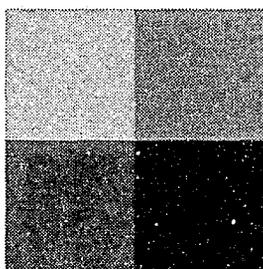


WE CAN
WORK TO

156
951

BOB
D A O

WE CAN WORK IT OUT!



PROBLEM SOLVING THROUGH MEDIATION

By Judith A. Zimmer
National Institute for Citizen Education in Law

Contributor
Suzin Glickman

National Institute for Citizen Education in the Law
National Crime Prevention Council

145156

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been

granted by

Public Domain/QJP/QJJD

U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Cover Photos: Preston Dolly, Sue Miller

Cover Design: Groff Creative, Inc.

This book was prepared under Grant No. 90-JD-CX-K002 (S-1), from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent official positions or policies of the U.S. Department of Justice.

Copyright © 1993

National Institute for Citizen Education in the Law

National Crime Prevention Council

The purchaser of this copy is hereby authorized to reproduce indicated material for nonprofit educational use. Reproduction for sale is prohibited.

Table of Contents

Preface and Acknowledgements	1
Foreword	3
I. STARTING UP	7
Starting Up	7
—Objectives of Mock Mediations	7
—Conducting Mock Mediations	8
Preparing For a Mock Mediation	9
—Time Factors	9
—Student Involvement	9
—Preparation of Materials	10
—Mediation Assistance	10
—Evaluation	10
—Classroom Arrangement	11
—Mediation as a Special Event	11
—Selecting and Instructing the Mediators	11
—Preparing the Observers	11
—Mock Mediation Teacher Checklist	12
II. LESSON PLANS	15
1. What is the Difference Between Mediation and Taking a Case to Court?	15
2. What is Active Listening?	25
3. How Do You Generate Options When Faced with a Conflict?	29
4. What is the Mediation Process?	41
5. Introduction to the Case	57
6. Disputant and Mediator Preparation	61
7. The Mock Mediation	67
8. Debriefing the Mock Mediation	81
III. MEDIATION SCENARIOS	87

Preface and Acknowledgements

HARDLY A DAY GOES BY WHEN WE ARE NOT CONSCIOUS OF CONFLICT and its effect on our lives. It is a possibility in every encounter. In fact, sometimes it seems that we are constantly involved in conflicts of one type or another. It takes only a few seconds for an encounter to escalate from words to physical contact or sometimes to the threat of litigation. The reality of conflict in daily life makes the study of conflict and conflict management an urgent matter.

Society's dissatisfaction with processes established to settle disputes has led to the search for new ways to approach old conflicts. Community mediation programs have been started all around the country in order to explore new forms of dispute resolution. The success of these programs and their effect on the participants has contributed to their growth.

The mediation process can be both positive and educational. Mediation and conflict management programs are changing the way people think about conflict in our society. In the years since the beginning of this movement, the National Institute for Citizen Education in the Law has developed ways to introduce mediation and conflict management processes into its educational programs.

As part of our continuing effort to assist with the expanded use of mediation skills, we developed this manual along with the accompanying conflict scenarios. We were particularly fortunate to have the assistance of mediators and educators around the country who read and gave feedback at various stages of the development of these materials. In particular we would like to thank: Linda Barnes-Robinson, Artemus Carter, Betsy Coddington, Elisabeth Dreyfuss, Ellie Greene, Grayfred Gray, Vanessa King, Barbara Miller and David Trevaskis for their thoughtful assistance and encouragement.

NICEL staff members without whom this would have been impossible include: Lee Arbetman, Erin Donovan, Ruth Gutstein, Natalie Johnson, Ed O'Brien, and Rick Ody. National Crime Prevention Council staff members who assisted include: Jonann Wild and Jean O'Neil. Special thanks for editing the materials go to Ruth Gutstein and Jean O'Neil.

Special thanks to contributing author Suzin Glickman and two interns, Suzanne K. Babb and Erik Rabasca, who assisted with the last section of the materials.

As you use these materials, we would be delighted to receive any feedback, in particular, any suggestions for revisions. Please send comments to either:

National Institute for Citizen Education in the Law

711 G Street, S.E.

Washington, D.C. 20003

Voice: (202) 546-6644

TT: (202) 546-7591

FAX: (202) 546-6649

or

National Crime Prevention Council

1700 K Street, N.W. 2nd Floor

Washington, D.C. 20006

Voice: (202) 466-6272

FAX: (202) 296-1356

Foreword

THE NATIONAL INSTITUTE FOR CITIZEN EDUCATION IN THE LAW (NICEL) is proud to join with the National Crime Prevention Council (NCPC) in the publication of this manual for elementary and secondary teachers. We believe it will greatly facilitate the teaching of conflict resolution throughout the United States.

We Can Work It Out! expresses our philosophy that the problems in our society are solvable if we use new methods of working cooperatively. Last year Rodney King posed the question America must answer when he said: "Can we all get along?" We believe that this publication can help us get along.

