Conflict Resolution

In 1981, the Harvard Negotiation Project was founded to develop and disseminate improved methods of dealing with conflict. It was one of the earlier American institutions dealing in alternate dispute resolution. The Project's activities include action research, theory building, education and training, and writing on the theory and practice of negotiation and conflict resolution. Two of the founders of the project published the book Getting to YES: Negotiating Agreement Without Giving In (Fisher & Ury, 1981). It has sold over three million copies and Ury and Fisher theorize that its success comes from the principle of helping persuade people that negotiations are more effective when they move away from adversarial posturing and work towards satisfying the 'interests' of both sides. Interest-based methods of dispute resolution are where the parties identify their concerns, needs or desires as a starting point in addressing the issues in dispute. Solutions are sought that are mutually acceptable, taking into account all of the parties' interests. A distinction should be made between 'positions' and 'interests'. The Justice Institute of British Columbia (1989) defines positions as solutions that satisfy one's own needs but do not take into consideration the other party's interests, values and needs. Interests are a collection of needs that must be met by an agreement. They may include hopes and expectations, fears and concerns, beliefs and values, or priorities. For example, a teacher may take the following position: "You had no right to insult and exploit me in front of other staff members." His position is clear. However, what is not clear are his interests.

Perhaps credibility, safety, or ethical conduct may be the teacher's interests. When positions are re-framed into interests, disputes can become easier to discuss.

### Growth of Alternate Dispute Resolution

There has been an explosion of interest in Alternate Dispute Resolution (ADR) in the past twenty years. Much of the development can be attributed to the concept of interest-based negotiation. Costantino and Marchant (1996) indicate that the ADR interest has developed because of a number of reasons that include:

- 1) The court dockets are overloaded. As a society we are looking to the courts and laws to solve problems at all government levels. This creates a virtually impossible job for the legal system so we require ADR to relieve the pressure from judges, lawyers, and lawmakers.
- 2) Legislation and regulations now require ADR in some instances. For example, divorce courts in Alberta now require an attempt at a mediated settlement before disputing parties can go to a courtroom.
- 3) Increasing cost and decreasing satisfaction with litigation have moved organizations to use more ADR. Money, loss of time, lost opportunities, and an overall negative effect on business and employee relationships have soured organizational use of the court system. Also, there is a negative societal view of lawyers who have become too expensive; they appear to make much money without providing satisfactory results.
- 4) Society wants more natural and humane methods of dispute resolution. Organizations and individuals have grown tired of fighting each other and there has been an increase in communication skills and a desire to work together to solve problems.

- 5) People want more control over how problems are solved. Instead of judges or lawyers deciding their fate, more and more people want to be involved in their own solutions to their own problems.
- 6) Litigation is often a public affair and organizations are finding that ADR can be a method of problem solving that doesn't allow a forum for 'dirty linen to be aired.'

### The Continuum of Options

There is a continuum of methods to deal with conflicts. Folberg and Taylor (1984) describe them as persuasion, problem-solving, consensus-building, voting, negotiation, mediation, arbitration, and litigation. Alternate Dispute Resolution (ADR), like conflict itself, permeates our lives and we use these different methods daily. Most educators are constantly problem-solving with our students, negotiating with our coworkers, mediating in our families, and arbitrating decisions in our committees. Each process follows various steps and each may be more effective or desirable than others for a particular conflict.

The continuum of ADR gives options ranging from least invasive, such as persuasion and negotiation, which allow parties the most control over the process and outcome, to those options such as arbitration that offer the least control over the process and outcome.

Mediation is often confused with many other forms of solving problems. Explaining these other options and where mediation fits into the continuum helps to define it. Often mediation is presented in the context of four options. The first is *avoidance*, which means no action is taken in the hope that the problem will solve itself or go away. In schools, for example, antagonists often move or transfer at the end of the year. Mediation and negotiation fit into the second option of *collaboration*. Parties

involved in the dispute make decisions themselves. In negotiation the parties talk directly to one another in an attempt to achieve a resolution. In mediation a mutually agreed-upon third party conducts the session or sessions to assist the disputants in reaching a resolution. Mediation is then an assisted negotiation where a mediator structures a process for communication that allows people to analyze problems, generate solutions, and eventually agree on a series of steps to be taken to solve a problem. The third option is to refer to *an established chain of command or higher authority*. This may mean going to the principal, superintendent or union representatives to help solve the problems. Litigation or arbitration may also be possibilities in this option. A significant difference between arbitration and mediation is that an arbitrator, after hearing all the information presented by both parties, decides the outcome, whereas in mediation the parties themselves dictate the final outcome. The fourth and most extreme option are methods such as *physical violence, strikes, behind the scenes maneuvering, or civil rights demonstrations* (Folberg & Taylor, 1984).

Before and during mediations it is important that parties are aware of the hierarchy and differences in dispute-resolution options because one choice may be better suited to a dispute than another. Parties should consider what mediation is before starting the process but, as Costantino and Merchant (1996) suggest, they should also be aware that moving from one process to another may be necessary to reach resolution. Sometimes the realization that a dispute must reach a resolution one way or another may create enough motivation to change. In other words, if a problem cannot be resolved by the parties involved then a solution would have to be imposed by a higher level in the chain of command. It may also be advantageous to switch from a negotiation to a third-

party mediation because a neutral mediator may be able to help generate alternatives not previously considered.

### Communication Skills

Successful mediations are contingent on the use of solid communication skills. These skills are similar in many situations such as teaching, counselling, or mediating where students, clients, or parties need to have their stories heard so the process of growth, change and resolution can be encouraged. Magnusson (1991) details three sets of skills or techniques required for effective communication: reacting, soliciting and structuring skills. Essentially these skills are ways to talk, ask questions and summarize information so parties believe and feel that their side of the story has been heard. These skills are not easy to master. However, the skill base is necessary at all phases of mediation. How the mediator reacts to each of the parties will establish trust and will create an atmosphere of empathic listening that is critical to the process. The soliciting skills are required to get more information and to encourage parties to think an issue through in more detail or, perhaps, to describe certain feelings. The structuring skills give a process and direction to the mediation. At the beginning of a formal mediation clients should know how the session is to proceed. Mediation practitioners will say that when the form is creatively followed and each stage is completed the mediation has the greatest chance of positive resolution. These communication skills need to be practiced in order to be mastered and to have their power in the mediation setting appreciated

One of the benefits of the growth of mediation and alternate dispute resolution options is that it has also led researchers to an analysis of the 'anatomy' of such difficult conversations. Stone, Patton, and Heen (1999) suggest from their study of hundreds of



difficult conversations that there is an underlying structure of thoughts and feelings that fall into three categories, or ‘conversations’. First is the *what happened conversation*. This is generally a disagreement about what has happened or what should happen. Answers to questions get discussed out loud, and internally. The conversation focuses on: Who said what? Who did what? Who’s to blame? Who’s right? Who meant what? The second is the *feeling conversation*. Are feelings valid or appropriate? Should they be acknowledged or denied? Should they be discussed or subdued? What if the others are hurt or angry? These feelings may not always be discussed in the conversation but they are present. Thirdly, there is the *identity conversation*. This is the conversation about what the situation means. It’s a debate, often internally, about whether we are competent or incompetent, good or bad, worthy of love or unlovable. Thoughts surround us about our self-esteem, self-image, our future and our well-being. Our own answers to these questions determine whether we feel balanced during the conversation or whether we feel off-center and anxious. Every difficult conversation involves these three conversations and, the extent to which thoughts and feelings surrounding the three conversations are explored may dictate how well the disputants understand and accept the issues.

Often the processes in life that seem to work best are those that are the simplest. That is, they appear to be simple but have great impact. The primary goal of mediation is an agreement that all parties can abide by. However, Slaikeu (1996) indicates that growth and understanding are also worthy goals of mediation. He keeps the following three simple communication foci as goals throughout the process:

- 1) First, each party should develop awareness and become empowered by articulating their own interests, feelings, views, needs, desires, and hot buttons

which need to be continually verbalized in a challenging yet caring open environment. The mediator encourages an atmosphere of truth- seeking curiosity. Communication skills are used to generate a different awareness of the dispute for each of the parties and, at the same time, the mediator provides a model of communication and negotiation that can be seen as empowering the parties to deal with the situation.

2) Secondly, understanding and recognition of the other party is a key focus for all stages of the mediation. It is not enough to just understand one side of the story. Restating the other's story and checking out the other party's reality in terms of interests, needs, and proposals is necessary. Even if a formal agreement is not reached this recognition and awareness of other has value in itself.

3) Thirdly, Slaikeu seeks agreement and reconciliation at all stages of the mediation. He seeks to reach an agreement of some sort to solve the problem, to move towards implementing a plan, or to resolve the dispute. This is a continual process of understanding self and other towards restoration of relationships, development of agreements or, hopefully, reconciliation.

### Mediation in Schools

Schools bear considerable responsibility for leadership in the community. At the same time, schools reflect the community, its values, cultures, attitudes, and realities. As conflict resolution programs have developed, schools have become responsible for initiating programs for students at all levels. Curriculum for career and personal planning courses requires conflict resolution training for students and, with the awareness of violence and bullying issues in the media, schools are being asked to develop safe school,

anti-bullying, conflict resolution initiatives and policies. Many advertisements for administrators include the line, ‘must have strong conflict resolution skills.’ There is no doubt that educational institutions are reacting to this need. Peer mediation and peace programs, anti-violence training, and conflict resolution initiatives have been instituted across North America.

A survey of the research on alternate dispute resolution in schools indicates there are many initiatives being started and many initiatives being evaluated at all levels of education. Warters (2000), in his report on conflict resolution education at colleges and universities, says that on-campus services began to develop in the late 1980s, moving from 18 specialized campus mediation programs in 1990 to approximately 220 by the end of 1999. Boskey (1995) reports that by 1992, 162 of 168 law schools surveyed included dispute resolution courses. Degree programs, certificates and concentrations at the graduate and undergraduate level emphasizing peace and conflict studies have doubled every five years from 31 in 1981 to 590 in the year 2000 (O’Leary, 2000). In the United States there are at least four teachers’ colleges that offer school mediation programs to prepare teachers to work with K – 12 students. In addition there are more than 20 specialized academic journals publishing results of conflict research and reflections from practitioners (Warters, 2000). In public schools the Conflict Resolution Education Network (2001) estimated that in 1997 there were 8,500 school-based conflict resolution programs in the United States located in 86,000 schools.

Generally, the results of introducing conflict resolution programs in schools offer cause for optimism. Evidence suggests that after the introduction of a conflict resolution program there are fewer negative results that can be attributed to conflict. For example,

there are less suspensions in schools and violence decreases after the implementation of a program (Blakeway 1998; Bodine & Crawford 1998; Kmitta, 1998).

One of the concerns among practitioners is that the need for immediate fixes to problems may lead to unrealistic and inappropriate goals and expectations. Mediation and other conflict resolution alternatives are only one of the possible alternatives to address issues of conflict and social justice. As with most new programs introduced into schools as curricular initiatives, mediation requires support, participation, and resources beyond a single classroom. Parents, administration, staff, entire schools, districts, and the community at large need to be involved (Girard, 1995). Training for teachers is crucial and teachers must address their own behavior in order for adults' words to match their actions. Since modeling is essential, training is also essential (Bodine & Crawford, 1998).

Duryea (1992), in her review of dispute resolution and the mediation model as it relates to culture, suggests that the "Euro-centric underpinnings of the model may ultimately become a victim of its (sic) own success: it quickly became a lightning rod for the discontent with traditional ways of solving disputes, without the necessary theoretical foundation to ensure its longevity. Indeed, with its 'apple pie' nature (who is against consensus and harmony?) it may actually service to placate those who most need to be heard, to privatize matters that fundamentally need to be public" (p. 13).

