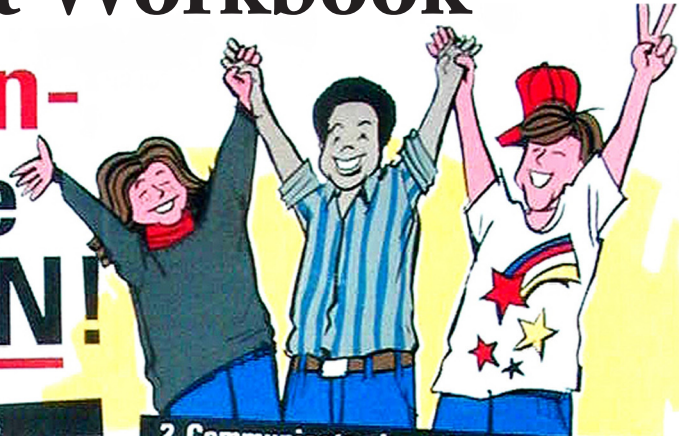


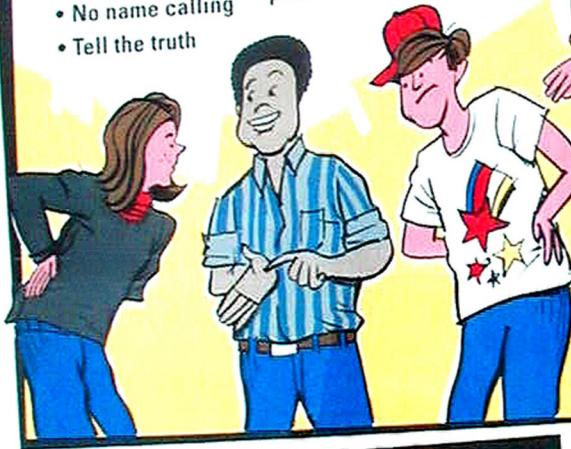
*Peer Mediator Training*  
**Student Workbook**

**Mediation-**  
**Go for the**  
**WIN-WIN!**



**1. Agree to follow the ground rules**

- Do not interrupt
- No name calling
- Tell the truth
- Work hard to solve the problem



**2. Communicate about the problem**

- Use "I statements"
- Listen actively
- Understand the other person's viewpoint



**3. Brainstorm for solutions**

- Be creative
- Look for common ground



**4. Resolve the conflict**

- Find a WIN-WIN solution
- Firm up the solution



**Name** \_\_\_\_\_

**M.I.T.**

**Peer Mediation Training \_\_\_\_\_, at \_\_\_\_\_ School**

MarJon Mediation Services  
*jcurwen@curwen.org*

*This workbook is assigned to \_\_\_\_\_.*

*Please return it to the office when not using it for mediation-related activities. A web version of this entire curriculum is available for viewing at all times at: [www.curwen.org](http://www.curwen.org) Use it as directed at all of your mediations and mediator meetings. You will do many activities today with this workbook. Thank you for volunteering to help your school by becoming Peer Mediators. You will make a difference in your school.*

**What Makes a Mediator?**  
by Tap Stevens

There's training, tough and lengthy,  
For there's **know-how and there's skill**,  
There's long years of experience,  
The essence to distill.

There's **a heart that's ever open**  
To **feel** the other's pain,  
Insight of knowing one's  
Own secret self-disdain

There's hope that comes from knowing  
That behind that anger, lurks  
A potential smile of sheer relief,  
For one knows **forgiveness works**.

Mr. Goodwrench and Miss Fix-It  
Won't really do you see;  
It's the **secret of empowerment**  
That sets combatants free.

It's the heart that really listens,  
It's the "unknown way" that's new,  
That **enables for to do themselves**,  
What they came to **you** to do.

*Marlene Curwen, MFT, School Psychologist, Hart District, (retired)*  
*Certified Mediator, Los Angeles County, CA*  
*Jon Curwen, School Administrator, Hart District, (retired)*  
*Certified Mediator, Los Angeles County, CA*

# Conflict (to strike together) Management Continuum

Some origins of conflict:

**Relationships\*** each person brings in their own separate interests.

When our interests clash (strike together) we have conflict. All relationships of any kind will have some sort of conflict. WE CAN MANAGE IT!

All learning (schools are for learning) involves change. This may cause conflict.

Growth + Learning = Change. Expectations may "violated" >>> conflict happens!

Examples of conflict...

*\*Relationships are where learning opportunities occur as "classrooms." Mediators can help disputants find the correct teacher for the "classroom" we call conflict. Mediation is the means, then, for disputants to rediscover their decision maker and decide on a different "teacher" to interpret the events of the "classroom" of their life.*

## The Conflict Management Continuum

Decision maker - **more** options  
**Peace** Thoughts Become Possible

Shared  
Interests

☺ 📄 ☺  
A focus on feelings affecting disputes helps to dispel them and that helps disputants to "see" past the blinding anger of conflict to the possible change of minds about the issues.

Asking the right questions is like putting the golf ball past the windmill blades in miniature golf. It takes attention, skill and timing.

Choose to Ignore

Avoidance

Discussion

Negotiation

Arbitration

Lawsuit

Self Help

War-Fight

< The world's way >

If our communication skills are off target (hit a windmill blade of defense) the focus of the mediation drops down to here in the world's way of trying to fix problems which does not work as well.

^Mediation's Way^

Mediation enables us to "fly" over the conflict line of battle from separate interests to a focus on shared interests. BUT, we must use good communication skills to get through disputants' defenses to help them.

Separate Interests

☹ 💣 ☹  
Decision maker - **less** options  
Attack Thoughts Mostly

- ## A. All About Me

- ### B. My brief listening notes as others share all about themselves

**Great mediators are great listeners!**



# Mediation Video\* Guide

(4) **MVG**

***For now, simply watch this video and enjoy seeing great mediators at work. Their style is our goal for you today. Act like them as you play your part as mediator today. At the end of today, we'll look at the questions below to see how much we've learned.***

---

***Second viewing only: (Pg. M8) - Group review questions, 1-9 below as we watch the video again. This time we may pause the video every so often so that we may answer the questions below. See how "neutral" the mediators behave.***

1. What do the mediators say to begin the mediation?
  
  
  
  
  
  
  
  
  
  
2. What **ground rules** are explained to the two boys who are in dispute?
  
  
  
  
  
  
  
  
  
  
3. What did the mediator do when the **no interrupting** rule was broken?
  
  
  
  
  
  
  
  
  
  
4. Each time that you hear an **active listening skill** used by any mediator, put a mark below.  
(An active listening skill is anything that is said to help the speaker tell his/her story.)
  
5. **Hidden Agendas** are called "underlying interests" in the tape.  
What sort of questions did the mediators use to uncover this information?
  
  
  
  
  
  
  
  
  
  
6. Describe any **shared interests** (common ground) between the boys that you saw in the story.
  
  
  
  
  
  
  
  
  
  
7. After each boy told his side of the story, **what question** did the mediators ask?
  
  
  
  
  
  
  
  
  
  
8. **How** did the mediators say what needed to be discussed *after* the boys both told their stories? This is called the \_\_\_\_\_.
  
  
  
  
  
  
  
  
  
  
9. **After** the boys seemed to be done telling their stories, what kinds of questions did the mediators begin to ask?

# Let's Pretend...

## Overview

Until we have “walked in another’s moccasins” we do not have the wisdom needed to fully understand that person’s situation. To that end, we provide a chance to **role-play** the situations of mediator and persons with a dispute. Only then are we ready to put theory (what we’ve just explored, so far) into practice.

The complexity of another’s life is impossible to describe in what follows so it is imperative that YOU add your own “spin” to the mentalities as you **act out** your roles. Yes, to **act out** is so important as we help each other to develop our skills in the mediation process. Be real, **but be ready to act cooperatively** (e.g. give in, apologize, agree, etc.) after a **short while** so that each of the six (6) steps of mediation can eventually be practiced by the persons role-playing the mediator. Use **appropriate body language** of an **angry person, at first**. Then **relax** as you tell your story and release your anger. Cooperate with each other as you play your roles in good spirit. We will switch roles often as we go step by step, at first. - see **Steps**, below.

**Roles & Process** – presenters will assign steps, scenarios (and mentalities, if time permits) which are in your folders.

