

**STEP ONE –**

- Overarching Goals** (a) To introduce the Disputants to the format they are about to participate in.  
 (b) To establish ground rules for appropriate conduct.

1. Introduce yourselves
2. Thank the Disputants for joining us.
  - ✧ Remind them that *they have a choice whether or not to participate*
  - ✧ Build them up in a welcoming manner (it encourages a safe environment)
    - ↳ *“It takes courage to be here. We are happy you are here.”*
3. The following must be said exactly.  
 (If you chose to deviate from this, then the spirit of the following must remain intact.)
  - ✧ *The mediation process is here so you may resolve this matter without getting the high school staff involved. While in the mediation process you may discuss anything without fear of disciplinary action from the high school staff; we Student-Mediators are not authorized to recommend discipline.*
  - ✧ *But if the mediation is unsuccessful, then we will refer your situation back to the schools' staff, and they have the authority to apply discipline. We are not here to take sides or to solve anything for you; we are here to offer support, guidance and ideas. We are here to help you reach a solution yourselves.*
  - ✧ *We are not allowed to tell other students what happens or what was said in mediation. We are, however, required to report anything said involving drugs, weapons, abuse... anything which represents a danger to yourself or to others. We are required to share anything of significance with the Mediation Program Coordinator*
  - ✧ *Everything said here will be kept confidential and not shared with other students, and it is our expectation that you will do the same.*

\*\*\*If any of your Disputants wrestle with English, please add:

- ✧ *This mediation will be debriefed with the ELL Program Coordinator, so that he/she may be a Spanish-language resource to offer further assistance to any students.*

4. Get a “Yes” answer to each of the following ground rules from the Disputants before continuing
  - ✧ *Do you agree to make a good-faith effort to solve this matter/issue/dispute?*
  - ✧ *Do you agree to tell the truth?*
  - ✧ *Do you agree to listen to the other person without interrupting?*
  - ✧ *Do you agree to be respectful?*
    - ↳ No raised voices; no accusations; be kind
  - ✧ *Do you agree to honor confidentiality?*
    - ↳ Keep it to yourself; do not tell friends

\*\*\*If the Disputant refuses to agree to any of these, try again. If necessary, tell him/her:

- ✧ *If you are unwilling to accept our assistance through Mediation, then we have no choice but to let the school staff handle it. Remember, they can apply discipline. Are you sure you wouldn't rather first try this with us?*

If one Disputant agrees – and the other does not – we will work with the one who agreed to participate, and in the debrief to administration make clear who participated in good faith.

**STEP TWO –**

- Overarching Goals**
- (a) To gather different points of view
  - (b) To get the two Disputants talking
  - (c) To encourage empathy

*The overarching goal is to seek out the root cause of the tension, which might predate the obvious conflict.*

1. Level One questions (learning what happened)

- ✧ *Tell us what happened*
  - ↳ *Lets go back to the incident. Can you tell me step-by-step what happened?*
  - ↳ *Is there any evidence we should know about?*
    - ↳ *(Witnesses? Computer screenshots? Texts?)*
- ✧ *How do you feel about it?*
- ✧ *Has this happened before?*
  - ↳ *What was our role in this? What can/should you take responsibility for?*
- ✧ *Can you explain more about...? What happened when...?*
- ✧ *What is the history between you both?*
- ✧ *Who else would be helpful to speak about regarding this?*
- ✧ *Were you friends before this event? For how long? In what context?*
- ✧ *Tell me more about...?*
- ✧ *Will you please clarify...?*

We may need to encourage them to speak.  
Hints: look at them; make eye contact; nod your head; validate their words by saying it back aloud. Make it a safe place.

2. Level Two questions (open-ended questions for in-depth information)

- ✧ *I'm curious about...?*
- ✧ *What do you mean when you say...?*
- ✧ *How do you know that?*
- ✧ *Is there anyone else involved?*
- ✧ *How long have you felt this way?*
- ✧ *Do you need to bring anyone else in to solve this?*
- ✧ *How could you have handled this differently? What were your options?*
- ✧ *What are you doing now in relation to the events and its consequences?*
  - ↳ *.....How are you doing now in relation to the events and its consequences?*
- ✧ *What are the sources of pressure on you? Which is controllable?*
- ✧ *Disputant A said ...; what is your take on that?*
- ✧ *I'm hearing two different things. Can you please identify...?*

If there are verbal interruptions from one Disputant, remind them that they agreed to listen and will have their turn to speak. If interruptions persist, return to a CAUCUS strategy. Say *“It’s getting a bit tense here. Let’s do something. We’d like to speak to you separately, and then we’ll return together if you agree.”*

If they will not speak directly to one another, get them to speak through you, then transition to one another

3. Level Three questions (Restorative questions to determine impact)

- ✧ *How important is this conflict to you? (ie, to what extent do you define yourself by it?)*
- ✧ *What do you really need?*
- ✧ *How were YOU affected? How were THEY affected?*
- ✧ *What ripple affect did this start?*
- ✧ *WHO ELSE may have been affected by this?*
- ✧ *What were you thinking and feeling at the time things happened?*
- ✧ *What did you think and feel when you realized what had happened?*
- ✧ *How much has this been affecting your daily life? (thoughts, preoccupations)*
- ✧ *Have you expressed how you feel about ... to him/her?*
- ✧ *What were you looking for when you chose to act (or not act)?*
- ✧ *Who has been affected by what you have done, and how?*
- ✧ *What has been the hardest thing for you?*

Recall the importance of WORD CHOICE in what Disputants say. Investigate meanings.