There appears to be little academic research on conflict resolution and the mediation process among staff members in schools in North America. Peer mediation, teacher-parent conflict resolution, or programs for students dominate the literature. The assumption may be that professionals will manage disputes on their own and, in reality, this probably happens. Classrooms and schools are conflictual places and teachers, by

virtue of their position, become mediators in their classes. They learn to cope with interpersonal conflict based on the 'culture' of their particular school and general life experiences. On occasion, when the established chain of command in the school, or the established dispute resolution process does not work, independent third party mediation may be an option that could create better schools and better staffs.

### Chapter 3: Methodology

This project is a qualitative study of how three professional mediators use the knowledge and skills of conflict management. The focus is on conflict management in general and, specifically, negotiation and mediation theory and skills among staff in schools. It involved first of all identifying people who have training and selecting three who were willing to be interviewed. Miles and Huberman (1984) discuss the need for making research choices and setting boundaries on research topics. The interviews of three mediators from three different perspectives gives this project enough data concerning the mediation process on which to base conclusions and draw insights without making the project too cumbersome.

The second step was to tape interviews with these three people to understand how each has used the skills and knowledge of conflict management and to assess their involvement in the school system. Interviews were kept to less than an hour to allow the respondents to give enough information without becoming tired (Neuman, 1997; Seidman, 1998). An interview blueprint was created (see Appendix A). However, the questioning strategy was to use the blueprint but follow the lead of the respondents in a conversational atmosphere to learn of their experiences (Neuman, 1997; Seidman, 1998).

The third step was to incorporate their learned insights and experiences into the four stages involved in the mediation model as well as to add topics on a thematic basis as they became evident in the interviews (Seidman, 1998).

Fourthly, the rough draft of the model lesson plan was sent to each of the participants for their critique. Seidman (1998) describes how this process of soliciting feedback from those interviewed authenticates the research.

Finally, their comments were added to the model to produce a richer summary of how conflict resolution skills have been used in schools.

A qualitative approach was selected because I felt the interviews would draw out the personal experience of professional mediators as a way of enriching the mediation lesson plan. The data from the interviews are presented using the mediators own words. Some editing was done to create a text that is easier to read. However, the interviewees' voices are intended to be in the script. Neuman (1997) describes this type of qualitative research as having richer description and more colorful detail than more formal statistical research with a neutral tone.

### Confidentiality

There is no intention in this project to name names, find fault, blame, or pass judgment on real people who have been involved in interpersonal conflict in schools. That would serve no purpose. Rather, the purpose in reviewing the experience of professionals is to understand the efficacy of conflict management programs and to evaluate the experience of professional mediators who have used the model in schools. References to real people in conflict situations have not been used.

### Procedure

In summary, I followed five steps in conducting the study.

1) I had to find three professional mediators who have received training in conflict management through the Alberta Mediation and Arbitration Society or an

equivalent organization and to examine how they have been able to use their skills and knowledge in schools. Accordingly: (a) I contacted the AAMS to get names of educators who have training in the AAMS conflict management program, and (b) I contacted teachers who had had training through the AAMS to get names of potential interview candidates.

- 2) The interviews (see Appendix B).
- 3) A description of Alternate Dispute Resolution, especially mediation.
- 4) An explanation of the four-step mediation model as a lesson plan, especially as it relates to schools and school staffs.
- 5) The addition of critiques of the participants to create a more creative, richer final draft.

#### The Interviewees: Their Backgrounds and Experiences.

Three mediators were interviewed. In June, 1999 Liz Iwaskiw was interviewed in her home in Lethbridge from where she operates a mediation business. In 1996 Iwaskiw began taking Alberta Arbitration and Mediation Society (AAMS) courses out of curiosity and personal interest. Iwaskiw has a degree in political science and psychology and worked one year as a probation officer. Immediately prior to becoming a mediator she spent nine years as an unemployment insurance fraud investigator with the Federal Government. Following her assessment as an AAMS mediator she took a leave from her job and set up a mediation firm in Lethbridge with a partner. After two months she knew that she was never going back to her Federal Government job and she resigned. After a year she decided to work on her own. Most of the mediation work she does now focuses on helping people cope with work place conflict resolution for organizations such as



Southern Alberta Regional Health Authority and the City of Lethbridge. Through what Iwaskiw calls a bizarre set of circumstances she has taught conflict resolution courses in both Southern and Northern Ireland, as well as teaching the AAMS program in Alberta. Recently Iwaskiw gave a half day conflict resolution introductory session to principals and administrators from Lethbridge District 51. She said they loved the session but were, at the time, unable to fund further workshops. She described this as being typical; people want the program and training but don't know where the funding is going to come from to pay for it.

Iwaskiw describes herself as like a religious zealot when it comes to conflict resolution. She has seen how things develop in the work place; people go on stress leave, or stop talking to each other, and situations get worse and worse. She has seen how conflict resolution saves money, and people's sanity. Office morale improves overnight when the process of dealing with a conflict begins just because something is being done about the issue. Interest-based mediation often gets rid of the conflict altogether. People know they are not feeling good about the conflict; they want a better way of dealing with the conflict. Iwaskiw believes that people of all ages could benefit from conflict resolution skills and if she had her way every ten year old kid in the world would be taught the skills and it would be a different world. She was chosen for this interview because of this enthusiasm, her international reputation, and her experience at resolving workplace conflict.

Nancy Love was the second interviewee. She started teaching in 1978 and taught for six years in junior high. She then moved to a high school and taught French and social studies for six years. Next she became a vice principal in a kindergarten to grade four

setting for two years and a vice principal in a kindergarten to grade 9 setting for another two years. Love was also principal of a grades nine to twelve high school.

Throughout this time she was extensively involved with the ATA (Alberta Teachers' Association), sometimes on the negotiation committee and other times with employee relations. Through her work with the ATA Love received some training in conflict management in 1989. She was able to use those skills again and again so, when she found herself in a position where she could take further AAMS training, she took advantage of the opportunity. Although she thought she had the basics down she needed to know more and, perhaps, become certified. She saw a need for conflict management in schools. She realized that most people didn't know how to deal with conflicts so she started to train some students in conflict resolution and had a conflict resolution team in the school. Love was chosen for this project because of her wealth of experience in schools and because she was just completing AAMS certification when she was interviewed. She had also just entered a doctorate studies program at the University of Calgary.

Reg Theroux was the third person interviewed. Theroux works for the Calgary Board of Education in employee relations services. His background is in human resources and labor relations conflict management. He has also been a social worker, a teacher, and a teacher at community colleges. Although many of his jobs dealt with resolving conflicts of all sorts between parents, employees, students, and young adults he began pure conflict management when he started to deal with unions. He found that managing problems between staff, managers, and employees could easily get very formalized using any method, from communication to litigation, but that they were truly

unsuccessful in many ways. Both parties were frequently not satisfied with how conflicts were resolved. Theroux found that in the last ten years or so new material began to come out that moved away from labor relations-type positional bargaining, or mutual gains bargaining, to interest-based problem-solving. This proved to be a more worthwhile way of dealing with issues because people's real concerns were being addressed. It was time-consuming but much less confrontational and much more creative and satisfying.

Theroux's work with the Calgary Board of Education is based on the assumption that conflicts are a reality between employees, management, and the public. He now looks for solutions that are less negative than termination, or employees being disciplined.

Theroux's job was to bring the interest-based problem-solving from the non-school system into the school system. The ambition of the Calgary Board of Education was to change the basic way the Board resolved issues and dealt with day-to-day problem-solving. Conflict management workshops were developed and facilitators were trained. Today, workshops are being offered for teachers, principals, assistant principals and anyone in a leadership role in the Board of Education.

## Chapter 4: Data from the Interviews

Three mediators were interviewed: Iwaskiw, Theroux, and Love. Their backgrounds are different yet all three advocate using the mediation process on both a formal and informal basis in schools. Iwaskiw is a mediator who has done a lot of mediation but only some training work with educators. She is a professional, with a valuable service to offer, on the outside of the school system. She is a third party neutral observer with a fresh perspective to offer school systems. Often, schools seek 'outside' help in dealing with issues only as a last resort.

Theroux's background in labor relations also offers a unique perspective. His job description is to work directly with schools to implement Alternate Dispute Resolution programs and make them part of the culture of the institutions.

Love's expertise comes from direct experience working as a union representative, a teacher, and an administrator. Over a period of years she has worked at implementing peer mediation programs and staff professional development at all levels in the school system.

The summary of the three interviews is organized into three sections. First, there are the general comments on mediation from the three participants. These include a metaphor to describe interest-based negotiation, comments on the need for interest-based mediation, involvement of different participants, including lawyers, and comments on how assumptions lead to conflicts. The second section deals with the interviewees' views

on how mediation could be used in education. Based on different experiences, each of the three practitioners comments on how the education system could profit from mediation. Love and Theroux in particular discuss the challenges of introducing mediation into the culture of the school. The third section deals with comments on the four-stage mediation process. Setting the tone, handling emotion, groups, moving from positions to interests, and reaching an agreement are all part of this section.

### Part 1: General Comments on Mediation and Conflict Management

When introducing interest-based dispute resolution, Iwaskiw often uses the metaphor of the two people arguing about who is going to use the last orange in the house. This provides a quick overview of interest-based dispute resolution.

A metaphor to describe interest-based dispute resolution (Iwaskiw). The best way

I can explain it to you -- and I always revert back to this, because I can't think of a better story that explains it is the story of the orange. You have two people in a kitchen fighting over an orange. And an old style mediator would walk into the room and say, "What is going on here?"

And the two people would say, "We want the orange."

And he would say, "How many oranges are there?"

And one would say, "One. I want it."

He'd say to the other person, "What do you want?"

"I want the orange."

Well, an old style mediator, that's as far as he would go. He would cut the orange in half, give them half each, walk out, and think he did a fine job. An interest-

based negotiator would have taken it further and found out why each wants the orange.

And I will tell you why it is important. In this story of the orange, one person takes their half of the orange, takes off the peel, eats the pulp and chucks the peel. The other person peels the orange, chucks the pulp, and makes a cake with the peel in it. Now, if I had asked those people why they had wanted the orange, one could have had all the peel and the other could have had all the pulp, and there wouldn't have been this need for a compromise. But in our society, mediation tends to be equated with compromise, which in my mind is equated with giving up half of something, and that's not good enough. And that is what people do all the time. They get into a tussle about something. Well, I will give this little and you give that little, but they walk away and they are still not satisfied. Interest-based negotiation gets to the heart of what it is you really want and why you want it. If you can figure that out, the solutions that come as a result are way better.

Theroux's introduction to interest-based negotiation began through the labor union movement. Over time he realized that relationships were being sacrificed and adversarial discussions were, in the long run, not as satisfactory as the time-consuming but more productive interest-based negotiations. Eventually he was hired by the Calgary Board of Education to promote alternate dispute-resolution initiatives

Interest Based Conflict Resolution (Theroux). I started to get into pure conflict management when I started to deal with union conflict. The adversarial methods were truly unsuccessful in many ways. You find that both parties, both the

employee and employer, were not necessarily satisfied with that kind of route in dealing with the conflict. How do we get people to understand each other, to try to resolve issues at earlier phases of communication, and avoid more formalized ways of having somebody arbitrarily decide how a conflict is going to be resolved?

A few years ago I started to learn some of the skills of interest-based problem solving right at negotiating tables. We explored issues, issue by issue, using an interest-based approach, which is really the way to resolve conflict. I found it a very, very worthwhile, positive way of dealing with conflict. At least we were getting out what people's real concerns were behind an issue. Although it's time-consuming, it's less confrontational.

I found that when I was working with one particular union, we were negotiating for three years on one collective agreement. We used a lot of interest-based problem solving to get to the issues. In that process there was a lot of relationship building. We actually worked with the union at the table as opposed to destroying relationships, which often happens in negotiation, when we really get confrontational talking about those 'management types' or 'those union hacks.' What happens at the end of the negotiating period is you have broken down a lot of the relationship. You get a written collective agreement, you walk away, and you have got to spend a whole bunch of time rebuilding the working relationship. So interest-based conflict management problem-solving approaches are much more effective in unionized environments.