**MITs will write information into this workbook as well as onto the Mediation Journal as directed.**

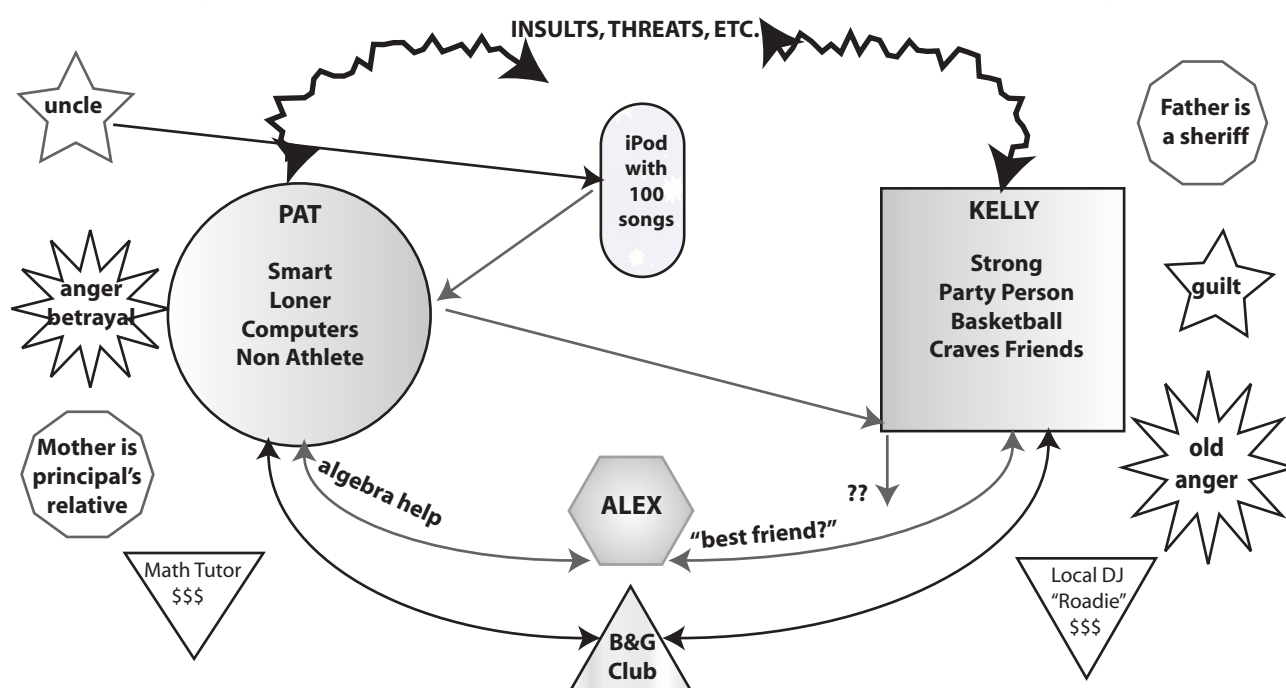
Each of us takes our turn at being a mediator trying to resolve a situation between two disputants. An optional role (depending on the number, 4 or 5, in our group) is *observer* who provides feedback to the mediator(s). Observers rotate into mediator & disputant roles also. Groups will rotate roles as directed. **We will change roles back and forth all day!**

## The scenario...

The disputants, Pat & Kelly, have experienced a problem and now appear before the mediator to attempt to resolve their conflict. The disputants arrive with anger and misunderstanding as well as *hidden agendas* which help to intensify the conflict. The mediator knows little or nothing of the scenario and mentalities involved and must use the **steps and procedures** of the mediation process to understand what is going on and to help the disputants to do the same and to resolve their conflict. Here are the steps to mediation that we will study closely today.

- 1) **Opening Statement** - Welcome and ground rules agreement.
- 2) **Initial Statements** - Each disputant tells his/her story.
- 3) **The Agenda** - The main issues to be discussed are identified.
- 4) **Brainstorm** - 2 **very different** parts
  - A) Get all of the story and anger, etc. expressed - “a controlled nuclear reaction.”
  - B) Each disputant is encouraged to try meet the other’s needs - “peace talks.”
- 5) **Agreement building** - write out **who** will do **what** & **when** type sentences
- 6) **Closure**. - Nice end to mediation

**About Pat & Kelly and their dispute. . . Here’s ONLY A START to the missing iPod story in graphic form.**



## Structured, Step by Step Mediation, Process Activity/Instruction

An older model iPod appears to be missing. Its owner, **Pat** loaded 100 songs on the iPod by purchasing them from the iTunes Music store at 99 cents each. The iPod was a gift from a favorite uncle who died last week. The school's basketball team captain, **Kelly**, who is athletic, but not articulate, asked Pat, who's smart, but not strong, if s/he could borrow it for last week's school dance. S/he was trying to impress a "best friend," friend **Alex** by showing Alex that music from an iPod would work through the DJ's sound system. Pat, who is shy, always helps Alex with algebra, but is a loner and mostly interested in computers. Alex really appreciates Pat's help with algebra. Pat tried out for, but failed to make, the basketball team. Pat earns steady money as a math tutor. Kelly often earns money assisting a local DJ during weekend gigs, but the income is uncertain.

Kelly now says s/he can't find the iPod. The school's policy states that any item borrowed on school grounds must be returned to their owner. Kelly's father is a sheriff and Pat's mother is a relative of the school's principal. Pat is now bad-mouthing Kelly at school, the Boys & Girls' Club, and around Alex. Kelly in turn, is threatening to, "never" find the iPod. The two have been friends since 3rd grade except for one time when Pat accidentally embarrassed Kelly in public by laughing at an attempt to figure out a math problem a long time ago. They attend the Club after school and usually participate in activities together without any problems. Now there are bad feelings at school, home and at the Club. The two have been referred to school mediation.



The #1 music download store.

Early iPod mini + 100 songs...  
"Missing"

Figure 1

NOTE: The names of Pat, Kelly and Alex are used to make you comfortable in your role-plays during training. You may apply your own gender to each character as you play and switch roles. The use of S/he allows MITs to be of either gender. The character of Pat is "smarter" (but not so tough) while the character of Kelly is "tougher" (but not so smart). Alex, while a figure in the story, is not played by anybody. The two mediators complete the set of four (4) roles. We will **switch roles often** during training, BUT stay with the iPod issue until it is a completed mediation.

And so we have the roles for each group. **Pat, Kelly**, and the **two mediators**. The mediator roles are described in "Getting Ready." Potential witnesses such as Alex are NOT used in mediation. This is not a trial! It's a Win-Win activity!

**Initial Group Roles are assigned. Oldest MIT is CO MEDIATOR, then going clockwise is RECORDER, then PAT and finally, KELLY.**

**Any fifth person, is observer, to begin with.** Then that person, **when roles switch**, is fully active on team of **mediators**. Everyone is a full participant today. Please ask for help if you need it to make this work in your group.

### Getting Ready

#### MEDIATORS

DO NOT DISCUSS THIS ISSUE WITH EITHER DISPUTANT BEFORE THE MEDIATION BEGINS!

- 1) Have your mediation folders and two (2) *Mediation Journal* forms and 2 pens/pencils.
- 2) Arrange your chairs around your table so that disputants are equally close to you.
- 3) Decide who will keep the official written record (recorder) with signatures.
- 4) The other mediator is then the co mediator. BOTH (or all) mediators fully participate!

\_\_\_\_\_ Mediators ready?

#### PAT & KELLY

- 1) Locate the page titled, "Let's Pretend."
- 2) Find the second paragraph (it's in the shaded border box) and read it carefully.
- 3) Follow those instructions carefully and thoughtfully.
- 4) Re-read the iPod dispute above, again. Look at the graphical description at the *bottom* of the "Let's Pretend" page. WARNING: Payback time comes when you play mediator roles! Follow the instructions! Play your part well, but **fairly!**

\_\_\_\_\_ Pat & Kelly ready?

# Welcome, Opening Statements & Mediation Rules Agreement

If you haven't done so yet, please take out a **Mediation Journal** from your folder - *back inside pocket*. We will use the Journal, section by section, as in figures 2 & 3, below. Along the way, we will take time out to learn the skills we need to become mediators. This coming year, the journals that you use during your mediations will be similar in process "flow." Today's form has lots of helpful hints to guide us and you *MAY* use it during the year.

<b>Peer Mediation Journal</b>	<b>23MJF</b>
1. Mediators welcome disputants, ask their names & introduce themselves.    2. Ask disputants if they want to try mediation to settle their dispute. 3. If yes... <b>READ OUT LOUD</b> each rule below <i>after</i> you write their names according to where they are sitting across from you. Print the name of disputant X _____ Print the name of disputant Y _____ 4. Both disputants must agree (by saying, "yes") to <i>each</i> of the following rules of the mediation which mediators check off as they read them to the disputants. <input type="checkbox"/> No name calling or threats <input type="checkbox"/> No interrupting others <input type="checkbox"/> Keep this mediation discussion confidential, <input type="checkbox"/> Always tell the whole truth <input type="checkbox"/> You must work hard to solve the problem, <input type="checkbox"/> Listen carefully to each other's story. <input type="checkbox"/> Cell phones are off? <input type="checkbox"/> <i>If information about things that can seriously hurt people (civil rights violations, drugs, weapons, violence, etc.) is discussed, mediators must report this to supervisors immediately.</i> X _____ <<< Disputants' Signatures >>> Y _____	

Figure 2

1. What will your welcome sound like? How will you ask for their names? Your eye contact?
2. Which of you will "invite" them to try mediation? When do you decide this?
3. Who will print their names on the "official written record?" (recorder). Which disputant name goes where? Why?
4. Do YOU fully understand the "Rules of Mediation?" Let's review them anyway. Do you understand the last line at the bottom which begins, "If information..."? Why is that there?