Since conducting the first high school mock trial competition at Georgetown University Law Center in 1972, NICEL has been at the forefront of promoting the use of mock trials in schools to teach the basics of the trial process. Today, over 35 states conduct annual mock trial competitions in which secondary school students act as attorneys and witnesses before real judges. Some criticize mock trials, however, as emphasizing an adversarial approach to solving problems.

Therefore, we are delighted to publish this manual which promotes cooperation over competition, while pursuing a non-adversarial method of dispute settlement. We hope that teachers will show students that many of the problems that are often taken to court might better be solved through mediation, negotiation or other non-litigating methods.

We Can Work It Out! is part of the national Teens, Crime and the Community Program (TCC), a joint effort of NICEL and NCPC. NCPC is one of the nation's leading organizations in the field of crime prevention. Teens, Crime, and the Community is a curriculum used in the schools to teach many aspects of the crime problem. But most of all

it gives students the opportunity, in the words of NCPC Executive Director Jack Calhoun, "to make a difference."

As part of TCC, students are shown how to organize their own crime prevention projects. Conflict management is one of the most frequently requested student project topics. Today, in many schools, students are trained as conflict managers or mediators and can be seen on playgrounds, in the hallways of their schools or in meeting rooms acting as neutral third parties helping to resolve disputes.

Hopefully young people in this country will grow up as familiar with the local community mediation center as they are with the local courthouse.

Ed O'Brien

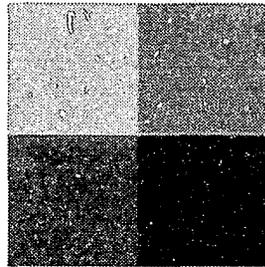
Co-Director

National Institute for Citizen Education in the Law

Washington, D.C.

May, 1993

I. STARTING UP



Starting Up

Through the experience of a mock mediation students will develop better skills for problem-solving and handling conflicts. The purpose of these materials is to introduce the skills involved in conflict management and mediation to a broad range of students. The materials are designed to teach the skills and the process of mediation. They can be used along with the scenarios at the end of the manual, or you can substitute any other type of dispute. For example, a history teacher might have students take a new look at a historical dispute like the Boston Tea Party. Likewise, a science instructor teaching a unit about acid rain might involve students in mediating an agreement between two states relative to the regulation of industry and the control of acid rain. Community programs might use a real community dispute as the substance of their mediation experience. The idea is to teach the life skills that enable students to resolve conflicts. Although mock mediation participants will not be trained mediators they will learn the skills to handle everyday conflicts.

The first three lessons in the manual present the basic skills of conflict management and mediation. The final five lessons focus on the steps in the mediation process and the preparation of the disputants and the mediators. The last section of the materials contains seventeen scenarios which can be used to learn and practice the mediation process.

OBJECTIVES OF MOCK MEDIATIONS

As a result of mock mediations participants will be able to:

- Identify options to solve a problem.
- List and explain the steps in the mediation process.
- Analyze problems and apply problem-solving procedures.

- Gain an insider's view of how a non-court dispute resolution process works.
- Demonstrate skills in critical and strategic thinking, questioning, active listening, and preparing and organizing materials.
- Identify and construct common ground when problems are presented.
- Create and assess the most viable options for resolving the conflict.
- Develop skills useful in negotiating events in daily life.

Mock mediations provide excellent opportunities to develop higher order thinking skills. By actively searching for realistic solutions, participants move from simply identifying problems through developing and asserting positions to searching for common ground, inventing potential new solutions, and working out an agreement.

This manual provides a method for students to be involved in developing solutions to problems that they see every day. It introduces an approach to problem-solving not based on fault or blame but on the desire of the disputants to design a plan for the future. The critical ingredient in learning the process is active participation. Through the cooperative methodologies students will acquire both individual conflict management skills and an understanding of how the mediation process works.

Participants in the mock mediation process will learn to see issues from more than one vantage point. Learning mediation and conflict management skills helps develop empathy by encouraging participants to consider more than one perspective when confronted by a problem. They will also begin to understand the variety of processes available within the community for diverse interests to work toward common solutions. This will help students see the skills involved in mediation as an important part of the making their community work. Students involved

in mock mediations will understand the importance of cooperation and collaboration and the advantages of enabling people to develop solutions that define their future relationships.

This manual provides opportunities for a whole range of field trips and for members of the community to act as resources for the program. Trips to local mediation centers to see mediators in action are a natural foundation or follow-up to a mock mediation. Many mediators will happily agree to visit the classroom and help students prepare for a mock mediation.

The interaction with people who actually work in the field extends youngsters' understanding of the skills necessary for community problem solving. Students can obtain real insight into the many uses of mediation skills in these exchanges. Career exploration is an important part of these experiences because the resource people will interact directly with students who could potentially be interested in their field.

The skills that students acquire in mediation are a lifelong asset. They can build student capacity to effectively address the issues during a disagreement and to focus on the future of the relationship.