What's happening more is that the union work I was doing with the

City is now transferring over to the Board of Education. The union is much more interested in saying we have got conflicts between employees and management, conflicts between employees and the public. How can we avoid this turning into a real negative thing where you discipline the employee or terminate the employee or get into the real negative side of managing the problem? Much of it involves conflict resolution skills.

Ensuring that the right process is used in Alternate Dispute Resolution is very important. Iwaskiw's experience in ADR comes from teaching conflict resolution courses or actual mediation sessions. She has a gift for summarizing the process quickly and for focussing clients to make efficient decisions, including whether they are engaging in the right process. Before mediating a dispute she ensures that parties are prepared to mediate, and that they understand other ADR possibilities. She is also adamant about mediators learning the skills of negotiation before mediation. She believes mediators need to work through and understand the emotion of their own disputes in order to progress to mediating other's problems.

The elements of conflict resolution (Iwaskiw). The first thing I talk to people about is what is going on inside their own head. I say, "When it comes to conflict, you have five choices in a conflict situation: You can walk away, and that is often a good idea if it is with somebody you have got no relationship with, you are never going to see them again, who cut you off in traffic, who cares, walk away and leave them alone. You can choose to negotiate, which means that you and the other person you are having a conflict with sit down and try to work this out by yourselves. If that doesn't work, you can go to mediation, which means bringing



in a neutral third party to help you talk. If that doesn't work, you can go to arbitration, which means you bring in somebody who will make the decision for you. And if that doesn't work, then you can go to court, which is litigation. And those are the five choices in conflicts."

The one that I choose to concentrate on, always, with beginners, is negotiation, that is me having a conflict with you. I've decided I can't avoid it, I'm not going to walk away. I have got to talk to you about it, and we sit down at the table. The process is identical in negotiation, as it is in mediation. There are still the four steps. I need to make sure that you want to have this conversation with me, be real clear that this is not me telling you what to do, but me saying, I have this concern, I hope you do too, can we have this conversation? Where will you be comfortable having it? When would be a good time for you? And then away we go because I'm going to have to keep the balance straight here, because I am the one that is going to use these skills to get through this negotiation. I'm going to address the issues, I'm going to find out what your interests are, I'm going to get my interests on the table, and we are going to hopefully get some kind of resolution.

Iwaskiw also believes mediation is a process of communication. Simply by airing a dispute and checking out information, especially assumptions, participants can begin to resolve conflicts. In the workplace, including schools, people often work alongside each other over a long period of time but rarely take the time to talk about their working relationship.

Assumptions as the basis of conflict (Iwaskiw). Ninety percent of conflict is false assumptions. In grade two you made fun of my pink dress and I will never forgive you for it, because you think you are better than me. In grade seven you get these same two sitting down across from each other, and she mentions her making fun of the pink dress, and she says, “I wasn’t talking about you, I was talking about Carolina So-and-so,” and she goes, “Oh, I didn’t know that.” Boom, it’s a whole different racket.

I see this in the workplace all the time. You know, two women that worked together for 22 years, got along for the first 18 but haven’t spoken in four years. Something happened. And I go back and I say, “So what happened four years ago?”

“Well I heard her talking in the file bay about me, Na, na-na,na-na.”

“I wasn’t talking about you.”

I thought -- that’s all it is. People make an assumption and then they look for information to back up the assumption, until it becomes this huge reality in their mind. All they have to do is back up the truck and say, what was that about? What about that made me so upset?

People want different solutions; solutions that are cost efficient and emotionally satisfying. Often disputes seem to be about money. According to Iwaskiw this may also be an incorrect assumption.

Resolving conflict and money (Iwaskiw). Conflict resolution is like technology.

It costs a lot of money up front, but it saves you a fortune in the long run. Conflict resolution is more important than technology because it saves you not only money

but sanity; office morale improves over night when you are dealing with a conflict, just doing something about it. Then, interest based negotiation gets rid of it all together.

In conflict people often think it is about the money. It is never about the money. If it was about the money, they would have taken half each and gone home. If they are coming to me, it has got to be about something else. When I was taking a mediation course in Calgary, the instructor said “it is never about the money.” I didn’t believe her. But I know now in my soul that it is true. It is always something deeper; It is something else, always, always.

An example is a brother and sister fighting over their mother’s estate. They think its about money but it’s not about the money itself, it’s about how they think mom liked one or the other best and they argue about it.

“You are the one that she bought that car for.”

“Well, you are the one that she did this for.”

“Well, I never wanted that, she made me take that for this reason.”

“I never knew that.”

It’s all misinformation. It’s assumptions that people make about each other. Something happens and they jump to the conclusion that they know why that happened, and they resent the other person for it and they never bother asking them if that is the case or not. And it goes on and on and it just compounds itself. It’s amazing. When I talk about getting to interests, most people think they know their position when they walk into the room, they know what they want, but they are not real sure why they want it until I start asking questions and say, What does

that look like for you? Why do you want that? What is it about that that is huge?

As they start talking, often it comes out and they are shocked by it themselves.

People cry almost always in mediation, man or woman. When they realize what this thing was and how big it got in their head, they start crying because they think, God, that's what this is about, it was never about the money. It's so true.

Although there are many forms of mediation, including those that involve lawyers, Iwaskiw is convinced that the power of mediation comes from disputants experiencing the emotional necessity of speaking for themselves.

Encouraging communication without lawyers (Iwaskiw). I get calls from lawyers all the time saying, "I'm going to send my client to you, but I want to come to the mediation," and I don't let them.

I explain to them, "You speak for that person. I want that person to speak for himself. If you want this husband and wife to sort out this divorce and you really want them to come to mediation, you don't need to be here. If you are there, they won't speak."

I have never had anybody insist yet. I don't want the lawyers in the room. I want the people who are involved in the conflict to talk to each other with as few people as possible, because they are the people that need to get to the heart of it. If anybody else is there, they are not going to go there.

One of the questions asked in the interviews was how the mediation process changes when there are groups involved as opposed to individuals involved. This is an important question because often an entire school staff becomes embroiled in conflict and everybody becomes stakeholders in the problem. Theroux indicated that a balance of

power may be difficult to achieve because of numbers. Iwaskiw's response centered around the pressures in today's work force and how simply starting mediation can alleviate some workplace stress.

The mediation process with groups (Theroux). The process for a group facilitation or mediation is the same but you have to think of the dynamics. There are certainly more people and there is more potential for issues. I mediated a group of eight staff and a supervisor, not teachers, they were administration staff here. I used the entire same process, it's just that it takes much longer, because you have to hear eight stories about the perception of the issue. And it's just a little harder to control in that way. What is a really important factor in this kind of mediation is the power. For instance, if you have seven people against one in a room and you are trying to mediate and it's like them against him or her, it can be a bit difficult, because you have got this power struggle. Of course one person is going to feel somewhat attacked. Staying pretty true to the process is important and understanding the process as you work through is important. It's a skill thing. The more you use it, the better you get, the more confidence you have as a mediator or facilitator in the process.

Group mediation (Iwaskiw). I am doing one right now, as a matter of fact, with 17 people on a work team. I met with each of the 17 people individually. Amongst those 17, there were three pairs of individuals that had major problems, so I mediated those three pairs individually. The next step is we are going to bring the 17 people together to do a two-day training session, and then we are going to do a team mediation. But already it has made a difference in the work place. Already

they are getting along much better. Just the fact that there is a process in place is a relief.

I think conflict in the workplace is bigger than it has ever been, because you have half as many people doing twice as much work, nobody has had a raise in years and years and years, nor do they see one in the near future. There is nothing they can do about it if they need the job and there are so few other jobs to go to and they don't feel comfortable complaining to management because they are terrified they will lose their job. So they start eating each other alive. It is like they are stuck in a pen and they can't get out, and they are eating each other alive. But it is not what they want to do.

When management puts out the money to hire somebody like me because they are so concerned about the conflict and they want me to help fix the work environment they start taking a different view of the world. Just being able to spend an hour with somebody to spew all this stuff or talk about conflict resolution with the group they start speaking to each other in a different way.

The three pairs that we mediated resolved all the stuff they needed to resolve and went back to the work place going, "Wow, that's better." All the people around them are going, "God, even they get along; this is magic." This stuff breeds success. Every time one little thing happens, it leads to something else, and you look at it and see that this really does work; this really is possible.

In terms of time with the whole mediation I spent an hour with each person, so that was 17 hours. Two of the mediations were two hours and one was three and a half, and then we will do two full day workshops with everybody, and

the team mediation, who knows. We may not even have to do that. When the training is over with, I may just check in with them one day and just have a one-hour meeting and see how it is all going, and if everybody is happy, that might be the end of it. Or maybe I will go back and do a one or two day mediation. I don't know. You can't plan that sort of thing.

It is the same thing as when somebody phones me up and says, you know, they want me to do a mediation, how long is it going to take? I have no idea. It is entirely up to you. There are a lot of factors involved. I did a family mediation two weeks ago in somebody's living room with a couple and a step-daughter, and I said to her, "It could take anywhere from two to ten hours." At the end of three hours, we were done. Absolutely and completely covered everything and everybody was tickled to death. I've had other ones where people have come back to me for a two-hour session three times and didn't get anywhere. But that is not up to me; it is up to the participants. They have to want to fix it. I can facilitate a process, but I can't make them come to any kind of resolution. I can't make them want to understand each other. I get calls all the time from people who say, I want to come to mediation but the other person won't come, will you talk them into it?

Sorry, I can't. What I say is, "You can give them my number and they can call me and I will answer any questions they may have, but no, it would be wrong of me to try to force somebody to the table." It is contrary to the process.

If you see that they are making any kind of progress at all, then I guess you keep going. I haven't had anyone quit yet, but I would know if it wasn't working. In fact, in the first session I would know if it wasn't working. I have

had some that went real slow the first session and I gave them some things to think about to come back with the next time, and then we really got going. But if people aren't cooperating, it is usually pretty obvious right from the get-go.

## Part 2: Education and Mediation

This project began because of conflict experienced between professional teachers in different situations over a number of years. I often wondered: Is there a better process for solving disputes other than transfers or resignations? Is there something unique about staff conflict in schools? The three interviewees have different backgrounds and experiences regarding conflict resolution in schools, and they provided different perspectives in response to my questions.

Theroux speculated on what may be unique about schools. He noted that although schools are all about educating groups of people, individual teachers work in isolation. There is little opportunity to observe or evaluate other teachers at work and constructive criticism is not part of the culture of schools. Theroux's experience in other fields like social work offers a valuable comparison and points to the need for more professional, constructive communication in schools. As a mediator working for the Calgary Board of Education he has learned to ask if the disputants have talked about the issue themselves before he gets involved. He recommends this as a first step before he starts third-party mediation.

Teachers in conflict (Theroux). It seems to me that the way in which we train professional teachers is we train them to deal with the classrooms. We train them very well to deal with children, but we don't train them to deal with each other in conflict. I'm giving you a very biased observation. I have been in other



professions where you're challenged; in other words, if you are on a team and you are not pulling your weight, we have a team meeting. If you are not pulling your weight I need to talk to you about it, and we need to talk about it as a team. I think often times with teachers there is a notion of respect meaning not to criticize each other professionally. I don't know if we spend an awful lot of time with a team building thing. I'm not sure if I should call it team building, but I'm wondering if that's maybe what the problem is. The nature of the institution is everybody is individualized. They go off to their classroom and work with their group.

I think in an interpretation of your code of professional ethics, there seems to be a mentality that you don't challenge your co-workers. You don't criticize your co-workers, you don't suggest ways to change as co-workers, because of that you become too independent as professionals. In the social work field professionals are trained in a very similar way, undergraduate degrees, masters degrees but they definitely interpret the code of ethics differently. If you aren't meeting the code of ethics as a social worker, they have no qualms about going to superiors or others or directly going to individuals and talking about it. 'I have observed some things that I think are unethical, not professional, not representing our training; therefore, let's talk about it, let's look through the issues.'