How many "little agreements" do we have already as we get them ready to sign? \_\_\_\_\_. Where should each disputant sign?

## PRACTICE

Each MIT will now practice steps 1-4 including gathering signatures. Pat, Kelly, recorder and co mediator are the roles (as discussed on previous page). Once done, rotate roles 2 places clockwise and repeat "process." This will give each MIT a chance to play a role as one of the disputants and as one of the mediators. STOP after you get signatures. Switch roles. Repeat steps 1-4, then STOP.

Questions before we start? Be certain that you always know where to find your journal today for when it's your turn as mediator.

X _____ <<< Disputants' Signatures >>> Y _____	
5. Mediators decide who will speak first (X or Y) and take brief notes in the space below as <i>each</i> disputant speaks. Use your active listening skills as needed. 6. After each disputant speaks, repeat back to the disputant what s/he said. Correct your notes, if needed. 7. As the problem becomes clear to you, use the <i>Agenda</i> section near bottom of this journal to write down what probably needs to be discussed. 8. Make certain they tell their <i>whole</i> story.	
<b>Disputant X's concise story information notes by mediator</b> Initial statements, non verbal language, responses to other's story, hidden agendas, etc. Draw out each story with <i>open</i> questions, <i>active</i> listening. Reflect back what is said by the disputants with, "I hear you saying..." or, Are you saying...? Ask, "How did that make you feel?" Any hidden agendas? Record information <i>equally</i> below. <u>"Help me to better understand..."</u> , <u>"How did that make you feel?"</u> <u>"How do you feel about what s/he said?"</u> - "Let me see if I heard you" and then summarize their story.	<b>Disputant Y's concise story information notes by mediator</b> Initial statements, non verbal language, responses to other's story, hidden agendas, etc. Draw out each story with <i>open</i> questions, <i>active</i> listening. Reflect back what is said by the disputants with, "I hear you saying..." or, Are you saying...? Ask, "How did that make you feel?" Any hidden agendas? Record information <i>equally</i> below. <u>"Help me to better understand..."</u> , <u>"How did that make you feel?"</u> <u>"How do you feel about what s/he said?"</u> - "Let me see if I heard you" and then summarize their story.

Figure 3

5. NEXT: We must decide which disputant (X or Y) will begin first. But, how do we do this? Now, and throughout?
6. The journal has some terms that we must understand before we can go farther with our role play ....

## TRAINING

We need to develop some skills now. Step 5 requires this! Hard work ahead!

We have need to learn about:

\_\_\_\_\_ Active Listening - more than just hearing!

pages: ALP, ALO, ALW

\_\_\_\_\_ Non-verbal communication - body language

flash card activity only

\_\_\_\_\_ Open style Questions - not just, "yup" & "nope" answers

page: OQW

\_\_\_\_\_ Hidden Agendas - "What's behind all of this?"

large group demonstration AFTER we role play Initial Statements.



# Some Useful Probes for Active Listening

***No judgement, no attack! Use these probes with great care!***

***Use them as needed - gently, kindly and in **any** order.***

## **CLARIFYING STATEMENTS & QUESTIONS ...**

1. Help me to understand what are you trying to say?
2. Tell me a little more about that.
3. I am trying to understand when you say \_\_\_\_\_.
4. I am not sure I know what you mean by that.
5. How do you feel about what was just said?
6. What are your feelings right now about that?
7. You appear concerned about \_\_\_\_\_.
8. You appear not sure of \_\_\_\_\_.
9. You seem (happy, angry, threatened, etc.) about that?
10. What are some of your ideas about \_\_\_\_\_?
11. Oh? ... *(followed by your interested silence & eye contact inviting more info)*
12. What do you think might be *behind* that?
13. What are some of the ways you have handled such situations before?
14. How have you thought you might go about it? (that which the disputant is proposing)
15. What are some of the things (ideas, feelings, events) that seem to bother you?
16. How is this different from what you expect(ed)?
17. How is this (situation, feeling, experience) like others you have had?
18. *Reflecting their ambivalence* (you might say, "you feel this, but on the other hand I hear you saying...").
19. This is what I hear you are saying, then \_\_\_\_\_
20. This seems to be how you feel. \_\_\_\_\_. Am I close?
21. I wonder why that is so. Any thoughts?
22. What are some of the other things or ideas that we might explore?
23. Anything else you would like to add?
24. Will you please give us an example?

***more ideas:***

## **RESTATING & REPEATING IN YOUR WORDS WHAT YOU HEARD ...**

25. I have the impression that you feel \_\_\_\_\_.
26. I think you are saying \_\_\_\_\_.
27. To me you seem to be saying \_\_\_\_\_.
28. I hear you saying \_\_\_\_\_.
29. Let me see if I understand, \_\_\_\_\_.
30. You are feeling pretty \_\_\_\_\_ it seems.
31. I wonder if this might be what you are saying \_\_\_\_\_.
32. It seems that you have been telling me that \_\_\_\_\_.
33. I get the impression that \_\_\_\_\_.
34. Let's see if I have this right. Some of the things you have been saying are \_\_\_\_\_.
35. Then the way you see it is \_\_\_\_\_?
36. You appear to be saying/feeling/wanting/hearing... \_\_\_\_\_.

*Your repetition of what was said.*

*Your repetition of what was meant.*

***more ideas:***

## Two Active Listening Opportunities

(Used with our *Active Listening Worksheet*)

**NEVER, NEVER, NEVER OFFER SOLUTIONS OR YOUR IDEAS! IT'S THEIR PROBLEM!**

*Questions asked, and statements made, by mediators help to bring out information and to clarify information which has already been shared. Using your **Active Listening Worksheet**, you will think of two or three questions (or statements) which will help you as mediator to bring out more information and/or to better clarify what has already been said.*

### Jon & Bob Conflict

Background	Jon wears his watch to school every day, but usually keeps it in his backpack or his gym locker during PE. Several hours after his last gym class, he could not find his watch in either place. A few days later, he noticed that Bob was wearing a watch, "just like" the one he lost. He accused Bob of stealing it. Bob denied stealing the watch, and now Jon is bad-mouthing Bob to his friends.
Jon	"Bob is a no-good liar and thief. He stole my watch and has the nerve to wear it to school. I'll get even for this..."

### Claudia & Marlene Conflict

Background	Claudia and Marlene are in the same art class. Claudia has worked long and hard on a clay sculpture. Marlene picked it up, without asking, to look at it. Marlene dropped the sculpture and it broke into several pieces. Claudia then begins to shout in class:
Claudia:	"Look at what she did! I told everybody not to touch it! I'm going to find something of hers and smash it! We'll see how she feels when something of hers gets wrecked!"

# Active Listening Worksheet

(Used with *Two Active Listening Opportunities* sheet)

*To actively listen we often have to ask good questions and/or offer statements which help those in conflict better express themselves and to tell their story. It's sometimes hard to simply look at a list of questions or statements and choose the best one. We often need to invent them during a mediation. In this exercise, we will get a little practice inventing our questions. We will use the stories from the Two Active Listening Opportunities sheet. Listen and read along as each story is read. Then, AS A GROUP, write 2 or 3 questions, or statements, below, which will help the disputants to tell their story or communicate with the other disputant.*

**NEVER, NEVER, NEVER OFFER SOLUTIONS OR YOUR IDEAS! IT'S THEIR PROBLEM!**

## Jon & Bob conflict

1
2
3

**NEVER, NEVER, NEVER OFFER SOLUTIONS OR YOUR IDEAS! IT'S THEIR PROBLEM!**

## Claudia & Marlene conflict

1
2
3

# Open Questions Worksheet

*Getting People to Talk to Us.*

**NEVER, NEVER, NEVER OFFER SOLUTIONS OR YOUR IDEAS! IT'S THEIR PROBLEM!**

We want our questions to draw out as much of each disputant's story as is possible and so we use **open questions**. Open questions are **often a series of questions** which help disputants to better tell all of their story which helps us as mediators! Below are some closed questions and some open questions. Re-do closed questions by drawing a line through them. Then, replace them with a **series** of open questions which draw out facts AND feelings which will then help us to help them!