CONDUCTING MOCK MEDIATIONS

Any disagreement can serve as raw material for a mock mediation. Beginning with simple scenarios (like the ones in this manual) will, however, enable students to concentrate on learning the process before trying to apply it to other life situations.

The planning for a mock mediation could stretch from two days to several weeks depending on the complexity of the problem and how well the process is understood by the students. The manual is designed so that Lessons 1-4 build the mediation skills and Lessons 5-8 focus on learning and applying the process. Once you teach the skills, students should be able to apply the process to a variety of problems.

The majority of mediations are handled using the processes outlined in this manual. There are no formal rules of evidence like those found in a trial situation. Mediations are divided into stages; certain expectations are set for each stage. The mediation process is flexible and is meant to facilitate problem solving.

Problem Statement and Disputant Information

Participants are given a basic problem statement. They will work to help the disputants ascertain the interests and issues necessary for resolution. As students learn the process they see the importance of helping disputants develop options. This enables them to help disputants develop a workable agreement. Appropriate participants are also provided with disputant information sheets.

This information is given to help students understand their roles in the dispute; it should not be treated as a script. Involvement in identification of issues and feelings, analysis of materials in the packet, and the planning for the mediation stages is a very important part of the learning experience. Scripting by the instructor or the participants in preparation for the mock mediation will detract significantly from the learning experience.

The lesson plans in this manual can help simplify the set-up and execution of a mock mediation by someone who has had little or no exposure to the mediation process. The skill-building objectives provide the foundation for each lesson. Students should work together in small groups to prepare for the mock mediation because experience shows this will keep all students interested in the issues and assists those who may not initially see themselves as leaders to take on leadership roles.

Preparing for a Mock Mediation

TIME FACTORS

There are no prescriptions for the exact length of time necessary for a mock mediation. It can range from an impromptu event taking place in the classroom within one fifty-minute class period to a two-hour or longer presentation conducted after several days of preparation. The first time you use these materials, students will require more preparation time because they will be learning both the basic skills and the process. After the initial experience the time will vary depending on the complexity of the issue and the number of disputants.

There are two parts to every mediation: (1) the process itself and (2) the substance of the dispute. When preparing for the first mediation presented by students, be sure to factor in some additional time for learning the process.

The lesson plans in this manual indicate time estimates for each segment. These may vary, but they are realistic estimates based on experience.

STUDENT INVOLVEMENT

The ideal mock mediation involves every participant in both the substance and the process of mediation. This requires careful planning but the results are worth the effort.

Following are some suggestions for involving all students in the mock mediation activity:

Mediator, Disputant and Observer Roles

Each mock mediation has at least two disputants and as many as three mediators. A total of four to seven students can be actively involved in each mediation. Some students may be observers and provide feedback to the participants after the experience. All students should be observers at some time so that they

have the opportunity to watch an entire mediation. You may want students to present their mediations sequentially so that they can learn from each group. In some classes more than one mediation will occur at the same time. For example, in a class of twenty-five participants four or five mediations could occur simultaneously.

Small Group Preparation

In order for a mock mediation to succeed, students must work together cooperatively. The small group activities included in the mock mediation lesson plans encourage students to practice vital teamwork skills.

Lesson Plan 5 provides the method for establishing the membership of the small groups to prepare and design the work plan for the mock mediation. For the purposes of preparation, every student should be involved in a small group. It should be clear to all students that their participation is required for the group to perform at its best.

Role Assignments

Each student in the small group will have a role assignment (mediator, disputant, observer) in one of the mock mediations. These lesson plans postpone the assignment of roles until students have learned the process. The longer every student remains a candidate for all roles the higher the level of interest in the preparation. Lesson Plan 6 provides the opportunity for students to establish themselves in specific roles.

Observers

You may want to establish a group of student observers to monitor each mediation. The Skills Checklist for Observers (Student Activity Sheet 3-D) will assist in preparing observers for their roles. Even if you intend to involve some students as observers, those students should still participate in the small groups during the mediation preparation ses-

sions. All students should eventually play the role of observers during preparation. As observers they will be able to analyze the importance of using the skills and learn to give constructive criticism to classmates.

PREPARATION OF MATERIALS

Materials for students include Introduction to the Mediation Process, Stages in the Mediation Process, and the dispute preparation materials including the problem statement and background materials on the case.

As a first step, you should decide which materials to hand out to students and when to hand them out. You may decide to distribute the entire package at one time or divide it into sections and introduce each part separately. In general, handing out materials with each lesson is most effective.

A brief description may help with the decision on materials:

- The Mediation Process is a general overview for those who have no experience with the concept of mediation or those who need a quick refresher. It is an important introductory handout.
- Stages in a Mediation is designed to summarize the process and to help guide students in their preparation for the mock mediation roles.
- Mediation Scenarios are packets that you put together for the disputants and the mediators. Each student playing the role of a disputant should be given only the problem statement and the role sheet for that particular disputant. The mediators should receive an outline of the mediation process and some blank paper for notes.