I'm not sure that we provide the training for teachers to deal with that. I don't know if your undergraduate training involves problem-solving amongst multidisciplinary teams. I think a lot of health field, social services field, and a lot of business environments do have multidisciplinary teams that look at issues.

Somehow I think teachers have a little bit different approach. I'm not sure why, but I think it comes probably in the training. The training doesn't fill that in.

I'm not sure if the professional code of ethics for teachers is interpreted as saying I can go to my principal and talk to my principal about other teachers. The question is is that just my perception of the other teacher or is it also my working relationship with that other teacher. I may disagree about how they teach kids math. Does that mean I'm breaching my code of ethics about my view of math as opposed to your view of math teaching? I don't know how teachers resolve those issues. There are different ways to do things, obviously, and your way may be different than mine, but does that make me unprofessional by challenging the process that we are using or the teaching methods that you are using.

The kinds of things I have seen as issues with teachers in their actual working relationships are not so much whether they are doing things right and wrong, it's just getting along in terms of professionalism, resolving day-to-day kinds of conflicts.

The human dynamics that build up and build up, the ones that I have been mediating, are about human dynamics. The teacher ones, the non teacher ones, the caretaker ones, the staff and administration, all of the issues were issues that had to deal with this person doesn't communicate with me, this person doesn't respect me, I feel like I'm not respected, this person abuses my space, this person threatens me, this person intimidates me, this person makes me cry, you know, all these kinds of human communication dynamics.

Differing perceptions of behavior are part of the teacher dynamic. I perceive that you are doing this and the other person says, I didn't mean that at all.

“You mean to tell me that when I said that to you you perceived something totally different?”

“Yeah, I thought you were belittling me.”

“Why do you think I was belittling you?”

“It's just the way you use that word any time you say hi to me.”

All of a sudden, two people who haven't been communicating at all, one thinks that he is being belittled and the other one is just thinking she is being friendly or teasing, turn the situation into an harassment charge.

The main thing is getting people together to talk about it. More than anything else is the fear of taking a conflict issue and bringing it into a room and trying to resolve it. One person thinks the other person hates them, the other person doesn't even maybe know the issue exists. In several of the biggest issues I have dealt with in trying to resolve conflict one person hasn't been aware of the problem and I actually ask, “John, have you spoken to Perry about your concern about how he is yelling at the students,” or whatever the issue, whatever it is. The answer is, “No, I haven't.”

I have been asked to mediate conflicts that aren't even identified as conflicts. In other words, the principal phones me up and says, “I want you to mediate this situation between two teachers.” What I'm learning now is to say, “Is it a conflict. Oh, it's been going on in the school for two years. Okay, have the two teachers ever met about it?”

Often the answer is, “I don't know.”

Now, if they haven't gone the first steps of trying to resolve it, I require that they do meet before I become involved. Sometimes that's all it takes, just bringing them together, and one party saying, “I didn't know that. I apologize. It will stop.” A two year old issue is dealt with and on you go. Sometimes you can get agreements on stuff just by bringing the two people together.

Staff disputes in schools inevitably lead teachers and administrators to the Code of Professional Conduct. It often becomes a misunderstood document because it is interpreted to mean that issues should not be discussed, especially issues that deal with another teacher's reputation. Love has an extensive background with the Alberta Teachers Association (ATA) and has also been an administrator. She expressed some frustration at how the Code of Professional Conduct is misinterpreted.

The ATA Code of Professional Conduct (Love). The code of ethics gets misinterpreted, misused and it's an incredibly important document and we need to understand the spirit of it but we don't need to be beaten up with it. There are rights and responsibilities to work things through. Often teachers will think we can't talk about anybody else but that's not what it says. You can't talk about someone's abilities without first having talked to them. So you go to the teacher and you say look I'm really concerned about what I see happening here. Can you help me to understand why? You have to give people the chance to respond.

Iwaskiw admitted that as an independent contractor she is seldom asked to work in schools. However, she has delivered workshops to Lethbridge administrators. These workshops were based on the premise that the administrators had to experience the

communication skills that are so central to effective conflict-resolution, such as paraphrasing, listening, and questioning techniques. Although Iwaskiw reported that they appreciated the workshop, she noted that conflict resolution skills are not necessarily built into the culture of school systems.

Administrators experiencing mediation skills (Iwaskiw). The presentation that I gave to administrators I called a taste test in conflict resolution. I spent two and a half hours with these people, and engaged them in the interactive interplay that goes on in the classroom. I talked to them about and had them paraphrasing. I wrote on the blackboard ‘abortion’, ‘capital punishment’, and ‘euthanasia’ and asked them to go off into pairs and paraphrase each other, on their opinions on one of these subjects. They went off to do it. These people are highly trained, most of them have masters degrees, Ph.D.'s, everybody knows the word ‘paraphrase,’ but to be asked to do it is a whole different thing. They came back to the table going. “That was way harder than I thought it was going to be.” But it is -- you have to be the listener and you also have to be the speaker. The most moving thing for most people is experiencing how good it feels to be listened to in that way. We don’t practice good listening skills. We don’t do it.

So what I gave them was a sampling of the kind of stuff that I teach, for themselves personally. When they came into the room, I said, “I’m assuming that you want me to teach you how to mediate between other people, but I am not going to do that, because I believe that once you can put your own heart on the table and engage in a conversation with one other person with yourself involved, if you can use these skills to get through that conversation, then you can help

somebody else.” To be arrogant enough to think that you can mediate other people without ever having shifted yourself, I just don’t think that works. I have met a lot of mediators who do this for a living who don’t get it within their own soul, and they are not effective. There was paraphrasing, we talked about open questions versus closed questions and how often we tend to lead people, especially in a conflict situation. We talked about using ‘I’ statements and clarifying assumptions, making sure that what you think this person is thinking is actually what they are thinking. We did all those kinds of exercises in a real condensed fashion, because we only had two and a half hours. That’s why I called it a ‘taste test’.

They had a little bit of all the different things and walked away going, “My, that was mind boggling.” And I have never had anybody not react that way. It doesn’t matter who I am talking to, when people take these courses, they go, “God, you know, it just makes sense to me.” It’s not rocket science. It’s stuff that people know but they don’t do.

I am hoping we can create a generation of those people, but as far as I know they don’t exist, yet. I mean, I’m sure you could take a classroom full of kindergarteners, but I don’t know if they could pay attention enough. To me, I don’t know where the magic number ten came from, but I think in my head, a ten year old could take this in and do something with it; teenagers would lap it up, I’m sure. Teenagers are in conflict 24 hours a day, within themselves, and they think it is everybody else. So if the focus of the course is about self-management

and figuring out how what you do affects other people, that would be huge for kids.

The most difficult thing is helping people listen to each other. The most difficult thing is getting people to put their stuff out of their heads long enough to take in what the other person is saying. The angrier you are and the more important this issue is to you, the harder that is to do. But that is what a mediator has to do. You have to help this person understand what it is that the other guy is telling you. When people start off in the mediation, they tend to talk to me, the mediator, instead of each other. My aim is to eventually get them speaking to each other rather than to me. But in the beginning, I act as this buffer. Party A tells me something and I know Party B just can't hear it, so I paraphrase it back to Party A to let Party A know that I have heard them, but also to give Party B a chance to hear it again out of my mouth, which is a little more acceptable.

Negotiation is where I have a problem with you and I decide that you and I should sit down and try to work this out, just the two of us. If we can't do that because we are pushing each other's buttons and we are making each other crazy and we can't listen to each other, then you may want to go to mediation; which is bringing in a neutral third party who sits with you and just helps you talk to each other. They make no decisions, they don't take any other responsibility for decisions that are made, but what they do is just facilitate the process that helps you to talk to each other. To me, negotiation has got to be learned first, and then mediation after. There are a lot of people who would disagree with me, I'm sure, but to me it's the heart and soul of it.

An interesting conclusion that both Iwaskiw and Love suggest is that conflict is often difficult to resolve between people who have known each other for a long, long time. Iwaskiw described siblings as being difficult to mediate while Love indicated that children in school who have grown up together often are difficult to mediate. There is something different about the relationship between those who have grown up together. Siblings or schoolmates seem to be able to push each other's buttons in subtle ways. Perhaps there are longstanding issues that that one party may not even be aware of that surface each time there is a problem.

Life long habits (Iwaskiw). Do you know who the most difficult people to mediate are? Most people think it is spouses. It is siblings because they have been pushing each other's buttons their whole lives. I can get two 50-year-old professionals, brother and sister, who are well educated, well respected, really together people, and within five minutes they are calling each other names. They go right back to being six-year-olds again. So I think people get stuck in conflict because they learn bad habits. I think human nature tends to get our back up. Instead of listening to the other side, we just want to get our side out there and shut them down and we don't listen to them, because, god forbid, we don't want to be persuaded, we just want to get our stuff out there because we know that we are so right. We are so busy being right we don't make the attempt to understand the other person. In the courses that I teach, we talk about if you understand the other guy first, then he is going to be able to hear what you have to say, and it will lead to something constructive. You can collaborate together on something that is going to work for everybody. Most people just butt heads and butt heads and butt



heads and walk away frustrated. I will tell you, before I started doing conflict resolution, I was surrounded by difficult people. They were everywhere. They are gone. Those people did not take any courses. Those people didn't do a thing, it was me. I guess that was probably the most profound thing that I learned in these courses. People respond to me according to how I come across to them. The only thing in the world I can control is the way I come across.

School children in conflict (Love). I've been subbing a lot this year and it doesn't matter if it's grade three or grade eight, what they learned about each other in grade one carries through. In schools we're creating a phony situation because children who see each other year after year develop strategies for dealing with conflict. When you throw poor teachers in there who don't know what's going on they spend most of their time managing rather than teaching.

As part of Theroux's job he is regularly called to mediate in schools. He says that simply because he is perceived as a neutral third party, someone who has no personal stake in a dispute, the dispute is easier to manage. This is an important lesson for educators, especially some principals. Sometimes finding a third party to mediate a volatile situation may be the most expedient way to solve a problem.

Third party negotiating (Theroux). I particularly use the whole process on a daily basis. I am called to mediate, as opposed to doing purely labor relations. Our department is trying to move more into the mediator role. Just recently I have been in schools where I'm mediating between three and four teachers who are having relationship problems within the school. I can come in as third party. No one knows me, I'm not a principal, I'm not an assistant principal, not

administration, I'm not a teacher. They can look upon me as a third party, although I work for the Board. As a third party neutral I can go in and do some of these mediations with teachers and principals. I did a two day mediation recently which was one with two principals and a caretaker on some issues happening in the school. It was a very volatile situation, and they were not prepared, necessarily, to keep the employee. At the end of the mediation they said, "this will work. We have a written agreement that we can abide by and live by." So much better than saying this caretaker is a problem. Let's remove the problem and transfer him to another school. Then he goes to another school and nobody deals with the issue and it blows up again.

Theroux's unique position with the Calgary Board of Education authorized him to mediate situations in schools, and provide skill-based training for those working in the system. He described the process of providing workshops, mediating disputes, and providing expertise to the 'system'.

Working in the school system (Theroux). In the Board of Education, my role has been, as a consultant on employee relations, to lead the interest-based problem-solving portion of labour relations at the Calgary Board of Education; to take those skills I have in non-school systems and bring them into the school system.

We began to deliver here at the Calgary Board of Education a series of conflict management workshops for teachers, principals, assistant principals, managers, supervisors, anybody in a leadership role in the Board of Education. The intention was to give them the skills to take problem-solving through interest-based approaches leading to resolution. To try to communicate initially, then to

try to maybe negotiate the issue, or to a mediation level if it needs a mediator, or perhaps even an arbitration, hopefully avoiding going to a formal arbitration outside of the school.

The Board of Education in conjunction with our Employee Assistance Program, were asked to kind of pull together primarily because what was happening was a lot of principals and assistant principals were concerned about stressed-out teachers, screaming parents and trying to resolve issues. Administrators didn't have the necessary skills to deal with these kinds of conflicts. The principal of the school or assistant principal, could arbitrate the decision between a parent and a teacher not agreeing, but that's not effective. It's not good to say, okay, well, I'm the principal, therefore, I'm making this decision. Often times it's just an arbitrary decision. If one or the other of the two parties wasn't happy, where would they go? They call the superintendent of schools, or the director, and it goes up the political ladder to get a decision reversed or get a decision in their favour or to get something changed.