*Examples:*      closed: Do you like her?  
                      open: Can you describe what you like or don't like about the way she acts? ...Why?... How does it affect you?

1. Please **explain** how you felt when you discovered that your bike was missing? ...What did you think at first? (This is an OK question--it CANNOT be answered simply with yes or no.)
2. Did you break his iPod? (This is a poor question because disputant COULD answer "yes" or "no")
3. He just said that he thinks you won't help him wash the car. ...What is your **response** to that?.... Help us to understand why you think or feel that way?
4. Are you certain? (An example of a leading question--MITs think of a follow-up question below)
5. She just said that she thinks you're mad at her. Did you hear that?... Can you tell us if and **why** you are angry with her?...How do you **feel**? What's going on? (A good "facts" and feeling question series)
6. Did she hear you correctly?
7. Help us to understand what happened next... And then what?... How did you feel then?
8. Are you responsible for his injury like he says?



# Initial Statements from Disputants

(12) **M3**

Disputant X's concise story information notes by mediator	Disputant Y's concise story information notes by mediator
<small>Initial statements, non verbal language, responses to other's story, hidden agendas, etc. Draw out each story with <i>open</i> questions, <i>active</i> listening. Reflect back what is said by the disputants with, "I hear you saying..." or, "Are you saying...?" Ask, "How did that make you feel?" Any hidden agendas? Record information <i>equally</i> below. "Help me to better understand...", "How did that make you feel?" "How do you feel about what s/he said?" - "Let me see if I heard you" and then summarize their story.</small>	

Figure 4

The goal in this practice session will be to practice what we just learned about: **Active Listening, Body Language & Open Style Questions** and, to write brief notes on the Mediation Journal & to enforce the rules as we practice. For *balance*, write about the SAME amount of notes for **each** disputant.

## PRACTICE

The first disputant to speak was determined on our last page (M2, step 5). Mediators now allow each disputant to make his/her Initial Statements and take brief notes above. The columns above are small so one must listen carefully and write only key information. **Always end with, "Is there anything else?"** If so, keep going until the disputant seems to just be repeating information. They should feel "COMPLETELY HEARD."

MITs playing Pat & Kelly act out their roles as directed in, "Let's Pretend," paragraph 2.

Mediators, it's OK to go slow and use your notes. Do 1-5 during each (Pat & Kelly) statement....

- \_\_\_\_\_ 1 Take brief & concise notes during EACH disputant's Initial Statement
- \_\_\_\_\_ 2. Enforce rules of mediation if they are broken.
- \_\_\_\_\_ 3. Try three (3) active listening responses for each disputant here (revisit ALP if needed),
- \_\_\_\_\_ 4. Note body language (mentally) of each disputant at beginning and end of initial statement.
- \_\_\_\_\_ 5. Use three (3) open style questions with each disputant (revisit OQW if needed).

**STOP & WAIT** when both mediators have completed & checked off 1-5 above.

We will **switch roles** after questions & discussion.

Former mediators now review the parts of iPod dispute (you'll know most of it if your were *really* listening). The recorder becomes Pat. The co mediator becomes Kelly.

MIT formerly playing Pat will become recorder & MIT formerly playing Kelly will become co mediator. While they wait, they should study notes and prepare to do items 1-5 as mediators.

Any questions as to who plays which role? Ask facilitator.

*Pairs will be directed when to switch*

1. Did any of the disputants get off of the subject during the Initial Statements? What does one do?
2. Were you as mediator "accurate" in your active listening responses? If not, why not?

## Hidden Agenda Role Play Parts to be used with **M4**

*Only two participants will read these lines. We will then study this conflict.*

---

**PAT**      Starring in this role is \_\_\_\_\_ 

Hidden Agenda Role Play  
(wait for your cue)

←  
**PAT** says:

**Kelly is a brainless glob of protoplasmic muscle. S/he borrows items from others and then s/he conveniently “loses” them. S/he is so immature.**

---

**KELLY**      Starring in this role is \_\_\_\_\_ 

Hidden Agenda Role Play  
(wait for your cue)

←  
**KELLY** says:

**Pat’s a stupid weirdo and a stinkin’ liar. S/he thinks s/he’s so smart, but *everybody* thinks s/he’s a “nerrrd-o” and so do I!!! Nobody likes Pat.**

## Hidden Agendas & Shared Interests

How many “little agreements” do we have now with our dispute? \_\_\_\_\_.

In steps 5-8 each disputant has made his/her Initial Statement which we have in our Mediation Journals. Each MIT now has this information. We are almost ready to move to step 9 which is creating the Agenda, but we need some training, first in the area of **Hidden Agendas**.

What is really causing trouble here? What we see doesn't seem to be the REAL issue, sometimes.

### Hidden Agendas - the “Engine” of the Conflict Beneath the Hood??

#### TRAINING

**ROLE-PLAY & DISCUSSION - Hidden Agenda** - 2 volunteers, please

As Pat gets ready to leave for school, Pat's mom seems concerned that the iPod that Pat's late uncle left Pat is missing. She says, “Don't tell me that you lost it *too*? You're *always* losing things! It seems that your head is stuck in your computer and you're absent minded like the nerds on TV.” Pat leaves for school angry at mom and feeling trapped in a difficult situation about the iPod that s/he lent to Kelly earlier.

Kelly received an “F” in math, again, and has been grounded from *all* social activities until the grade is raised to a “C” at least. No more dances like last week's which was so cool. Kelly's father says to Kelly that Kelly's head is, “. . . hollow like the basketball he bounces day and night. What about doing some class work someday instead of thinking about dances and basketball?” Kelly leaves for school feeling bummed out from the grounding and his dad's comments along with not knowing the whereabouts of Pat's iPod.

Although Pat and Kelly have been seen arguing a little lately, today seems OK as they quietly board the bus for school sitting together, as usual. Some muffled words are exchanged. The next thing we see is that they are pushing each other in the aisle of the bus. The upset bus driver radios ahead to the school assistant principal.

Pat and Kelly eventually end up in our mediation...

\*\*\* *Parts are now read by our volunteers. . .*

#### CLASS DISCUSSION:

What do you think caused them to react the way they did on the bus?

Was that apparent to the bus driver or other students at the time?

What do we term this phenomena? Answer: \_\_\_\_\_

Can you detect any hidden agenda possibilities in our Missing iPod mediation information so far?

What question(s) might we ask to draw out Hidden Agendas?

Maybe these will help ...

*You seem angry... is that right?*

*What seemed to be happening before this incident?*

*Can you describe your feelings toward \_\_\_\_\_ before this incident? Any “old” anger?*

*Can you tell us about it to help us all to understand?*

CAUTION: Do not assume any hidden agendas. Let disputants tell you of any that might be here.



#### TRAINING

### Shared Interests\* (common ground) - The Light at the End of the Tunnel??

*May be positive experience or may be negative experience.*

*May be a common interest, a common belief, a common expectation ...*

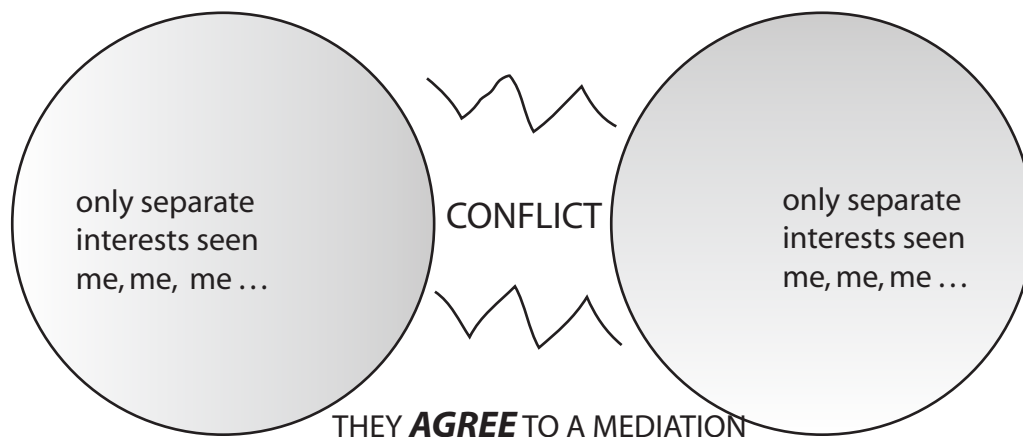
*Look for a “common thread” which could unravel this knotty problem of conflict.*

\*An “interest” is not just something that interests us. It can be something that affects us, or has an impact on us, whether or not we are “interested” in it. We may not be “interested” in studying air quality, but it does impact our lives, regardless. Shared interests “unite” us in some way, consciously and unconsciously. Separate interests keep us focused on separation. Mediators who look for shared interests can often find the “Royal Road to Resolution” through, or within those shared interests.