MEDIATION ASSISTANCE

Students preparing for a mock mediation find the participation of a practicing mediator extremely helpful. You can probably find a mediator in your community who will volunteer. There are many good community mediation programs around the country including Neighborhood Justice Centers, dispute settlement programs, and others based at state and local courts, schools, or universities, and

bar associations. Aside from demonstrating that real people use this process in everyday life, the mediator can answer specific questions about preparation, ethics, mediation contracts, and details of the process, and can assist with any problems that emerge in the course of the mock mediation. If you recruit a mediator as resource person be sure to take the time to explain the educational objectives of the program and the students' familiarity (or lack thereof) with the process.

Local mediation centers can also help by supplying scenarios based on real life situations. This enables students to relate the use of mediation to the types of problems that arise in their community.

EVALUATION

Evaluation helps students understand the mediation process and see the value of working cooperatively to resolve problems. Evaluation is more focused than the more informal observer role described later in this section. You need to make several decisions about how students' participation will be evaluated. Is the activity intended for scored feedback and/or grades? Will the evaluation be formal or informal? Whether the mediation is evaluated by other students, the teacher, or an outside resource person, the specially designed evaluation sheet is a good mechanism for conveying thoughtful information on each student's participation. Here are some suggestions that might help with this decision:

- If the evaluator is to be a student, he/she must learn the mediation process well, think about each part of the process and how it is being applied, and give thoughtful feedback to peers.
- The teacher may choose to serve as an evaluator.
- A mediator, law student, or lawyer may be invited to act as an evaluator. This arrangement is most appropriate when students have spent more than just a day or two preparing. Working with a person who has a mediation background can greatly enhance the experience for students.

—Spend some time meeting with the resource person to prepare him/her for the evaluation experience. Review the educational objectives and the stages in a mediation process so that the resource person is comfortable with the entire classroom strategy.

The evaluation form in Lesson 7 of this manual was designed to give complete and thorough feedback to students participating in mock mediations. It emphasizes the skills needed by mediators at various stages in the process and stresses feedback designed to improve those skills in the future. The evaluation sheet also provides feedback for the disputants. Their role is important to the success of the mock mediation, and this feedback will help them learn to present problems from their particular perspective and participate in seeking workable resolutions to disputes.

It is also a good idea to provide students with information about the evaluation criteria and materials prior to the mock mediation. This allows the students to see how they are being evaluated and provides a concrete, concise model for self-evaluation.

CLASSROOM ARRANGEMENT

Seating arrangements are an important part of the set up for mediation because they can create a feeling of cooperation and movement. For example, sometimes it is a good idea to seat the disputants next to each other and across from the mediators. This can create the feeling that they are working together. On the other hand, if the mediator sits on the same side of the table with one of the disputants and the other disputant sits alone on the opposite side, the arrangement might convey the idea that the mediator is siding with one of the disputants against the other. Students need to understand the subtleties that can be communicated through the seating arrangement. The idea is to create a situation where the participants can work together toward resolution of their problem. Participants could sit in a circle, square or triad where eye contact and conversation can be easily facilitated.

MEDIATION AS A SPECIAL EVENT

If the mock mediation will be a special event with a large number of spectators, you might want to hold the proceeding in a larger room that allows spectators to sit all around the disputants and the mediators. If the participants need microphones and/or audio equipment, be sure to make the necessary plans several days in advance.

This sort of "showcase" event should only be done after the students have been involved in several classroom activities and have a good grounding in how the mediation process works.

SELECTING AND INSTRUCTING THE MEDIATORS

Many mediation programs around the country use two-person mediation teams. Some also use three-person teams. Students should work in two or three person teams. Whenever teams are used, choose one person to be the lead mediator. You may decide or let the students decide jointly. When making this decision, consider each student's understanding of the mediation process and his/her ability to work cooperatively with other students, ask questions and facilitate the work of classmates. Co-mediation requires that mediators work together as a team. All students should eventually play the lead mediator role. Co-mediation is a skill that takes practice. This is a key component to successful mediations.

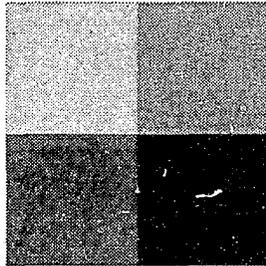
PREPARING THE OBSERVERS

This role is an important part of debriefing participants. Observers watch a mediation and take careful notes as it unfolds. These students take the lead during the follow-up analysis and discussion. The Skills Checklist for Observers (Student Activity Sheet 3-D) is available for each observer. During the preparation period, all students could rotate through the observer role to gain insights into the process and to practice giving constructive feedback to classmates.

MOCK MEDIATION TEACHER CHECKLIST

1. Select mediation fact pattern.
2. Sketch out time frame for the teaching of the lessons and the final mediation experience.
3. Locate a community mediation resource person and discuss involvement including a possible field trip to a mediation center.
4. Adapt lesson plans to meet the needs of your students.
5. Select materials for students.
6. Copy materials for students.
7. Write press release and begin to contact media for coverage of student mediations.
8. Begin student preparation.
9. Identify mock mediation scorers.
10. Brief scorers on the process.
11. Select site for the mock mediation experience.
12. Complete student preparation.
13. Present mock mediation.
14. Debrief mediation with students.
15. Draft thank-you notes to all involved and wrap-up additional issues.