A lot of our administration were saying, this is not as effective as it could be. How do we get some skills to change? We started experimenting with running some of the classes, especially for principals, directors on the Board, and assistant principals. They started a five-day training program, in practical theory and practical skills. The first day was lecture and the second day was some communication skills practice, and on days three, four, and five was mediation and arbitration role playing.

We were working on the ability to run a mediation and take resolution of the issues through to an agreement. They would start with identifying issues that exist between the two parties. Then once the issues were identified and fully scoped out, develop a number of options to possible resolution, selecting those options as potential resolution, and then actually getting a written agreement by the parties. We were creating situations and working them from beginning to end.

A lot of the process had to do with the ability of the facilitator or mediator, the person learning to resolve the conflict, their ability to really get at what the issues were. They had to get the underlying issues out on the table and get the two parties to an agreement, because it is not the mediator's role to actually enforce an agreement, but is to get the two people to come to a resolution together. If it's built by them then it's going to start to succeed.

Interestingly Theroux found that many participants in the workshops had difficulty transferring lessons from work to role-play scenarios. They often didn't identify with situations in the workshops; they wanted to deal with their own, real-life scenarios. This may demonstrate the personal nature of conflict; how the emotion attachment of real situations makes them more enriching scenarios to resolve. It may also be an indication that more practice and more in-servicing using mediation and communication skills are necessary.

Role playing real situations in schools (Theroux). What's unique about schools is the type and nature of conflict that comes forward. Many of them that I've heard in the five different workshops are conflicts between teacher and student, teacher and administration, teacher and parents, and teacher and staff. Many issues are

truly people issues and miscommunication issues. They happen in almost any environment.

What I discovered from training is that the biggest problem that people have is in transferring the skills. I'm not quite sure why that's a problem. It's like if the role-play isn't truly like one from my work environment, I have a hard time identifying with it. So many people want a role-play that really is close to their experience so they can understand the issue.

Iwaskiw had less experience in schools than the other two interviewees but her thoughts were that conflict resolution skills should be taught to all students and that teachers should be taught the skills first to create real systemic change. Her preference of first teaching and learning negotiation skills, before mediation, again became apparent. If participants learn the process when there is something personally, emotionally at stake, the skills will be more readily learned.

Mediation in education (Iwaskiw). It seems to me that age doesn't matter.

Everybody knows that when they are in a conflict situation, they either abort it or they are too competitive. People know what conflict is, they know how it makes them feel, and everybody wants a better way of dealing with it. People say to me all the time it's really good you are teaching those people in Ireland, because they really need this. Well, you know what, everybody needs it, everybody. If I had my way, we would teach every 10 year old kid in the world how to do this, and it would be a different world.

If this is going to be part of the school, then I think we should begin with the teachers, train the trainers first, that's the first thing you have to do. In fact,

that is what I am doing in Ireland. When I go to Ireland, I get a new group to teach an introductory course to each time, but we are going to do progressively more complicated advanced courses so that a core group of people that are interested can move their way through it, and at the end of three years, we should have enough people so that they can train themselves. That's the whole point.

Here again, this is my personal bias is that you could teach the mechanics of mediation to anybody, but I don't believe that it will be as effective. I think you need to teach negotiation to people first and foremost. You have to be able to represent yourself and get through a conflict situation where your heart is on the table using these skills. If you can do that, then when you are helping other people, you are that much more effective, because you know what it feels like. When the hair stands up on the back of your head and you think, I don't want to go there, but you know that you have to... that's the feeling you need to experience.

Love was the only interviewee with experience as a school administrator. She discusses how students learn through the principal that problems are often solved using power and the authority of the position. One of her goals became to model dealing with issues using mediation skills so students could experience the process and rely less on unilateral decisions made by the principal using authority and power.

Being a principal and dealing with conflict (Love). When I first became a principal I wasn't ready for being in a power position because when you are in a power position then it's different. Certainly in schools the office or the principal has the power and kids learn that power solves problems. Conflict is a part of life

and we want to model how to work through the problem. It is even more important in the difficult times so the harder the issue the more important the model is if you believe in it and the harder the skill level required is. As principal you have to deal with issues as they arise in the school using the process so participants can see how it works.

In Love's experience, not only did students have difficulty experiencing the different way of dealing with issues but staff also had to change. Because of entrenched ways of dealing with conflict, especially avoidance, change was not easy for some staff members. Again, as with students, modeling the process for staff became part of Love's strategy as an administrator.

Old habits in the staffroom (Love). Avoiding is part of a strategy that has built up over years and years and it has supposedly been successful. To change that strategy is to go into a threatening kind of space. So to begin with you have to give them feedback and validate them. What ever or where ever it may be the other person's position and place needs to be recognized. That is one of the keys in the whole process. There are three parts to validating the other person. First, is the fact you noticed something going on and you are drawing it to their attention. Secondly, there is the validation of the feelings involved. Curiosity is a key word; it must be a genuine curiosity about the feelings and the situation. Third, you have to be prepared to move from being sure about things to being unsure about things. Again, there must be that element of genuine curiosity.

Theroux also advocates more training and more building of mediation skills and ADR processes into schools. His experience proved that over time and with training principals could be instruments for change.

The role of principals (Theroux). Principals are like any human in terms of conflict, it's not much fun to deal with. They want to make sure that their staff are working together and are happy. Some people have those kinds of skills anyway. They would bring parties together to ask what's going on. Some can help work it out and others just don't have those skills. We are getting feedback from the training that this is excellent stuff. These people can take it out and they can use it daily, they can practice it, it's immediate, they can use it right away in the school day. In the school often there was a lot of emotion and a lot of perceptions that hadn't been cleared, misperceptions, misunderstandings, communications that just went awry for whatever reason. The two parties just never got to sit down and talk about it. If you set the tone, I think, in an environment where they could feel comfortable even though it would be risky to do it, but comfortable enough that they know that they can vent, share, do things and feel safe about it. If the process was built into the system with the ground rules already explained with an atmosphere of trust it would be a good start.

It's very difficult to deal with conflict. It's easier to move the conflict, for everybody to expect it will just go away. But if it's a person that's not making any changes, then they are just moving the problem. It forces people to face the issue, and that's hard. People don't want to face the conflict.



Being a third party and neutral is pretty important. It's hard for a principal to do this kind of thing or an assistant principal or somebody who is seen as management who has or could have a direct impact on the teachers or staff that you are dealing with. What we are finding when we are running these conflict management training workshops is that because there are 15 assistant principals and principals together in a workshop for five days, they are making connections with each other and asking each other to come and do mediations for each other. We can say it's maybe truly mediation, because the principal of one school can't, obviously, make a decision arbitrarily afterwards.

Some of the training also deals with what we call "mediation arbitration." In other words, the principal will come in and try to mediate between the two teachers. Should they not be able to resolve it through mediation, the principal will take all the issues and will then arbitrate the decision. It is not preferred, but can be done if the principal is skilled and feels comfortable in trying that approach. They are saying they will invest a certain amount of time, but if it's too much, then they will go ahead and make a decision. Because if this mediation is going to take three and a half days of meetings, forget it. I'm just going to decide. It could be something that is tempting to do.

Through her involvement with the Alberta Teacher's Association, Nancy Love took some conflict resolution courses, developed some skills, and began to use them as a teacher and administrator in schools where she worked in different settings from kindergarten to grade 12. She describes the work of teaching conflict resolution in schools, noting how often the older the people in conflict were, the more difficult it was

for them to change. In her experience, younger students more readily accepted change than older, more entrenched staff members.

Incorporating mediation in schools (Love). I found that schools were conflictual places and saw a need for mediation and mediation skills. People didn't know how to deal with conflict. Everybody assumed that they knew what was going on in the conflict yet nobody really knew what was going on from the other person's perspective.

At the same time there was a need to do team building with the staff and develop safe schools so the mediation skills fit directly into that area. Many staff already had the Lions Quest Training and the Skills for Action Training so there was a common vocabulary on which to build.

In the K to 4 situation it was easiest to develop the principles of mediation. There were teachers that were sharing classrooms and there was already a lot of cooperation and pulling together. I discovered at this level that when collaboration and cooperation were built into the system then conflicts were dealt with better; part of the culture of the school was to work together so there wasn't a lot of jealousy or tension about the library or individual classrooms or whatever else often becomes a disputed part of the school.

In the K to 9 situation I started to train some students in conflict resolution. There was a conflict resolution team in the school and so what I found happening was that the K to 3 kids were coming to the office and demanding to have a mediator. Having experienced that success I recognized that the more skills I had the better off I would be in the school so I continued to take training. I

was encouraged to see the skills working with kids in the school, but also with student-teacher issues. I actually set up formal mediations between two parties and that 'sort of worked'. The other thing I did was teach the skills to teachers. We would begin staff meetings by going through a part of the process so they would get an understanding of the theory. I either did a conflict resolution process or some kind of a cooperative learning strategy so that they would get the idea how important I felt it was. A major hurdle to get started with teachers was having them 'buy more into that notion of actually going to talk to the person.'

Mediation was fairly well received in the elementary and junior high setting but in the high school setting it was a little less well received. The first year they did it because 'I was the vice principal.' In the second and third year staff began to say things like, "Why can't we do this at the end of the meeting rather than the beginning of the meeting?" By that time they had covered lots of the skills. I continued to set aside time so that we could work on the communication skills. Eventually teachers were required to do these skills with their classes for periods of time in their homerooms with students. Quite literally every staff member would be going back to their homeroom, spending time once a month or so practicing the skills. They really spent a lot of time investing and building on the skills.

Change in the climate of the school was especially easy to see in the K-9 situation. We had kids trained in all ages so in that setting we saw change. I also believe there was a better feeling in the staffroom. There had been some long-standing disputes when I arrived on the scene and there were several people who

hadn't spoken to each other for years. It was difficult when these old situations 'reared their ugly head at staff meetings.' Eventually in the staff meeting setting they would deal with the dispute immediately when the emotion was high. If things were said that were not productive they would try and work on it right there and everybody would have an opportunity for input. I wasn't accepting silence as an option. It was a process of really communicating. It was not just listening. People can be sitting there listening full of emotions and full of assumptions. We had to get past the assumptions and actually ask the tough questions, appropriately express feelings, bring out the interests and stories from the underlying emotions, and air them properly. Then at least we could work together to build a solution. Working on the skills gave us better tools to be able to deal with situations if and when they come up.

One of the main things in school is that there is a lot of insecurity, or the opposite, overconfidence. Either they're extremely busy and they're feeling insecure about what they're doing or they're very confident that they're right and they get very aggressive. Because teaching is so demanding and also because teaching is such an isolated event lots of times teachers don't get the broad picture of what's going on. That was a particular characteristic of high schools where there are departments and department heads and opportunities for teachers to become more isolated.

Over time the power issues on staff began to erode once they started with things as simple as having administrators meeting privately semi-annually with every staff member. The goal was to create a team. I think it gave some staff the

confidence to stand up for beliefs. One-on-one discussions and negotiations, together with an understanding of the conflict resolution skills, helped develop staff morale.

When I was in a power position, like principal to teacher, I needed to understand them first. Then, once there was disclosure on both parts we could almost feel improvement. Generally, relationships on staff got better on a professional level and there was more sharing of facilities. In order to have the whole school committed to the process it came down to it being a vision for the school with all stake holders especially including counsellors and staff members on side. Then we had to have specific skills developed and the general population began to realize its importance. Also, some of the biggest allies are parents when they are on side.

However, I also discovered that mediation is a hard thing to sell because people really do avoid difficult issues and confrontations. People react to situations the way they always have reacted and they will return to what they are used to rather than get curious. Just the very fact of people being together and never dealing with the little things would get strategies ingrained.