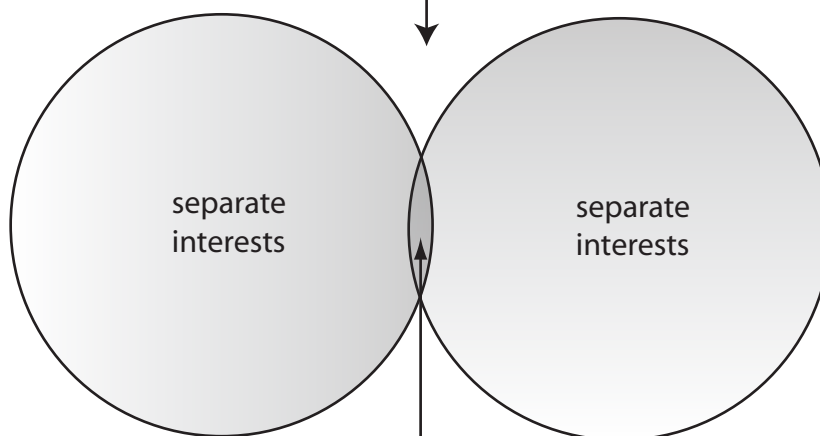
The next two pages ( 15 & 16) discuss shared interests and how our seeing them for angry disputants can add them to our count of “little agreements” and get them on THEIR Royal Road to Resolution.

## Looking on Common Ground for *Shared Interests*

Step I



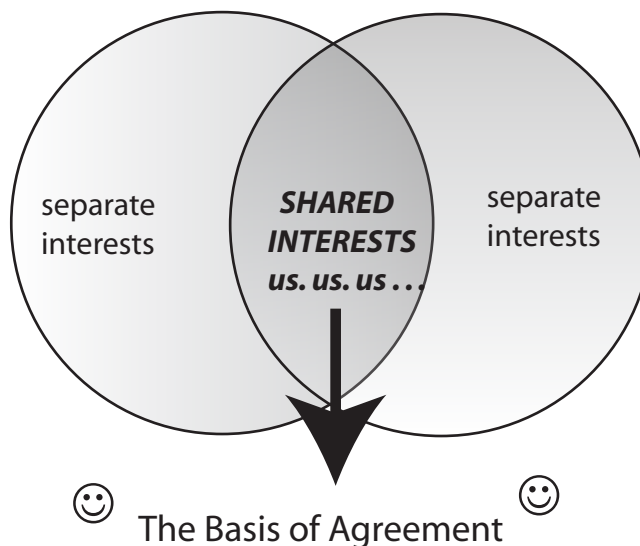
Step II



The mediation **process** allows them to look at, and listen to, each other and to rediscover their common ground and to better see their **SHARED INTERESTS** which were hidden. Each *little agreement*\* along the way creates more common ground to help them to see their shared interests better. This leads the disputants toward agreement while reducing anger.

\*Miracle Moment

Step III



Step IV - Two relationships in conflict (Practice) - see **CGP**.

- 1) Mike & Pete on the soccer team.
- 2) Sandy and Karen need the sink.

*We look for common ground.*



## Practice Finding the Common Ground of *Shared Interests*

### Mike & Pete

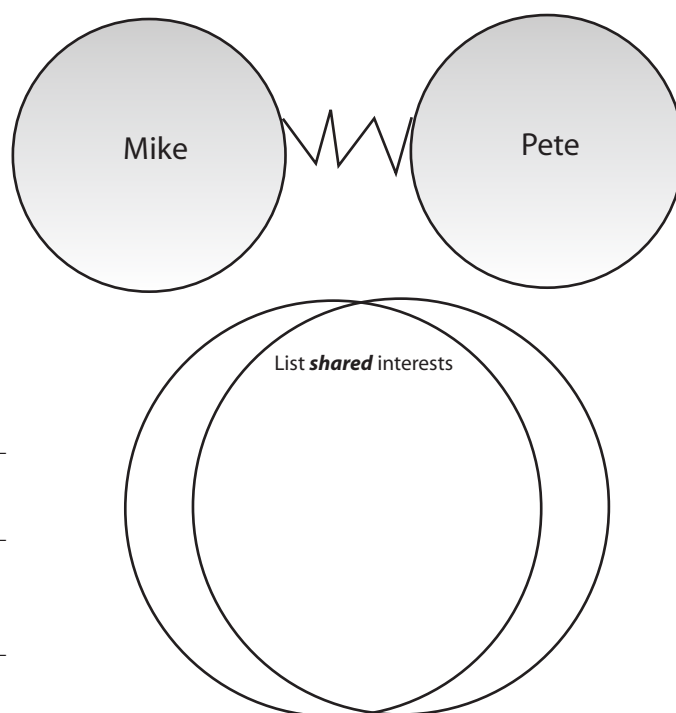
Mike and Pete have lived in the same neighborhood for several years, but never have gotten along very well. They are often rivals, especially when involved in neighborhood activities requiring athletic skills, such as street hockey or skateboarding. They frequently get into fights trying to "show each other up." Now they are both on the school's soccer team. They find it difficult to work together and constantly argue during practice. The coach has threatened to kick them both off the team.

What is important to both Mike & Pete? (Shared Interests)

What if they can't control their fighting?

How important is it to BOTH of them to stay on the team?

What can a mediator use/suggest in this situation given the information here and what we have discussed so far?



### Sandy & Karen

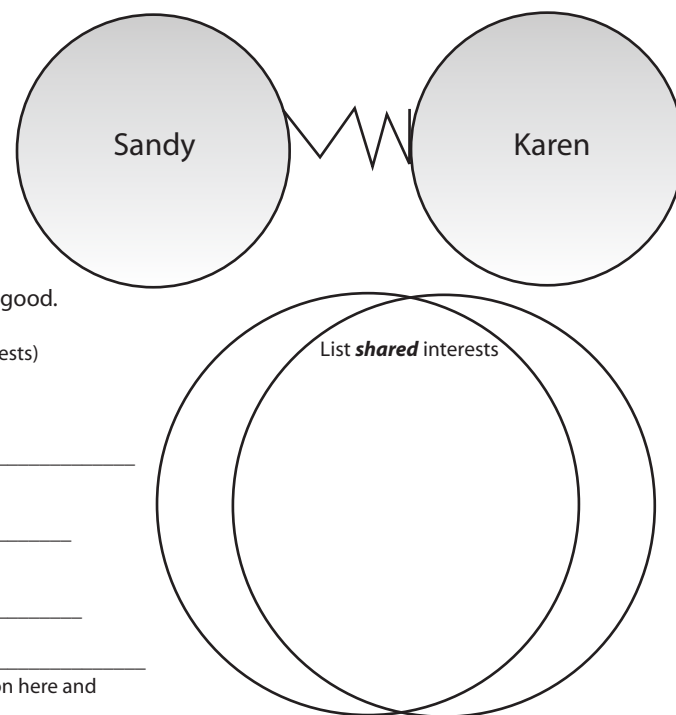
Sandy and Karen are twin sisters. It's Saturday night and both are planning to go to the movies with a group of mutual friends. Sandy must get the dishes washed before she can go out. Karen wants to wash her hair and the sisters are arguing over who will use the sink. Sandy says, "If I don't get these dishes washed right away, I'll be late." Karen responds, "But I must get my hair washed quickly--I don't have time to take a shower. I think Sean will be there and I want to look good."

What does each girl want? Is there anything in common? (Shared Interests)

What kind of relationship do these twins probably have normally?

Is it important that they maintain their relationship? Why?

What can a mediator use/suggest in this situation given the information here and what we have discussed so far?



### CLASS DISCUSSION:

In the information gained from listening to our iPod mediation disputants during initial statements, can we see any shared interests or common ground at this point? List them below, briefly.

How can we count them as "**little agreements**" as we move along in our mediation?

## Setting our Agenda - Focusing, Neutralizing & Balancing

Setting the Agenda, Neutralizing, and Balance (again) will now be addressed as we now narrow our focus.

A goal of this practice is to learn how to **focus** on the things that we REALLY need to discuss in our mediation. We must separate them from all the other information we have heard and seen during the Initial Statements. We will use a "focus funnel" to isolate the items that are most important for our final agenda - see figure 6 below.

As we use the focus funnel, we use a special techniques called, **neutralizing**. Neutralizing is used to **bring down** the emotions of a mediation now that we have the stories told. Please be certain that your Agenda Box items that you decide to focus upon in the practice below reflect neutralizing, as needed.