II. LESSON PLANS



What is the Difference Between Mediation and Taking a Case to Court?

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Explain the purpose of a mediation.
- Distinguish between the mediation process and “taking a case to court” and give pros and cons of each process.
- List and explain the major steps in the mediation process.
- Name the participants in a mediation.
- Discuss the role of each participant in a mediation.

ACTIVITIES

1. Reading Assignment

Students will complete this first lesson by reading and highlighting new vocabulary words in The Mediation Process handout (Student Activity Sheet 1-A). The following vocabulary words and phrases are important:

- alternative solutions
- confidentiality
- agreement
- disputants/plaintiff/defendant
- ground rules
- mediation (mediator)
- summarize
- impartial
- neutral

2. Full Class Discussion

You should begin by asking students to define mediation. It is a good idea to find out what the students already know about the process and use that as a foundation for new information. Discussion should focus on defining what it means to “take a case to court” and what it means to “take a case to mediation” and the differences between the two processes. The group’s definitions could include the following:

- “Taking a case to court” is a form of conflict management. It means asking a judge (or in some instances a jury) to make a decision about a dispute involving two or more parties. Judges are impartial parties who make decisions based on the evidence of what has happened. The solution to the problem comes from the judge, who is bound by law and precedent (the way similar cases have been decided in the past).
- Mediation is a form of conflict management. It involves an impartial third person, called a mediator, who assists the disputants in discussing and resolving their problem. The solution to the problem comes from the disputants themselves, not from the mediator. Mediators do not make decisions or give advice as judges do in court cases. The mediation agreement focuses on the future. (For an overview of the mediation process, use Student Activity Sheet 1-A.)

3. Small Group Discussion

Students should work in groups of three to five to read and analyze several scenarios. The small groups will examine the advantages and disadvantages of using the mediation process compared with “taking

a case to court". (Use Student Activity Sheets 1-B and 1-C for this strategy. Half of the small groups will work with scenario 1-B; the other half will use 1-C.) Each group will list the pros and cons of both processes for its scenario. One student in each group should serve as the recorder. During the debriefing, the recorders for each group will share the results of the discussion. The debriefing should focus on developing a list of pros and cons for both processes. Here are some of the many potential responses:

COURT

Pros

- The judge is impartial and will render a binding decision.
- Both the plaintiff and defendant will be able to tell their story and call supporting witnesses.
- There are elaborate rules that must be followed to ensure fairness.
- The judge, an impartial party, will apply the law and make a decision based on law and precedent.
- A neutral party (judge or jury) will make a decision based on the facts of the case.
- If it is a civil trial, the person who wins the case can receive damages as part of the court's decision.
- There is an established appeals system.

Cons

- The plaintiff and defendant will be forced to deal with past events, not encouraged to focus on the future.
- The plaintiff and defendant may not have any continuing relationship when the proceeding is concluded.
- There will not be any agreement as to how the parties will behave toward each other when the trial is over.
- One or both of the parties may not like or support the judge's decision.
- One or both of the parties may feel dissatisfied with the performance of the attorneys, who are restricted to using only certain types of evidence in the case.

- Attorney's fees and court costs (including depositions, witness fees, travel) may be high for each party.

MEDIATION

Pros

- Impartiality/Neutrality/Objectivity
- Each party gets to describe the problem from his/her perspective and is not restricted by legal rules of evidence.
- The disputants will be able to listen to each other and see the problem as viewed by the other person.
- The disputants will be able to participate personally in the resolution of the problem.
- The disputants will be more likely to maintain their relationship.
- The process may be less expensive and less time-consuming than going to court.

Cons

- The parties must participate in developing a resolution that satisfies them both. This can be difficult and time consuming.
- The parties must be able to sit at the same table and discuss the problem, and people sometimes are unable to do this.
- The parties may feel that the process is not controlled enough to make certain that their point of view is heard and understood.
- The parties may worry about the enforceability of the agreement that is reached.
- One party may be more verbal or aggressive, and the other party may feel he/she is being dominated in the session.

4. Class Discussion

Students should review "The Mediation Process" (Student Activity Sheet 1-A). Class discussion should focus on vocabulary used in the mediation process with special attention to the words highlighted on the vocabulary list at the beginning of this lesson.

5. For the Next Session

Ask students to bring in an article from a local newspaper concerning an incident that could be successfully taken through the mediation process. Brainstorm a list of possible options available to the disputants. If the parties were to mediate, what might a possible outcome be? Could this case be taken to court? If so, what would the likely outcome be?

6. Thinking about Mediation

Are there some issues that must be taken to court to assure the disputants that they have received a full hearing of their dispute? What should the criteria be for determining whether an issue should go to court or to mediation? Is mediation good for society? In what ways is litigation preferable to mediation? In what ways is mediation preferable to litigation?