At the very least I found that in order to get more resolution people had to be taught the skills at least to recognize an issue for what it was. Then depending on how important it was, to let it go or deal with it. If people agreed to see it as a priority then we started with teaching good communication skills.

Communication skills are a good place to start and then some trained teachers and students got together and talked about conflict. Keeping perspective was also

important. I would suggest beginning with a goal of reaching 80% of the people then you'll have 80% more than when you started. There will always be barriers and challenges. Change doesn't happen overnight, just as there are issues that are not mediatable there are people who are resistant and will continue to be that way and that needs to be recognized.

### Part 3: Thoughts and Tips on Using the Four-Stage Model

Typically, Iwaskiw was able to summarize the four-stage model very succinctly.

The mediation model (Iwaskiw). I use a four-stage model: Stage number one is setting the tone. You introduce people to each other, make sure everybody is comfortable with the guidelines, decide how it is going to go, and make sure that everybody is clear, get everybody's permission on confidentiality and all that kind of stuff. That is stage one.

Stage two is figuring what the issues are that you are there to speak about. You can't have people just wandering all over the place. You need to come up with some kind of an agenda, so stage two is about getting real clear about what the issues are and getting some agreement from the parties about how you are going to do that.

Stage three is where you do 75% of the work, and that is when you try to get to interest. You are exploring interests, trying to develop some understanding between the participants, and that is where you find out the why behind what they want. In stage 2, they are real clear on what they want, but in stage 3 you spend the time finding out what it is about that that is important to you. People come in

positional. If you can get a couple of layers down to find out the interests of what a person is looking for, then you can come to a different solution.

And then stage four is just resolution. If you do stage three well, stage four is easy. If you go to stage four and you are not getting anywhere, you have got to go back to stage three, because people can't resolve until they have understood each other.

When you say stick to it, the neatest thing about this model is it is fluid. You can go back and forth. If we are in the solution stage and they just can't agree on anything, then I know I've got to go back. Maybe we've got to go back and figure what the issue is, we are on the wrong track. You often go back and explore some more interests, because there is something that hasn't been covered, obviously, if this person is still ticked off. But it's a real good guideline to sort of keep you focused and give you a path to follow. Otherwise, you get two people just ranting and raving and it goes all over the place.

Stage 1 - Tone, Guidelines, Process. Clarifying the process and the roles of the participants, creating balance, setting the tone, and explaining and adhering to the basic guidelines of the mediation process is stage one. Every mediator eventually establishes his or her own personal mediation guidelines. Iwaskiw is typically clear, yet flexible, at the start of mediation. A concept that Theroux emphasizes is being hard on the problem and not the people.

Guidelines (Iwaskiw). We set up guidelines like: there will not be any interrupting. I give people a piece of paper and a pen, and if they have a thought while they are listening they jot it down. I give each person equal time to hear

what needs to be said. It is all that balance thing, balance, balance, balance, all the time in mediation. They both get understood; that's what my job is. My job is to keep it fair. My job is to make sure that they both get heard. But the decision is up to them. They reach it easily once they understand each other.

Stage one when I am setting the tone and introducing people and laying out how the process goes, I will say to them, I have some preferences; there are some things that I insist on. One of them is confidentiality, I want you to know that nothing that is said in this room will leave this room from me, and it is up to the two of you to decide whether you want to share this decision with other people but keep the conversation to yourselves. Whether you can tell everything, that's up for you to decide, but I am not going to talk to anybody about it.

Another guideline I insist on is that people don't interrupt each other. There are some people who insist on no foul language. I've had people who couldn't talk if you put that disclaimer on it. It is not my process, it is their's. There are other people who say, "You must remain seated." That sounds real parental to me, so I just don't say that. If somebody was to jump up, I would find out why they were jumping up, you know, and I would deal with it then. But, different mediators have different guidelines. To me the most important thing is that I would say, "These are the things that I would like, but I want to know from you what you would like." I make sure that it is a comfortable place for them to be.

Setting the tone in the mediation process (Theroux). There are ground rules for mediation. They include full disclosure; both parties agree to fully disclose all the issues. There will be confidentiality; whatever is said within mediation is held



within confidence between the two parties. There won't be any accusing or blaming or screaming or yelling. The parties themselves can also make up their own rules. The list can be extended. One of the rules is hard on the problem and easy on the people. So the focusing will attack the problem and will try to deal with why they are attacking each other. That's where the mediator has to be in control of those rules.

The power of mediation comes from positive and productive communication of the individuals involved in conflict. Theory is important but the process must also create acceptable results. Iwaskiw was challenged to demonstrate how the mediation process works while in Ireland doing a workshop with a mixed group of Catholics and Protestants. After two days of theory the students wanted to see if it was possible to have a discussion using the mediation process as a forum to discuss the trouble in Northern Ireland. Although she was reluctant to discuss such a potentially volatile subject she agreed to the challenge. The students were impressed and even Iwaskiw was surprised at how well the process worked as she illustrated the communication skills used in mediation. This story illustrates how participants will buy into something if they actually successfully experience it first hand.

From Theory to Practice (Iwaskiw). I did a group mediation in Ireland with 18 students, five of them were Protestant, the rest were Catholics. They had taken two days of a three day course, it was the last afternoon of the third day. They said, "You know, whatever you have in mind this afternoon, instead of doing that, we want you to do a mediation about the troubles in the North."

And I went, "Whoa, I don't know if that is a good idea."

And they went, “No, we need to know if this is applicable.”

I went, “Okay!”

I took a deep breath, and what I did was more like a facilitation than anything else. People gave their opinions, I kept a balance between the opposite sides, I paraphrased so that this guy would say something and this guy would get his back up and say, “Hold on, so what you are saying is this?”

And I would say, “Yes, that’s it.” and come back to this guy, and he would accept it coming out of my mouth, but he wouldn’t accept it coming out of the other person’s.

We spent three hours doing that. At the end they went, “That was dynamite.”

And one of the guys said, “That was magic.”

Because we didn’t solve anything, but we had a conversation that they could not imagine having themselves, prior to that day. They actually heard each other for the very first time. Light bulbs were popping off over people’s heads the whole afternoon, people going,

“Wow,”

“Really?”

“Wow, really?”

“Do you really think that?”

“I didn’t know.”

Yeah, it was fabulous. By the end of the three hours, I felt like I had run about three marathons. Not that I have ever run one, but that is what it felt like.

People love this stuff, but it has to be translatable to what they are dealing with. I had sort of shied away from the Irish thing thinking that they know all the details and I don't. I mean, I've read lots, the more I read the more confused I get, but then I just thought, you know, "I've got the skills of a facilitator, and that is all I have to do here." And that is what I did, and we got through this thing. You know, as I said, we didn't solve anything, but they had a conversation that they would never have believed possible prior to that.

This is the kind of experience that disputing parties might need to have to give them confidence in the process. Often conflicts have been ongoing for a long time and participants have never had the opportunity to openly discuss the issue using an open process that encourages looking at the interests and less at the individuals. Interestingly, the conversation about the trouble in Northern Ireland was as empowering for the student participants as it was for Iwaskiw the facilitator.

Sometimes it's important to caucus, or meet separately with parties. This can be done at any time and both Theroux and Iwaskiw suggested that it may be a way making or breaking off the mediation session.

The caucus in the mediation process (Theroux). Most times I go into mediation knowing very little of the situation, and I'm just mediating right from scratch. I don't know the issues. I am there to hear the story and try to deal with the problem from there. You can caucus, if you really need to do that - stop the mediation and interview the parties separately. If things are going really poorly in the mediation there may be some hidden agendas that aren't out on the table. They are just not exposing everything that they have as issues; they are keeping something hidden

under the table. You may discover that there is some information somebody is holding back and you may never be able to mediate the situation. You may have to just call off the mediation. It's a totally voluntary process and you can use that as a guiding force.

The caucus (Iwaskiw). The other thing I ask for, and I get their permission for, is I ask for a five-minute rule. "Anybody can leave this mediation at any time, but if you want to leave, I ask that you give me five minutes alone before you actually leave the building. If you want to leave the mediation, I want you to promise me to give me five minutes in my office, we will talk about this and see if we can get back on track." Apart from that, the rest of the rules are up to them.

Another factor in the process is ensuring that the right people are engaged in the mediation and other potential stakeholders are either properly informed or involved in the discussions. Often disputes are endlessly discussed with parties that don't have the authority to deal with the issue. At the same time one of the requirements of mediation is for all the stakeholder groups to be willing to participate in the process. Iwaskiw talks about the impossibility of mediation without cooperation of all the stakeholders.

The authority to settle (Iwaskiw). If I have a brother and a sister in the room and they are fighting over their mother's estate and they each have spouses, I say to them, "Do you have the authority to settle this dispute today?" Because if we go through this whole process for three hours and in the end he says, "Well, I've got to make sure this is okay with Helen." Well then we have just wasted all this time and the other person is going to go through the roof. So right from the start I say, "Is everybody who needs to be in this room in this room in order to make a

decision?” If the manager sends a supervisor into the mediation and says check back with me before you decide anything, the other person needs to know that before they put all of their heart and soul into it.

Stage 2: Definitions. Stage 2 is all about discussing and accepting the issues, finding areas of common ground, setting an agenda, and rephrasing and re-framing issues using neutral language. This stage is all about positive communication using effective communication skills. Some people are natural communicators and are naturally curious and put people at ease through the use of their skills. Others people need to develop the skill set required in good mediation sessions. In this section Theroux discusses the need for good communication skills and outlines how role-playing real situations in courses was an effective method to develop the skills.

The necessity of communication skills (Theroux). Communication skills include: re-framing, paraphrasing, clarifying, listening to the person, checking, going back for perceptions, asking the two parties for clarification. Also, keeping the communication in a very positive frame of mind: re-framing a lot of the negative into positive or at least into a neutral statement and teaching the facilitator or the mediator to move both parties to less blaming, less accusation. A lot of the skills are focusing on trying to get the two parties to focus on the problem and not the people within the problem.

Some people have some very natural skills. It's a natural thing they do, they're inquisitive. When they inquire they make people relaxed, they make both parties feel like they are important, and they don't look like they are judgmental in any way. The skills seem to come naturally with some folks and just need to be

honed and developed. The majority of people don't have those and really need training. In fact, when they go and do take training they realize the more practice they get the better they are at it. When we get to the fifth day, the consultants usually get them to try to handle what they call a level five conflict. So what you might have is actually a practice role play whereby you have got the parent in the hallway just screaming at the teacher or screaming at the principal, and the person coming in is a third party trying to intervene, trying to defuse it, settle it down, get the people talking. So we get some very interesting role plays in the last number of workshops I have seen delivered.

Often times principals and teachers bring role play experiences that are from their actual environment. They have had a conflict in the last week they would like to role play. They will just write it out right at the workshop and then actually rehearse it and do the role play on that personalized issue. They can then say I really blew that one. This week I would love to practice it in an environment where I can take some risk and see if I can use the mediation skills. We have had excellent response in the last year and a half, and most of them are coming back saying, I can use this daily. This is stuff I can use daily in my school or at home. Even if they are out in the community they learn how to negotiate a little bit better.

Stage 3 - Developing Understanding. Stage 3 is all about understanding positions and issues of the participants and moving to an interest-based understanding. The purpose is to find out what is important and why it is important and summarize mutual goals. It is important for the emotional climate to be managed and for understanding to be clarified.

Iwaskiw spoke at length on the need to properly explore issues and to continually confirm information and meaning behind what was said.

Exploring the issue (Iwaskiw). We just spent a ton of time exploring the issues, getting real clear and making sure the other person understands. I will say to people in mediation, “What did you hear him say?” When the person says it out loud, if it isn’t what this person intended, they will say, “That’s not what I said,” or maybe, “Well, that’s what I said, but it’s not what I meant,” or, “Is that what you heard me say? That’s not it at all.” So long as it leads to them talking to each other and building a new understanding, that’s okay.