*Here's a neutralizing example: "She called me a bitch, so I called her a pig." These insults, if they are referred to in any way from now on, are simply, "words exchanged." We don't want to "re-upset" anybody as we mediate. During brainstorming, disputants may use emotional language, still. If it's used again by disputants, we as mediators gently suggest that we ALL change the words to neutral terms so that we can solve our issues faster.*

One more goal is **balance**. Each disputant should **see** his/her issue(s) in the Agenda Box

**PRACTICE:** Please enter items under discussion onto THIS page. We will transfer information to the journal as we work a bit later.

Current **mediators** in each group of four:

1. Discuss with your partner, briefly, what 1 or 2 items (in real mediations, there may be more) from hearing all of the Initial Statements what will need to be in the Central Box for brainstorming. List each disputant's *possibilities* here (arrow). List each disputant's **finalist** (= **most likely**) choices here (arrow).

2. Be ready to ask Pat & Kelly if they agree with you. They are having the same discussion for practice.

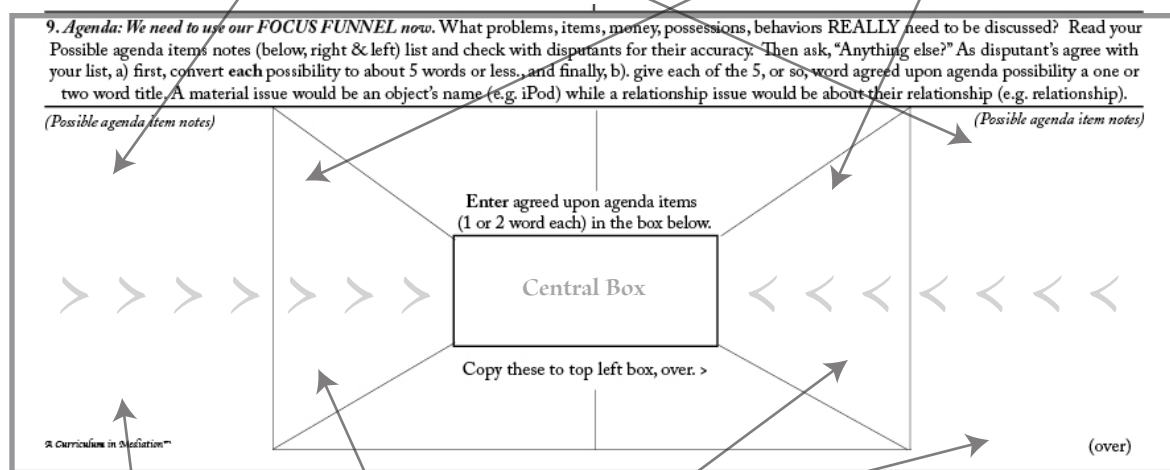


Figure 5

**\*\*Current Pat & Kelly** in each group of four:

**\*\*1.** Discuss privately between the two of you, briefly, what 1 or 2 items **YOU** think (from all that you have heard and said so far) will **need** to be in the Central Box for brainstorming. List each disputant's *possibilities* here. List **finalist** choices here.

**\*\*2.** Be ready to compare your list with the mediator's list when they ask you.

**\*\***(This is a special disputant activity for today only - real disputants usually too upset to cooperate in this manner at this point.)

Mediators and disputants jointly (all 4) develop a consensus agenda list which is now written into the **central box**, carefully following the directions on the mediation journal, item 9.

**FOR TODAY'S TRAINING ONLY**, decide upon one (1) material item and one (1) relationship item.

**STOP. Please wait here for more directions...**

## Agree on Agenda, Look at the Items and the Conflict

A Class discussion will now determine our agenda for ALL quads. Enter the items in the Central Box below, in figure 7.

How many “little agreements” do we have now if this was an actual mediation? \_\_\_\_\_

Figure 6

Please **switch roles** within your group as follows:

Pat & Kelly return to mediator roles, BUT, whomever was recorder before, is now co mediator.

Mediators return to same disputant role - Pat or Kelly - that they were before.

*New mediator recorder transfers Central Agenda Box items to back of the Mediation Journal by writing them in the box, upper left, titled, “Agenda Items from other side” – see figure 8, below.*

Figure 7

Our workshop use of the *Mediation Journal* continues on the *back* of the *Journal*. At this point, all MITs should have our (for training purposes, only) two agreed upon agenda items written in the upper left box.

### PRACTICE

#### 11. Brainstorming and Discussion - may be smooth and may be rough. DO NOT OFFER SOLUTIONS!

a. Mediators get Pat & Kelly to agree on which Central Agenda Box item to talk about first. It *may* be an “easy” one first. OR, it may be the most “important” one that makes the *others* “easy.” So, how many “little agreements” now? \_\_\_\_\_

b. Begin to focus the discussion on the chosen agenda item - **use the helpful question ideas on Journal item 10.**

c. Stick to THE chosen agenda item until it is “settled” i.e., you have a rough idea for the an AGREEMENT for it.

If anger persists, get it out with Active listening, feeling questions, etc. Look for shared interests (common ground) for agreement ideas.

**Note the agreement requirements** in area “12. Rough solution points...” box on the back of the Mediation Journal.

d. **STOP** when you have developed one (1) rough idea for solution that helps **both** disputants, somehow. It may sound like, “if s/he does this, the other will do that.” Or, it may be take two (2) two sentences to state the *one* idea.

When directed, we will switch roles again and work on the remaining agenda item. But please wait...

# Look at the “Other” Item and Begin to Work with Solution Ideas

Roles are again switched as we examine the second agenda item and then discuss solutions to the conflict

**Switch roles back again!** The new mediator diad co mediator becomes recorder, and the recorder becomes co mediator.

## PRACTICE

Steps a, b, c are **repeated with the other item** (we only have two today) to be discussed within our NEW quad roles.

Follow the SAME steps and directions in A, B, and C above just as the other mediator diad did. Draw out **ONE** mutually beneficial idea for a solution from the disputants. Disputants **MUST** be responsible for **THEIR** solution to **THEIR** issue.

When we are done here, **EACH** diad will have created one (1) **MUTUALLY** beneficial **rough** solution idea.

Each **QUAD** will then have **two** which they (all) record in the Mediation Journal in section 12. “ROUGH solution points . . .” Please **wait** patiently if you finish early.

Each **MIT** will have one **ROUGHLY** stated solution to their agenda item written in area 12 of the back of the Journal. See figure 9 below.

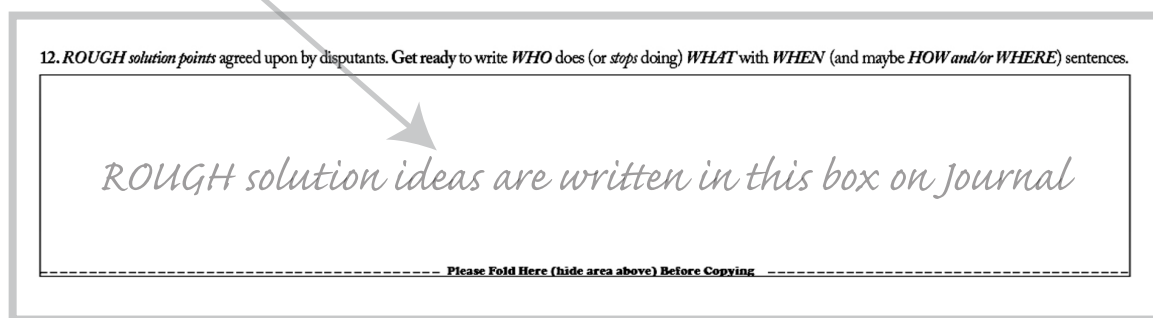


Figure 8

A class discussion is next. Current mediator recorder will share your quad’s solution ideas with the entire class. Our class discussion will develop the two solution ideas with which we will work as we move toward writing the solutions in formal agreement language of who?, what? when?, where? , etc. For now, please wait quietly.

## CLASS DISCUSSION:

**Recorder mediator** from each quad will share his/her 2 rough solution ideas with the whole class. Rough ideas will be discussed by class and consensus of “best” two (2), all told established for our next PRACTICE. Each quad offers two ideas, *but* we **all** come away with **the class choice of two** (2) for the **next** step of converting our class consensus of rough solutions into formal agreement language.