7. Field Trip to Mediation Program (Optional Activity)

Involve students in making arrangements to visit a local mediation program. All over the country the number of mediation centers is on the rise. The phone directory might be a good place for students to start looking for a program near your school. Some mediation centers concentrate on specific types of issues such as divorce, misdemeanors, or various civil actions. Others deal with a variety of public policy issues. Sometimes they are connected to local court systems. Students might also interview mediators about their work. Many mediators are unpaid volunteers who have received training and donate their time to help resolve disputes. Others have more extensive training and have paying jobs with mediation centers.

Most mediations are private and are kept confidential. However, sometimes it may be possible to arrange for your students to observe a mediation. Both of the parties to the dispute and the mediator(s) would have to agree to this. The mediation center might also role-play a mediation so that students could get a better idea of how the process works.

As an assignment immediately after the field trip, students could write several paragraphs focusing on questions such as:

- What kinds of disputes does the center mediate?
- What type of dispute was mediated during the visit?
- What role did each of the participants play?
- What did the students think of the issue that was being mediated?
- What did the students learn while watching the mediation?
- Did the resolution satisfy both of the disputants?
- Do the students think that the resolution will be upheld by the disputants?
- Did the process seem like a good way to deal with a particular problem?
- What else might the students recommend?

Students should use the questions (above) to discuss the field trip and their assignment either in small groups (3-5 students) or as a class.

8. Resources

Invite a mediator or a team of mediators from the local mediation center to visit your class. Try to arrange a role-play of a mediation so that students can see the process in action. For example, the mediators could role-play a recent school or community dispute. In arranging for a speaker, be sure the person is adequately prepared regarding:

- The grade level, age, and prior mediation knowledge of the students;
- Your objectives for the speaker's visit;
- Particular subject areas that the class would like to discuss; and
- Details of any activity that you plan to discuss while the speaker is present.

The more time you spend preparing the resource person, the better the class experience will be.

Steps in a Typical Mediation

Step 1. Introduction

The mediator makes the parties feel at ease and explains the ground rules. The mediator's role is not to make a decision but to help the parties reach a mutually acceptable agreement. The mediator explains that he/she will not take sides. Confidentiality is explained to the parties at this time.

Step 2. Telling the Story

Each party tells what happened. The person bringing the complaint usually tells his or her side of the story first. No interruptions are allowed. Then the other party explains his or her version of the facts.

Step 3. Identifying Facts and Issues

The mediator attempts to identify agreed-upon facts and issues and to identify the needs of the disputants. This is done by actively listening to each side, summarizing each party's views, and asking if these are the facts and issues as each party understands them. Sometimes the mediator will ask the disputants to summarize each other's perspective in order to check for understanding.

Step 4. Identifying Alternative Solutions

The disputants think of possible solutions to the problem. The mediator makes a list and then asks each party to explain his or her feelings about each possible solution.

Step 5. Revising and Discussing Solutions

Based on the feelings of the parties, the mediator revises possible solutions and attempts to identify a solution that both parties can agree to.

Step 6. Reaching an Agreement

The mediator helps parties reach an agreement that both can live with. The agreement is written down. The parties also discuss what will happen if either of them fails to live up to the agreement.

Notes:

Whom Do You Trust?

ROLEPLAY

Frankie

You and Pat have known each other for years. You would like to be friends.

Last week you borrowed Pat's boom box to record a concert on T.V. You were especially careful with it and returned it as promised.

Two days later, Pat accused you of breaking the boom box. You said you hadn't and the next thing you knew Pat went crazy. It was really embarrassing. Of course, you got angry when Pat attacked you and you hit back.

You'd like to work this out. You can't afford to be suspended.

You can't possibly buy Pat a new boom box. You did catch your little brother touching it and yelled at him to keep his hands off. It is possible that he jammed it—or whatever.

Pat

You have a new boom box. It was very expensive. You saved the money you earned from your job for six months in order to pay for it.

Last week Frankie asked to borrow it for something special—you can't remember what. You don't like to lend things but in this case you said O.K.

Frankie returned it two days later. You didn't use it right away, but when you did it didn't work. You know Frankie did something to break it. It really made you mad.

When you saw Frankie the next day at school, you said something about the boom box being broken. Frankie denied any responsibility. When you pressed it, Frankie got mad. That really set you off and you started shoving. Frankie shoved back and before you knew it, Mr. Poles had both of you in his office.

You took the boom box to a repair shop. It will cost \$100 to be fixed, but you are really mad. You want the money to fix it.

Noisy Neighbors

ROLEPLAY

The Colemans and the Musaks are neighbors on a quiet street in Newville. They have never gotten along. This is partly because the Musaks' teenage children, Marvin and Mary, have been careless and noisy when entering and leaving their home, and they frequently cut across the Coleman's yard. The Colemans have complained and the Musaks have promised to speak to the children, but the problem has continued.