Iwaskiw and Theroux discussed the role of managing emotions in this section. Iwaskiw talked about learning to acknowledge feelings to create win/win situations and how much more empowered she feels now that she approaches people differently using better communication skills. Theroux suggested that when mediation goes wrong it is often because emotions weren’t acknowledged.

Handling emotion (Iwaskiw). What I used to do is try to make the other person stop being whatever emotion they were being. If the other person was angry, I would try to stop them from being angry, and I wasn’t doing any self-monitoring myself. I have found through taking these courses that if I control my own anger, if I take care of my own emotions and spend time trying to understand that other person, the whole tone of the conversation changes. Most of us go through life trying to convince or change other people, and you can’t. The only person you can change is yourself. If you take care of that first, everything else follows. Like those difficult people out there haven’t done anything different, but I have

changed the way that I come across. I used to be a steamroller. I could jam, I could slam anybody into the wall verbally, louder and faster and just desecrate them and walk away feeling sort of like a winner, but always lousy because somebody else was a loser.

I want to create a win-win situation, and that is what this is about. Always. When you enter a conversation with the intention to understand rather than convince, the emotions take care of themselves. I mean if I am dealing with somebody who is really angry, I used to ignore it, thinking, well, if I say anything, it will just get worse. That's not true. The opposite is true. If I say to somebody, "You are really ticked off about this," they will say, "Yes, I am." It helps to bring them down so that we can have this conversation. So it is a question of affirming the emotion and addressing it. Go where ever. If the other person is on the verge of tears, you need to address that. But most people tend to ignore it. Well, we better just leave that alone or we will just make it worse, and that's not true. You need to bring it out in the open and say, "You are feeling real sad about this, and so let's talk about it." It makes it easier for that person to get a ring on it.

The effect of emotions in mediation (Theroux). The biggest thing to learn is the difficulty of separating emotion from the issues. Truly identifying the underlying agendas of the parties, their interests, because they always come in with their position like, "I don't want him yelling at me any more. I don't want him in my classroom any more." I don't want -- you know, I don't want whatever, that's the position.



One of the strong approaches in the process that we use is definitely trying to provide the participants with the skills to acknowledge the emotion. You can't ignore the emotion. If someone is crying in your office and you are trying to mediate that has to be dealt with. It's got to be acknowledged and dealt with. One of the skills that you try to develop with participants is to identify the emotion, acknowledge that emotion, stop the mediation at that point in time to make sure both parties understand that this person is crying, this person is feeling pretty powerful now, or maybe it hurts their pride, or whatever, and say, we've got to acknowledge and deal with it. "Should we carry on with the mediation? Do we need to stop and take a break? What do you want to do?"

Often times where mediations go wrong during a conflict is when emotions happen and the mediator is just trying to ignore it. Let's pretend this person isn't crying when he or she is crying and crying and crying, and then continue to mediate. Then it gets to the point where it's out of control. It's definitely an important skill. You won't get into mediation without the emotion getting out. If you are truly at the issues, it will start happening, one way or other. It's just a matter of controlling it. If it's anger, the facilitator should be trained to deal with any outbursts of anger.

There are certain ground rules that are set out within the process like we won't allow accusing, blaming, screaming and yelling. When it starts to happen, and it will occur, the mediator is there to stop it, defuse it, and deal with it. It is an important skill.

Stage 4 - Reaching a Mutually Agreeable Solution. At stage 4 everybody should have clear goals, understand potential options and their implications, and agree to detailed steps of how to implement an agreement. This stage should also provide ways of evaluating the quality of an agreement.

Theroux went into detail using a classroom scenario to illustrate how to explore options and reach an agreeable solution. He pointed out that when people actually get together and work out a problem the hard work involved in the process usually creates a commitment to ensuring the problem is solved.

Details and implications in the process (Theroux). The next difficult part is moving from what the interests are to the probable options for fixing the problem. That's the typical problem and what you need to do is get both parties listing potential options. For example, a teacher has a conflict with a disruptive student. He doesn't want him in the classroom any more, he wants him transferred to another school. That's an option. Maybe not a very good option for the parent or the student, but that's the kind of example I would use.

I would ask, "What's another option?"

"Well, he could stay in school, but he's going to go to another Grade 7 class, into the other section; I don't want him as a student."

"That's still probably an option. What's another option?" You list all the potential options and get the parties being as creative as possible.

"Why don't you want him in your classroom? Why shouldn't he be in your classroom?"

"Because he's disruptive."

“How do you want this student to behave?”

“I need some support from the parents. I never get any support from the parents.”

“If you had support from the parents, would you keep the student in your classroom?”

“It's likely an option.”

“Well, is it a very good option to have -- is it an option to have the student moved to another school?”

“Could be. Is it the best option?”

“No.”

“Let's negotiate this.”

What happens is the parent and the teacher start looking at all the options they have come up with. They decide that perhaps the best option is for him to stay in the classroom and not be disruptive and for the teacher to have some support, for the parent and teacher to communicate with each other when there are problems. Those are some possible options.

“How can we make these options happen?”

“Well, Mr. Smith, if you call me once a week, I can give you an update on your son's behavior in the class.”

“I want you to support me when he's getting disruptive.”

“What would support look like.”

“Well, if I have to have him, whatever, suspended for half a day or if I have to give him extra homework or whatever, I need your help with that.”

So we build on those options as potential grievance statements. We get an agreement, we get the parent and the teacher, the two parties, to write an agreement from those options. We are actually teaching them the process, and the difficulty is actually having them buy into that process. If they buy into it, and it's their agreement, it's because they have worked hard. That's a key. The parties, the teacher and the parent, are really brainstorming options to keep John in school in the classroom. One or two options is insufficient; they need to get a dozen or so. They can be extreme options. We are talking about sending the kid to Inuvik. You know, that's an option. Let's come up with options. What's a potential option for resolving this problem with the student? Forcing the group to come up with as many options as possible usually generates some really interesting and new ways to deal with the issues. If you can get the parents brainstorming, you can actually think in new ways, there can be really creative, very interesting resolutions to the problem. Then they agree to it because they develop it, it's the two parties saying, it was our idea, how are we going to make that work?

Finally, at the end of mediation there must be an agreement. Theroux indicates that a purpose of the agreement is success. This means that a measurable outcome for success of the agreement must be established. He recommends using language that both parties can identify with to create a meaningful agreement.

The agreement (Theroux). The time of the agreement is when you are trying to ensure success. They have to determine what the measure of success will be. How will we know when we are successful? When will we review this? If it's not achieving what we want to do, what could we do about it over time? There is a

measurable outcome like saying by September what we will do is this, and if the parent agrees with this, the teacher agrees with this, then they will have another meeting to review in September. The agreement statement talks about those kinds of things, very specific, measurable kinds of things. Because if you put: “We agree to communicate better.” Period. When? How long? When writing that agreement statement use words that both the parent and the teacher or conflicting parties can identify with. Again, I can write lots of words, I can write agreement statements, but if it's not in the terms of the people who are in conflict, then it is not going to be as meaningful.

Love cautions that the final agreement may not be a totally agreeable solution to everybody in the dispute. However, she suggests that since facts and emotions have been validated through the mediation process, participants are more apt to accept the agreement.

Reaching an agreeable solution (Love). Part of a mediation is you have a solution that everybody agrees to but it's also true that you can't always get your way. Disputants can't always get what they want. How do they feel about that? Some of them are frustrated and they'll voice their opinions. However, the degree of acceptance is higher because they have been through the process. At least in the mediation they have had the facts and their emotions understood and validated.

## Chapter 5: The Lesson Plan

This paper uses the Alberta Arbitration and Mediation Society four-stage model of mediation outlined as follows:

### **Stage 1 - Tone, Guidelines, Process**

1. What are the basic guidelines of the process?
2. How can the process be clarified?
3. How are roles of the participants defined?
4. What commitments are required of the participants?
5. How are issues of confidentiality and authority dealt with?

### **Stage 2 - Definitions**

1. What are the issues? Does everyone accept the issues?
2. What are areas of 'common ground'?
3. What is the agenda?
4. How can the issues be rephrased and re-framed using neutral language?

### **Stage 3 - Developing Understanding**

1. What understanding of the positions and issues of the participants needs to be achieved by everyone involved? What is important and why is it important?
2. Can understanding be clarified and created?
3. Can the emotional climate be managed?
4. Can mutual goals be summarized?

### **Stage 4 - Reaching a Mutually Agreeable Solution**

1. What are the goals?
2. What are the objective criteria for agreement?
3. What options are available?
4. What are the implications of the options?
5. What are the detailed steps of implementation?
6. Is the solution feasible?
7. Is there a Memorandum of Agreement?
8. How can the plan be evaluated?

This is not the only model. There are many different models of mediation with a multitude of do's and don'ts; there are four, five, six, or seven stage processes. Moore (1996) describes a twelve-step process that includes five preparation stages such as establishing relationships with disputing parties, selecting strategies, analyzing background information, designing a plan, and building trust and cooperation. There are also different mediation applications, from formal signed agreements where lawyers represent clients, to informal sessions where grade school students mediate playground disputes.

There are excellent resources available that describe the mediation process very well. They include the following: Beer & Stief (1997), Folberg & Taylor (1984), Moore (1996), and Slaikeu (1996). In this paper the AAMS model is briefly summarized then supplemented by insights into the process from these and other sources.

#### Stage 1: Tone, Guidelines, Process

Clarifying the process, defining the roles and commitments of the participants, and, establishing confidentiality are the initial steps of a successful mediation. According to Beer and Stief (1997) mediators speak very reverently about 'trusting the process'. Stories are told by mediators where parties who become engaged in the mediation process seem bitterly entrenched "yet by the second hour, those same stubborn, angry people were engaged in a friendly, productive discussion" (p. 4).

Whatever model of mediation is used there are some general guidelines to follow:

- 1) The stages and the process must be transparent to the parties before the mediation starts. People should have an idea of what to expect and what not to

expect from mediation. This can be done verbally and can also be given to participants at the beginning of the initial session in written form.

- 2) Participation must be voluntary and there should be openness on the part of each side to look at creative solutions, as well as willingness to compromise.
- 3) The issue of trust is very important. Often trust is a big part of why a mediation is necessary so it is not to be expected that participants will trust one another and, in fact, may be why one-on-one negotiations without a mediator have not always worked in the past. However, there must be some trust in the mediation process and trust in the mediator for the mediation to begin.
- 4) There must also be the appearance of fairness. To achieve this a brief summary of mediation and what it might accomplish should be outlined with all participants present at the beginning of the mediation. People may have experienced another form of mediation or have misconceptions and the beginning is a good time to clarify this process and to field questions on anything from confidentiality to legal representations. All the attending skills of good communication must be observed and felt by the participants. Body language, posture, eye contact, and length of time given to listening to each participant are all part of the development of fairness in mediation (Beer & Stief, 1997).

Besides the verbal or written description of mediation, clarification may come from the process itself. The mediator must demonstrate leadership from the first contact so parties are reassured and educated about the possible benefits and alternatives of



mediation. Everything said and done sets the tone for moving disputants away from adversarial dispute resolution or avoidance to a more collaborative form of interaction. Right from the start it must be made clear that mediation is a process through which a third party, or mediator, assists disputing parties in finding solutions to problems. The mediation must encourage positive communication patterns and strive to reduce poor communication patterns, such as personal attacks and angry outbursts. All participants must stick to the issues and the mediator must model and guide.

The mediator is not a judge and, therefore, will not be determining the facts. Nor will the mediator be judging who is at fault, or telling participants how to fix the situation. The process provides a forum so all participants can look for ways to improve the situation.

Besides abiding by any agreement to mediate, which may be written or verbal depending on the circumstances, participants must agree to let the mediator be in control of the process. They must agree to let others have the opportunity to explain their point of view and express their feelings without interruption or challenge. This may not be easy, especially if disputants have a history of adversarial negotiation. Respect is a key word in mediation. Beer and Steif (1997) believe that the mediation consensus process “assumes that dignity and participation are more important than efficiency and expertise. It rests on the expectation that: every person has an element of goodwill and integrity; every person is capable of change; people can and should make decisions about their own lives; and that if the parties speak for themselves, think for themselves and decide for themselves then the work is theirs and so is the outcome” (p. 9). Mediation gives angry people a

chance to bring out the best in themselves and that is the fundamental commitment required of participants based on the principle of respect.