What if no responsibility is taken? It takes two to argue, but only one for misunderstanding. If fingerpointing continues, then ask *“How might your actions be perceived by the other person?”*

4. Level Four questions (further engendering empathy)

- ✧ *How do you think he/she feels about your actions/inactions?*
- ✧ *Can you see where he/she is coming from? Why do you think he/she feels this way?*
- ✧ *What could you do to help people see you as a whole person and not just the person who did...?*
- ✧ *What would you like to offer, and to whom? What could you do to help \_\_\_ trust you again?*
- ✧ *Can you see where the other person if coming from?*
- ✧ *Imagine you were the person harmed. What do you think was the hardest thing for them?*

**STEP THREE –**

- Overarching Goals** (a) To discover interests and needs  
 (b) To formulate a workable solution

1. Brainstorming

Depending on the nature of the situation, questions to ask might include some of the following.  
 (Student-Mediators should consider writing down notes as Disputants speak)

- ☆ *Help us understand why ... is really important*
- ☆ *What are your options of how to resolve/solve/fix this?*
- ☆ *What needs to happen to make this right?*
- ☆ *What can you do to try to make things right?*
- ☆ *Ideally, what would you like to see happen?*
- ☆ *What would help to make this situation better?*
- ☆ *How may we prevent this situation from repeating?*
- ☆ *How can we resolve this issue so that you are content?*
- ☆ *What are you each willing to do?*
- ☆ *Can you suggest any solutions?*
- ☆ *Why do you think these solutions will work?*
- ☆ *Do you believe in this solution?*
- ☆ *Is this option a workable solution? Why?*
- ☆ *How does this solution address what the other person feels about the dispute?*
  - ↳ *Do you think they view it as fair?*

If one Disputant seems willing to resolve the issue but the other is hesitant, then directly ask: *“This person is willing to put differences aside to solve this problem, but you seem resistant. What have we not yet discussed or not covered which you think we need do?”*

2. Choosing a solution

- ☆ *Which suggestions brainstormed do you both like, and believe you can do?*

3. Mediators must ‘check’ the solution, be asking...

- ☆ *Is it fair? Why yes or no?*
- ☆ *Can you do it?*
- ☆ *Do you think it will work to resolve/reduce tensions?*
- ☆ *Are you content/happy with this solution?*
- ☆ *Is it a workable solution?*
- ☆ *Do you believe in this solution?*
- ☆ *How does this solution address what the other person feels about the situation?*
  - ↳ *Do you think he/she will view it as fair?*

The first solution didn’t bring an agreement? Don’t worry. Return to the list and keep looking for alternative solutions until all reasonable possibilities are exhausted.

Remember that ‘avoiding one another’ is NOT an acceptable component to a Resolution Agreement. It’s temporary and does not resolve anything.

**STEP FOUR –**

- Overarching Goals** (a) To review (sign forms) and reiterate confidentiality  
 (b) To wrap things up. Empower the disputants.

1. Express *Ok, we have an agreement, and we would like to express our appreciation to you all for making this happen. We just have a few things to wrap up with.*
2. Pose some reflection questions
  - ✧ *Do any apologies need to be made for your role in this?*
  - ✧ *Can you identify the harm which this conflict caused?*
  - ✧ *Has the mediation process and Resolution Agreement addressed the causes?*
3. The Resolution Agreement contract
  - ✧ A Student-Mediator should write the agreement on the appropriate form, and then ask the Disputants to sign the document.
  - ✧ If they verbally agree but refuse to sign, a note of that should be made on the form by the Mediators.
4. Reiterate the importance of CONFIDENTIALITY to all Disputants.
  - ✧ While we do not apply discipline, in the past Disputants who have broken confidentiality restrictions from the mediation process have been faced with detentions or other discipline by administrators.
  - ✧ Clarification: It is ok for Disputants to share they were in mediation, and that an agreement between whoever was reached and that all is cool now. In some cases, it may also be ok for the nature of the agreement to be spoken of, but nothing spoken during the mediation prior to a signed agreement may be spoken of outside the Mediation Room.
5. Each Student-Mediator should escort the Disputants back to their classrooms. While doing this...
  - ✧ Let them know that sometime in the coming days/weeks we will be checking-in just to see how things are going, and that they are also welcome to approach us at any time.
  - ✧ The Program Coordinator randomly sends out confidential surveys to about 50% of those who go through mediation. If they do receive one, we would appreciate if they respond honestly and return it.
  - ✧ Don't worry about attendance. The Program Coordinator will excuse all absences which occurred due to the mediation process.
6. Once the Disputants have been escorted back to class, Student-Mediators need to...
  - ✧ Tell the Program Coordinator the number of Mediations/Caucuses, time and names of all Disputants involved at any time. This is also documented on Record of a Mediation form, located in the file folder
  - ✧ Tell the program Coordinator a brief synopsis of the mediation
  - ✧ Thoroughly and completely fill out all File Folder Documentation forms
  - ✧ Debrief with the referring Staff Member (be sure to do this within 24 hours)
- ✧ If the situation warrants, debrief with anyone else who should be in the loop of this situation (administrators, legal authorities, etc)

The purpose here is NOT to assign blame, but instead to indicate that both played a role in magnifying the situation, and to assess that both had a clear understanding of how it started.