Three weeks ago, one of the Musak children destroyed some bushes in front of the Coleman house while trying to park the family car. The Colemans spoke to the Musaks about it and asked for \$400 to cover the costs of replacing the bushes. The Musaks said that they would not pay \$400. The Musaks feel that the Colemans tend to exaggerate every problem. They also think that the bush has been allowed to grow too large and sticks out into the driveway. Last week the Colemans called the police because the Musak children's stereo was turned up. The Colemans' constant complaining is very annoying to the Musak family but the Colemans feel that their complaints are justified.

What is Active Listening? Why is it Important to the Mediation Process?

OBJECTIVES

As a result of the activities in this lesson, students will be able to:

- Define active listening.
- Identify three important components of active listening.
- Develop a role-play that demonstrates good listening skills.

ACTIVITIES

1. Vocabulary

The following vocabulary words will be helpful for students to learn in preparation for this lesson:

- Biased/unbiased
- Neutrality
- Impartial
- Perspective

2. What is Active Listening?

Each student should take five minutes to define the term “active listening” on a sheet of paper. Then the class should brainstorm the characteristics of good listening by answering the following questions:

- How do you know when someone is listening to you?
- How do you know when someone is not listening to you?
- How do you feel when someone listens to you?
- Do you always listen when a friend talks to you?

- What gets in the way of good listening?
- How do you let someone know that you are listening?

Complete this discussion by brainstorming a list of criteria for good listening. The following criteria could be included:

- Face the person.
- Be open and interested.
- Lean toward the talker.
- Ask questions to clarify.
- Summarize the speaker’s message.
- Be relaxed and concentrate.
- Do not plan your response.
- Encourage the speaker.
- Maintain eye contact.

(NOTE: This list reflects good listening behaviors of the Euro-American culture. It is important to discuss the fact that different cultures may have different criteria for good listening. This is a good time to include a discussion of cultural differences so that students can begin to value and understand the experiences of others.)

3. Active Listening

Active listening is very important to the mediation process. It conveys the idea that listening is more than just hearing. Active listening requires both hearing and understanding. People who are active listeners are able to give other people the feeling that they are really being heard.

Feedback is a very important part of letting another person know that we are listening. Good feedback captures and acknowledges the feelings as well

as the thoughts of the speaker. At times, tone as well as content must be taken into consideration. Some ways to provide feedback that show you are listening:

- Paraphrase (restate) the information to see if you understand the speaker (for example: “So what you are saying is . . .”).
- Summarize the speaker’s thoughts and feelings.
- Ask questions to clarify what the speaker is saying or to get additional information.
- Carefully reflect the speaker’s feelings by showing that you understand what is being said. Noting that the speaker seems “upset” or asking the speaker how he/she felt during the dispute gives the speaker the opportunity to air feelings. This can be an important step toward understanding and eventual agreement.

Good feedback is as much a matter of body language as of words. Mediators need to pay attention to the nonverbal messages given during discussion and make sure that all feedback is aimed at giving the disputants full attention.

Mediators need to be able to summarize and give feedback in a way that demonstrates impartiality. During a mediation, the mediator frequently needs to summarize the facts and feelings of the disputants so they know they have been heard. The summary must be unbiased and presented fairly. This is not always easy to do during the course of a mediation, but it helps the disputants keep track of the process.

During this part of the class the students should work in small groups (3-5 students). First, each group will develop a role-play in which bad listening skills are used by the participants. Then they will use the same role-play to show good listening skills. The role-play can either be based on a real situation or it can be made up by the group. Each group will have twelve minutes to develop the role-plays. After each group completes the role-plays you should debrief by asking the students the following questions:

- How did the participants feel after the first role-play?
- How did they feel after the second role-play?
- What did active listening add to the situation?

Students should become more aware of the way they communicate with each other as a result of this session. They should also become good observers of

the listening skills of others. In the final part of this exercise, students should develop a list of ways to improve listening skills.

3. Why is Listening Important to the Mediation Process?

Class discussion should focus on why the mediator’s job requires good listening skills. This is a good time to review the Steps in a Mediation (Student Activity Sheet 1-A) and discuss the importance of listening in each phase of the process. Some of the possible reasons why it is important to be a good listener during mediation include:

- It gives you a better understanding of the problem.
- It makes people feel that you want to resolve the problem.
- It gives you an opportunity to listen for possible areas of agreement.
- It cuts down on further conflicts.

Good listening is important for the mediation process because it allows each party to understand the problem from the perspective of the other. Mediators need to be careful listeners so that they can ask questions to clarify the information given by the disputants. They also need to be able to summarize the problem from each disputant’s perspective. The mediators need to be able to listen for potential areas of agreement during the mediation. Without careful, active listening the mediation process will not work.

4. For the Next Session

Each student should make a list that summarizes what he/she feels are the most important tips to remember about active listening skills.

5. Thinking About Mediation

Each student should watch for good listening and bad listening behavior and the effects it has on him/her and others. (Student Activity Sheet 2-A) Students should consider the following questions: Why don’t people listen? What effect does it have on another person who believes that he/she has not really been heard? Describe a time when you knew the person you were talking to was not listening. What were your feelings? How did you handle it?

Thinking About Mediation

Why don't people listen?