Mediators must respect and articulate the need for confidentiality. A mediator can only promise confidentiality for him or herself: if the parties wish to keep the mediation private then that can be part of the agreement. Many mediators will sign a contract at the beginning, when fees and process are discussed, insisting that they will not be required to become witnesses in court if the mediation fails. There are codes of ethics that organizations such as the AAMS have developed and a mediator must be aware of the content and implications of the code. For example, there must be a clear policy on how to handle information that cannot legally, professionally, or morally be kept confidential, such as child abuse, danger of harm, or illegal activities. There may be times in educational institutions when superiors or authorities need to know the outcome of mediation. This should be clarified at the outset and the details of how the settlement is to be communicated must also be transparent.

### The Lesson Plan: Stage 2 - Definitions

Stage 2 consists of defining and accepting the issues, building common ground, and setting the agenda. During this session, with all stakeholders present, there needs to be an airing of the issues. Beer and Stief (1997) call this uninterrupted time. This gives a chance for all parties and the mediator to hear each person's story. An overview of the dispute and a sense of the participants' personalities will become apparent. Participants will have an opportunity to explain their point of view and express feelings without interruption or challenge. Some of the more obvious and underlying conflicts will emerge from this opening time.

Before decisions can be made, all participants must have equal information about and understanding of the issues. Stage 2 is all about finding out the facts and isolating the important issues. It is very important because it identifies the disagreements and conflicts. It includes not only data collection and data verification but it is also the beginning of identification of interests and needs, determination of positions and the ordering of all issues into an agenda (Moore, 1996).

While the issues are being explored, the mediator is looking for common ground, for opportunities when there may be an offer of a concession or a kind word. Beer and Steif (1997) call this “dramatic shift from accusations and defensiveness to empathy and resolution what mediation is all about. It is not something a mediator can make happen, but you can watch for it, make room for it, then gently go on to discussing the mundane details of the agreement” (p. 41). It may take several sessions to reveal the interests of all the participants. As well, it is often difficult to know when this stage is over. There may be times at a later stage in the mediation when parts of Stage 2 may have to be re-explored. This stage comes to an end after thorough exploration of the issues and at the point when participants determine a specific set of goals, objectives, and strategies that will deal with their interests values, needs, and intentions.

The agenda must be set up with topics based on the idea of common ground. The mediation must use effective communication skills, rephrasing and re-framing the issues to develop an agenda that has neutral enough language to be acceptable to the participants yet open enough to allow for all the issues to be thoroughly explored.

### The Lesson Plan: Stage 3

This Stage involves developing understanding of the positions and issues of all participants involved, managing the emotional climate, and summarizing the mutual goals. It is the *heart* of interest-based mediation. If the agenda has been properly developed, the surface and underlying issues of both parties will be on the table. A problem vaguely or inaccurately defined will probably not be satisfactorily resolved. Also, a problem that is incorrectly defined may lead to a good solution to the wrong problem. During this stage parties identify interests and needs, and separate them from positions. Discussions may also center around values, assumptions, and suspicions that are affecting the conflict.

Stage 3 again requires effective communication skills. Listening, reflecting, paraphrasing, questioning and summarizing are some of the ways mediators can ensure the parties are heard and understood. Frequent summaries can help to confirm that people on both sides of the dispute have heard and perceived the same information. Summaries also validate each person's efforts and any progress made.

The mediator must understand both the positive and negative consequences of expressing emotions because mediations can be emotionally charged events. Moore (1996) suggests that at the start of mediation disputants may feel angry, hurt, frustrated, distrustful, alienated, hopeless, resentful, betrayed, fearful, or resigned. The impact of negative emotions must be managed and minimized by the parties and the mediator if the mediation is to be effective. Moore says that if they are not handled early in the sessions feelings "whether openly manifested or felt and not spoken - may later block a substantive agreement or inhibit the formation of more positive relationships" (p. 162).

The mediator must minimize or neutralize the effects of negative emotion and encourage positive feelings.

However, there are times when expressing emotions may lead to progress in the mediation. Moore (1996) outlines three such situations:

- 1) when a “party needs a physiological release for repressed emotions and is unable to focus on substantive issues until this physiological release has occurred”,
- 2) to demonstrate how strongly a party feels about an issue,
- 3) when it is culturally expected or acceptable. The mediator must decide when, where, and how the emotions are best expressed. Sometimes in caucus or other times in joint discussions the use of emotions is more productive. (p. 166)

Essentially the strategy for managing emotions is to provide time for creative opportunities to understand issues better, and to suppress emotions that are detrimental to the tone of the mediation. Managing emotions effectively may be critical to meeting the needs or interests of the disputants.

#### The Lesson Plan: Stage 4 -Reaching a Mutually Agreeable Solution

Stage 4 involves articulating goals, options, and objective criteria. Mediation assesses the implications, feasibility, evaluation, and details of all the goals. If the previous stage has been well explored the mutually agreeable solutions to the conflict will be easier to develop. This involves the exploration of alternative solutions for each of the issues on the agenda. Suggested solutions should be discussed carefully to determine the advantages and disadvantages of each, including possible future consequences. Solutions

may include answers to the immediate problems and also some that will help to prevent the problem from recurring in the future.

To be effective, the solutions must be acceptable to both parties. They should be specific, stating exactly what each person will do, and how and when it will be done. As well, solutions should be balanced, so that each person is contributing something to the resolution of the problem.

### Conclusion

The purpose of this project was to explore how the skills, knowledge, and expertise of conflict management programs are being used in schools, especially in the resolution of adult staff disputes. Interviews were conducted with three experienced mediators to incorporate their tips, thoughts, and wisdom into a lesson plan to demonstrate the mediation process used by Alberta Arbitration and Mediation Society.

Schools are in the business of change and growth and teachers need to seize the opportunity and challenge and encourage their human capacity to grow and work at understanding and resolving their interpersonal difficulties. Good teaching often involves deliberately posing challenging problems for students to solve. Teachers must keep this in mind and ask themselves the tough, challenging questions when addressing their own interpersonal conflict situations.

The *Code of Professional Conduct* for Alberta teachers has a purpose. However, when school conflicts develop too far, the code is often read like a riot act by authoritative figures, from unions and management. This uses the code as a 'power-based' tool of dispute resolution and puts it on the lower end of the *evolution of resolution continuum*. The conflicts are real and teachers are human and, if necessary, will discuss their difficulties away from the professional situation in the relative safety of private homes or in hushed tones behind closed doors. However, because conflicts and issues are important, unless they are managed, they may fester.

The creation of the framework for discussion, reflection, and, understanding must be done carefully, keeping in mind the end product. This is to have better teachers with a greater understanding of self and others so they can be ever more conscious of their role in working with students. This project provides a starting point, a proven mediation model, enhanced by the experience of educators, to help educators deal more effectively and objectively with conflict and move ahead with the important task of educating children. Educators must have, and use, a model of conflict resolution; educators must model the process for the benefit of the community.

A school is a place where there is a lot of conflict. How the conflict is managed dictates, in part, the culture of the school and how the broader community perceives the school. Conflict provides the opportunity for growth and healing as well as damage and destruction. Educators must choose how they react to the conflict. If they want more positive resolution to conflict, they must continually work toward learning and teaching skills, creating constructive alternatives, introducing policies, managing emotions, and practicing more effective communication.

Mediation offers a model of communication and problem-solving that can be used daily with other staff, students, families, children, parents, and friends. As individuals, teachers need to become more comfortable with conflict as it reveals itself throughout the school day and in private lives. Teachers need to become more comfortable communicating about conflict and making their interests known. At the same time, teachers as humans and professionals need to work at understanding the interests of others.



Teachers need to collectively voice concern about difficulties that effect schools, especially acknowledging ongoing interpersonal conflicts that can disrupt the school year. Teachers need to model and teach effective conflict management. Participation, openness, and discussion concerning conflict are useful practices in a school system. Accordingly, interpersonal conflict management should be part of teacher development programs and there should be opportunity for experienced teachers to come to terms with how they manage conflict in their private and professional lives.

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## Appendix A

### Sample Letter of Permission for Participants

Dear Participant,

As part of a Master of Education project I am conducting a study of how educators who have completed formal conflict management training are using their skills and knowledge in the school system. The purpose of the study is: 1) to find out how valuable the training has been to educators and how the training is being used in schools. 2) to blend the experience of trained mediators with the model or 'lesson plan' of conflict management as outlined in the Alberta Arbitration and Mediation Society (AAMS) training.

This process will create a framework for discussion, reflection, and, understanding of conflict management in schools. This project provides a starting point, a proven mediation model, with added input from experienced educators, so schools can deal more effectively and objectively with conflicts.

There are two parts to your participation: 1) an interview of about one hour that will explore how you have used your conflict management training in schools, 2) after I have incorporated your experience into the mediation model, along with the experiences

of two other trained educators, I will send you a draft copy for you to critique. I will then add your comments to a final draft of the proposed conflict management lesson plan.

Please note that all information will be handled in a confidential and professional manner. All names, locations and any other identifying information will not be included in any discussion of the results. The final draft of the project will not be submitted without your permission and you also have the right to withdraw from the project at any time.

I very much appreciate your assistance in this study. If you have any questions please feel free to call me at 867 634 2126. Also, please feel to contact the supervisor of my study Dr. David Townsend of the Faculty of Education at the University of Lethbridge or Dr. Richard Butt (403-329-2434) Chair of the Human Subjects Research Committee at The University of Lethbridge if you wish additional information.

Yours sincerely,

Andrew B. Hall

Master of Education Student

University of Lethbridge

I \_\_\_\_\_ agree to participate in this study.

\_\_\_\_\_ signature \_\_\_\_\_ date

## Appendix B: Interview Blueprint

### Questions:

### Topic and Relevance:

#### Interviewee history:

- |  |  |
|--|--|
| 1. What is your educational background and professional experience in schools? | -establishing the credibility of the interviewee |
| 2. What is your AAMS or conflict management background?                        | -establishing conflict management credibility    |
| 3. How did you become interested in the conflict management program?           | -establishing motivation for involvement         |

#### Experience in Schools:

- |   |  |
|---|--|
| 4. How have you been able to use the the school setting? How?                       | -establishing experience training in in schools    |
| 5. What are the key aspects of the implementation of the conflict management model? | -establishing the essence of the model             |
| 6. What are the most challenging aspects of the intervention?                       | -establishing the difficulties                     |
| 7. What are the most rewarding parts of the intervention?                           | -establishing the benefits                         |
| 8. Would you recommend conflict management training?                                | -establishing the value of the program for schools |



9. How do teachers respond to the intervention? -establishing the reaction of teachers

## **Appendix C**

The following stages act as a guide for the intervention model:

### **Stage 1 - Tone, Guidelines, Process**

1. What are the basic guidelines of the process?
2. How can the process be clarified?
3. How are roles of the participants defined?
4. What commitments are required of the participants?
5. How are issues of confidentiality and authority dealt with?

### **Stage 2 - Definitions**

1. What are the issues? Does everyone accept the issues?
2. What are areas of 'common ground'?
3. What is the agenda?
4. How can the issues be rephrased and re-framed using neutral language?

### **Stage 3 - Developing Understanding**

1. What understanding of the positions and issues of the participants needs to be understood by everyone involved? What is important and why is it important?
2. Can understanding be clarified and created?
3. Can the emotional climate be managed?
4. Can mutual goals be summarized?

### **Stage 4 - Reaching a Mutually Agreeable Solution**

1. What are the goals?

2. What are the objective criteria for agreement?
3. What options are available?
4. What are the implications of the options?
5. What are the detailed steps of implementation?
6. Is the solution feasible? What if?
7. Is there a Memorandum of Agreement?
8. How can the plan be evaluated?