Material Agenda item stated in ROUGH terms: \_\_\_\_\_

Relational Agenda Item stated in ROUGH terms: \_\_\_\_\_

END OF ROLE PLAY PORTION OF TODAY’S WORKSHOP, BUT KEEP YOUR IDENTITY (MEDIATOR OR DISPUTANT) AS IS CURRENTLY



## Translating **ROUGH** language into *FORMAL AGREEMENT* language.

Pat & Kelly work together on **MATERIAL** issue solution. Create one or two sentences that are beneficial to **BOTH** Pat & Kelly. For example: Pat agrees to do \_\_\_\_\_ while Kelly agrees to do \_\_\_\_\_. **Sentence(s) MUST be specific as to WHO, WHAT, WHEN for certain. May include HOW & WHERE.**

Mediators work together on **RELATIONAL** issue solution. Create one or two sentences that are beneficial to **BOTH** Pat & Kelly. For example: Kelly agrees to: \_\_\_\_\_ and Pat agrees to \_\_\_\_\_. **Sentence(s) MUST be specific as to WHO, WHAT, WHEN for certain. May include HOW & WHERE**

Practice writing in this area, below. When you are satisfied with your sentence form, transfer it into figure 10, next page.





# Agreement Writing , Closure and Mediation Video

(20) **M8**

## PRACTICE

As directed on M7, transfer your formal agreement sentences into the field in figure 10. Also, listen to, and transfer, the other diad's formal agreement sentence onto this page in figure 10. Please wait for a class discussion of the two sentences from each quad. Be ready to make suggestions and corrections during the class discussion. Youngest MIT is reporter.

13. Complete your mediation with a WIN-WIN type agreement written out below. *Each* disputant *appears* to be treated equally in a *balanced* agreement. Use *who, what, when* wording for each point--each side. It must have shared responsibility, be possible to honor, solve the problem(s), & be a fair and lasting solution.

### CONFIDENTIAL AGREEMENT

*MITs write their formal agreement solution sentences in this field*

Figure 9

## CLASS DISCUSSION:

Volunteers are asked to read their quad's formal agreement sentences. Discuss, correct, comment upon by class and presenters.

## Closure - When it's Over ... It's Over!!

### TRAINING

Trainers model the reading of the terms of the agreement to disputants and ask if both understand the terms before directed to sign the agreement on the lines below - figure 11.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

14. Closure: *After they sign above*, thank the disputants for working hard to settle their dispute. Warn them that *others may try to interfere* with their agreement. Invite the disputants to use mediation again before any future disputes with anybody get too serious. 15. Ask the office to make two (2) copies of *this side only* and give a copy to each disputant.

Mediator(s) \_\_\_\_\_ & \_\_\_\_\_ Date \_\_\_\_\_

Mediators are reminded that all information shared and all agreements reached are of a confidential nature. Mediators are also bound by the confidentiality rules of mediation. Exceptions may only involve office personnel.

Possible consequences if this **CONFIDENTIAL AGREEMENT** is not honored by disputants:

\_\_\_\_ Follow up Mediation \_\_\_\_ Parent/guardian contact \_\_\_\_ Office disciplinary action \_\_\_\_ Law enforcement \_\_\_\_ Other \_\_\_\_\_

Figure 10

## PRACTICE

MITs each practice saying this closure: "Thank you for working hard to settle this dispute. This is a confidential (private) matter and we ALL need to keep it so. Others may try to stir things up again - ignore them. If you need to come back for any more mediation about this or another problem, contact the office. The office will provide you with a copy of the agreement as soon as possible to help remind you of what you agreed to today." NOTE: As you become more comfortable as a mediator, you may use your own words to wrap up your mediations. Except for the "official" Mediation Journal which is given to office personnel to copy, all notes are now destroyed. Thank you for helping your school to be a safe place today.

## TRAINING

Sit back, relax and watch the mediator video that we saw earlier. Have the MVG page handy to see how much you have learned today. Today is a start. Your school's mediation coordinator \_\_\_\_\_ will have meetings throughout the year to help you in your work. [www.curwen.org](http://www.curwen.org) has even more information about mediation for you, your parents and friends--including all our teaching notes as well as today's workbooks and posters. It's good review. You may feel nervous during your first mediations. "Fake it 'til you make it!--Play your part!" You have the skills and tools to do it now.

# Mediation Vocabulary

(21) **MV**

<b>active listening</b>	listening in a way that tells the speaker that we ARE listening and tells the speaker what we heard or are thinking about what they said , helps the disputants to clearly explain the problem and to understand each other's point of view, see <i>Active Listening</i> handouts.
<b>body language</b>	posture, body positions and "looks" as we listen or speak, give viewers much information.
<b>brainstorming</b>	sharing ANY idea that comes to mind without judging it good or bad.
<b>closed question</b>	a question which can be answered with a simple response such as, "yes" or "no" and which doesn't give us much information to help us discuss the problem.
<b>common ground</b>	(see <b>shared interest</b> , below) something the disputants can agree on or something they both want that can become the start of a possible agreement to a conflict.
<b>conflict</b>	difference of opinion, argument, or fight about some thing, some incident, or somebody - not getting along with each other. The world appears to be driven by conflict if one believes the news. Fear is at the root while attack and scarcity thoughts are its branches which we can see.
<b>cooperative</b>	working together to solve the problem.
<b>dispute</b>	see <b>conflict</b> , above.
<b>disputant</b>	person in conflict with another, not getting along with that person for some reason.
<b>ground rules</b>	ways that we have to behave to help us to make the mediation process work well.
<b>hidden agenda</b>	something that is bothering the person that he or she does not feel comfortable talking about but which may be part of the conflict. It may be partly unconscious.
<b>"I" statement</b>	a good style of sentence to use when we are expressing ourselves and when we are using our active listening skills. We, as mediators, work to get disputants to use "I" statements as a way of de-escalating the conflict and promoting healing communication.
<b>impartial</b>	being totally fair with each disputant and treating them equally in all that we say or do.
<b>mediation</b>	getting disputants to discuss their dispute orderly, completely and peacefully and to find their own solutions and to make an agreement which is fair for both disputants.
<b>mediator</b>	person who is trained to help people settle their disputes and who offers no solutions!
<b>neutral</b>	same as impartial, one who does not take sides in a dispute and never offers advice to anyone.
<b>open question</b>	a question which causes a disputant to give information which helps all of us to better understand how the disputant is feeling or thinking about parts of the dispute.
<b>party</b>	see <i>disputant</i> , above.
<b>resolve</b>	to settle a dispute through a process such as mediation leading to agreement.
<b>resolution</b>	the actual details of the settlement of the dispute.
<b>separate interest</b>	a belief or focus on only getting something for one's self at a cost to another person, i.e., "one <b>or</b> the other" attitude. Based on the false scarcity principle ("there's not enough")
<b>shared interest</b>	something the disputants can agree on or something they both want that can become the start of a possible agreement to a conflict. Very important overall concept!
<b>"You" statement</b>	words that can make another angry (and feel attacked) when they think you are accusing them of something when you say them.

## More Mediation Role Play Ideas

(Used as time permits or for follow-up activities this year)

There are 16 possible scenario/relationship combinations below. In your group of four, two students play the roles of disputants while two are co-mediators to the dispute.

For example, combination 3-C would then be Roberto and Alex who are former best friends having a dispute mediated by two of you. When told to do so, switch mediator-disputant roles and pick another combination, as directed.

As time permits, switch roles and combinations again. Use the same guidelines as stated in *Let's Pretend... (Overview)*

### Scenarios

#### WAZHAPPENIN?

**1 - JASON/TONY** - Jason and Tony, who have been classmates throughout elementary school, almost got into a fight in their classroom. Tony had "lent" Jason his Jay Z CD and after several weeks had gone by, Tony asked Jason to return his CD. Jason told him he couldn't find the CD but didn't feel he should replace it as it was his understanding that Tony had given the CD to him as a gift and not as a loan.

**2 - MARIA/SAMANTHA** - Maria and Samantha tried out for the lead role in the school play. Maria got the part and Samantha got a secondary part. At the rehearsals, Samantha keeps blowing her lines and missing her cues and seems bent on making the production a disaster. The girls get into an argument, yelling insults at each other. The drama teacher tells them they either must settle their differences or they both will be out of the play.

**3 - ROBERTO/ALEX** - Roberto and Alex are classmates. Roberto has been going with Celina since the middle of summer but when school begins he decides he wants to break up with her so he can meet other girls. Celina is heartbroken and turns to Alex for advice on how she can win back Roberto. Alex consoles Celina and after a few days they become inseparable, Roberto becomes jealous and confronts Alex. He tries to provoke a fight with Alex by shoving him and calling him names but a teacher sees them and intervenes before a fight takes place.

**4 - LINDA/CHERISE** - Linda and Cherise are assigned the task of planning a party to celebrate Linda's birthday. They are deciding who will be involved. Linda wants to involve Maggie but Cherise doesn't. Cherise says Maggie has no personality and nobody in their planning group would like to have her around. Linda and Cherise get into an argument and are avoiding each other. They talk about each other to their friends. The friends feel caught in the middle and want things the way they were so they ask for mediation for Linda and Cherise.

### Relationship Histories

#### THE WAY WE WERE

**A - BEST FRIENDS** - great expectations of the other. You have shared your deepest feelings – made yourself open and vulnerable. How could this best friend be betraying you at this instant? What seemed to be the only thing right in your life seems to be turning sour. The love/hate shift is occurring for now. What was once a deep, caring and trusting friendship full of energy now has that energy flowing in a negative, hurtful direction – inward and outward.

**B - NO PRIOR SIGNIFICANT RELATIONSHIP** – usual uncertainties about self as adolescent, you bring your own personal "baggage." You have your own personal positive feelings about yourself and what you know is "right." Your involvement, protective shell of sorts is being penetrated, You mean no harm but you're not going to be a victim or a "chicken," either. You're puzzled at what seems to be developing. This always happens to others, not you!

**C - FORMER BEST FRIENDS** – The hurt of the break-up is below the surface, simmering a bit at times as you see the other mingle with new friends. There's a nagging anger below the surface and you feel rejected by your former friend or disappointed that they let you down earlier. There are issues and irritations from that friendship that were glossed over during the "good times" that remain unresolved. The energy from these are now added to your sense of hurt, loss, betrayal, and/or disappointment lingering from the end of your friendship.

**D - SWORN ENEMIES** - Every time you see this person, the hair raises on your back and your fight or flight reaction increases your heart rate. Something has happened in the past to fuel this hatred. No matter what this person says or does, it seems to affect you negatively. Your condition approaches paranoia as you believe that the other person has nothing better to do than to make your life miserable.

# A LIST OF SOME FEELING WORDS

This list shows the large range of feelings people are capable of experiencing.  
The list can be expanded as the MITs work throughout the exercises.

ashamed  
angry  
afraid  
anxious

guilty  
grief-stricken  
greedy  
grateful

remorseful  
regretful  
righteous

brave  
bashful  
bored

horrified  
hateful  
hopeful  
happy  
helpless  
heartbroken

shocked  
sorrowful  
sad  
shy  
surprised  
secure  
strange  
smart  
silly  
sour  
spiteful  
self-pitying  
suspicious  
sympathetic  
self-conscious  
sedate  
superior

cold  
cruel  
crabby  
conceited  
contemptuous  
cheerful  
cocky

impatient  
independent  
insulted  
inferior  
intimidated

devilish  
disappointed  
disgusted  
disdained  
dumb

jealous  
joyful

loving  
lonely  
left out

embarrassed  
excited  
enthusiastic  
envious  
empty

mellow  
mixed up  
malicious  
miserable

tense  
timid  
tenacious

frightened  
foolish  
funny  
friendly  
frustrated

nervous  
nice

unworthy  
uneasy

peaceful  
persecuted  
paranoid  
pleasant  
proud  
peevish

victimized  
vindictive

wary  
worried



1. Mediators **welcome** disputants, ask their names & introduce themselves.
2. Ask disputants if they want to try mediation to settle their dispute.
3. If yes...**READ OUT LOUD each rule below after you write their names according to where they are sitting across from you.**

Print the name of disputant X \_\_\_\_\_ Print the name of disputant Y \_\_\_\_\_

4. Both disputants must agree (by saying, "yes") to *each* of the following rules of the mediation which mediators check off as they read them to the disputants.
    - \_\_\_ No name calling or threats
    - \_\_\_ No interrupting others
    - \_\_\_ Keep this mediation discussion confidential,
    - \_\_\_ Always tell the whole truth
    - \_\_\_ You must work hard to solve the problem,
    - \_\_\_ Listen carefully to each other's story.
    - \_\_\_ Cell phones are off? \_\_\_\_\_
- If information about things that can seriously hurt people (civil rights violations, drugs, weapons, violence, etc.) is discussed, mediators must report this to supervisors immediately.**

- X \_\_\_\_\_ <<< Disputants' Signatures >>> Y \_\_\_\_\_
5. Mediators **decide** who will speak first (X or Y) and take brief notes in the space below as *each* disputant speaks. Use your active listening skills as needed.
  6. After each disputant speaks, **repeat back** to the disputant what s/he said. Correct your notes, if needed.
  7. As the problem becomes clear to you, use the *Agenda* section near bottom of this journal to **write down** what probably needs to be discussed.
  8. Make certain they tell their *whole* story.

Disputant X's concise story information notes by mediator	Disputant Y's concise story information notes by mediator
Initial statements, non verbal language, responses to other's story, hidden agendas, etc. Draw out each story with <i>open</i> questions, <i>active</i> listening, Reflect back what is said by the disputants with, "I hear you saying..." or, Are you saying...? Ask, "How did that make you feel?" Any hidden agendas? Record information <i>equally</i> below. "Help me to better understand....", "How did that make you feel." "How do you feel about what s/he said?" - "Let me see if I heard you" and then summarize their story.	

9. **Agenda: We need to use our FOCUS FUNNEL now.** What problems, items, money, possessions, behaviors REALLY need to be discussed? Read your Possible agenda items notes (below, right & left) list and check with disputants for their accuracy. Then ask, "Anything else?" As disputant's agree with your list, a) first, convert **each** possibility to about 5 words or less., and finally, b). give each of the 5, or so, word agreed upon agenda possibility a one or two word title. A material issue would be an object's name (e.g. iPod) while a relationship issue would be about their relationship (e.g. relation-

(Possible agenda item notes)	(Possible agenda item notes)
<p>Enter agreed upon agenda items (1 or 2 word each) in the box below.</p> <div style="border: 1px solid black; width: 200px; height: 60px; margin: 0 auto;"></div> <p>Copy these to top left box, over. &gt;</p>	

**Agenda Items from other side**

**10. Discuss each item.** Allow disputant who told his/her "story" *second*, to pick the *first* item to discuss. **Lance the boil** for each item, as needed, BEFORE looking for solutions. Focus on feelings! Mediators do **not** offer solutions! **Here are some probes:** What do/did they **expect** from the other regarding material, monetary, relationship, behaviors, etc. Ask *each* what they **want**. Ask the other if that is **possible**. What would it take to make *each* of you happy? What needs to **happen**? What were things like **before** this dispute? If they were friends, ask "Do you **want** to try to get your **friendship** back?" Any feelings from **hidden agendas** in play? Help us to understand what you mean/feel/want/need. ... As each item is discussed, and a solution agreed upon, write it in ROUGH form, BELOW in 12 - "**ROUGH** solution ideas." *Scratch pad (11) is for your use.*

**11.** *Scratch Pad* for mediators to *collect disputant thoughts* for solutions to their issues. **Got Balance?** We may need 2, or more, ideas per item.

**12.** **ROUGH** solution points agreed upon by disputants. **Get ready** to write **WHO** does (or *stops* doing) **WHAT** with **WHEN** (and maybe **HOW** and/or **WHERE**) sentences.

----- Please Fold Here (hide area above) Before Copying -----

**13.** Complete your mediation with a **WIN-WIN** type agreement written out below. *Each* disputant **appears** to be treated equally in a **balanced agreement**. Use *who, what, when* wording for each point--each side. It must have **shared** responsibility, be **possible** to honor, **solve** the problem(s), & be a **fair** and lasting solution.

## CONFIDENTIAL AGREEMENT

Signature

Date

Signature

Date

**14. Closure:** *After they sign above*, thank the disputants for working hard to settle their dispute. **Warn** them that *others may try to interfere* with their agreement. **Invite** the disputants to use mediation again before any future disputes with anybody get too serious. **15.** Ask the office to make two (2) copies of *this side only* and **give a copy** to each disputant.

Mediator(s) \_\_\_\_\_ & \_\_\_\_\_ Date \_\_\_\_\_

Mediators are reminded that all information shared and all agreements reached are of a confidential nature. Mediators are also bound by the confidentiality rules of mediation. Exceptions may only involve office personnel.

Possible consequences if this **CONFIDENTIAL AGREEMENT** is not honored by disputants:

\_\_\_\_ Follow up Mediation \_\_\_\_ Parent/guardian contact \_\_\_\_ Office disciplinary action \_\_\_\_ Law enforcement \_\_\_\_ Other \_\_\_\_\_

### Program coordinator use only - Safe Schools Data

Nature of dispute \_\_\_\_\_ Location \_\_\_\_\_ Grade(s) \_\_\_\_\_

Follow-up notes:

Disputant X's \_\_\_\_\_ story  
Name

Disputant Y's \_\_\_\_\_ story  
Name

(Possible agenda item notes)

AGENDA

(Possible agenda item notes)

*Confidential Agreement*

X's Signature \_\_\_\_\_ Date \_\_\_\_\_

Y's Signature \_\_\_\_\_ Date \_\_\_\_\_

Mediator(s) \_\_\_\_\_ & \_\_\_\_\_

Date \_\_\_\_\_