How do you feel when you know someone is not listening to you?

Describe a time when you knew the person you were talking to was not listening.

What were your feelings? How did you handle it?

How Do You Generate Options When Faced with a Conflict?

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Identify more than two options for resolving the same problem.
- Outline the pros and cons for a variety of potential solutions.
- Select the most workable solution from the choices available.

ACTIVITIES: PART 1

1. Review Assignment from Lesson 2

Students should share examples of bad and good listening that they have observed in their lives based on the discussion of active listening. You should review the criteria for active listening from Lesson 2.

2. Vocabulary

Students should learn or review the following vocabulary words:

- Active listening
- Brainstorm
- Options

3. Developing Possible Solutions

The first part of this lesson has four sections that can be viewed as steps in the process of "Developing Possible Solutions":

- a) Brainstorm solutions to problems.
- b) Discuss pros and cons of potential solutions.

- c) Merge, eliminate, and/or pare down potential solutions.
- d) Narrow the focus to the one/two most workable solutions.

This is a very important skill in mediation and other conflict management processes. Many arguments escalate into more serious disputes because people cannot think their way out of the problem. They do not know how to generate any other options. They are stuck with the limited ideas that they had when the dispute started. This logjam causes anxiety levels to increase between the disputants. Soon they are cemented into their positions and unable to consider the future. Sometimes if the disputants could think of even one additional option, they could avoid escalation of the problem.

How can a mediator move disputants past this kind of logjam? Thoughtful understanding of the process of developing solutions will help mediators become skillful in assisting disputants to be creative problem solvers, because there can be no resolution without options. Frequently, good questioning skills can help the mediator move the disputants. Sometimes a question like "How would you like to see this problem resolved?" can prompt a disputant to visualize and verbalize a desired outcome. Other kinds of questions that can be helpful in this situation include:

- What could you do differently next time?
- What type of relationship do you want to have with the other disputant(s)?
- How could you change your actions?

A) BRAINSTORM SOLUTIONS TO PROBLEMS

Brainstorming is a good way to generate options when confronted with a problem. Some of the students will already know how to brainstorm, but it is a good idea to review the process before starting the activity. This activity can be done in a large group session or students could work in small groups (3-5 students).

The idea is to come up with as many ideas as possible for a problem or topic. The following ground rules (Student Activity Sheet 3-A) should be discussed prior to the activity:

- All members of the group have an opportunity to participate and share their ideas.
- All ideas are written down.
- None of the ideas is criticized or eliminated at this stage of the activity.
- One person's ideas can be expanded upon by another person.
- Participants can say anything they think relates to the problem. They should be creative, think quickly, and not worry about whether the idea is good or bad or makes perfect sense.
- Participants should practice their newly acquired skills of active listening and giving feedback.
- They should try to come up with as many ideas as possible.
- One person speaks at a time so the recorder can write down every idea.

You should give every student a copy of Student Activity Sheet 3-A. After reading the handout, each student should spend about four minutes writing down ideas to solve the problem described. This is an important step, because it enables every student to have some ideas to contribute to the small group. Once everyone has read and thought about the problem, it is time to move into small groups (3-5 students). Each group should have a recorder who will report the group's results to the rest of the class.

The groups should generate as many ideas as possible in seven minutes, and the recorder should write down every idea. There should be little or no discussion of any kind about the ideas. Once the seven

minutes are up, each group should be directed to move on to the next part of the activity.

B) DISCUSS PROS AND CONS OF POTENTIAL SOLUTIONS

Each group should review the list of potential solutions and think of at least one pro and one con for each solution. Students should remember that the dispute needs to be viewed through the eyes of all disputants. The recorder should keep track of the list of pros and cons. During this part of the process, students should discuss the needs of the disputants. Common ground begins to emerge as students list the pros and cons for each of the disputants. (Ten minutes)

C) MERGE, ELIMINATE, AND/OR PARE DOWN POTENTIAL SOLUTIONS

During this part of the discussion the group should begin to eliminate potential solutions that seem unlikely to solve the problem or those with too many cons. They should also consider whether some solutions can combine the best of several ideas. (Ten minutes)

D) NARROW THE FOCUS TO THE ONE/ TWO MOST WORKABLE SOLUTIONS

The groups should have a good idea of possible solutions for the disputants at this time in the process. Each group should discuss the one or two potential solutions that seem most workable to see if changes are necessary.

The recorders report to the class the solutions developed by the groups. Class discussion should focus initially on the pros and cons of the potential solutions and then on the process the groups went through to get to the final solutions. Critiquing the process during the wrap-up discussion will help students become more comfortable with the search for solutions necessary for successful mediation.

Key questions for wrap-up discussion with students:

- How many solutions did your group develop?
- Were the participants able to brainstorm without stopping to criticize each of the suggested options?
- Was it hard to withhold individual opinions?
- How were the one or two most workable solutions chosen in your group?

- What part does active listening play in developing options?
- How did the group work together to develop the list of pros and cons for each suggested solution?
- How did the sorting out part of the process work in your group? Were each person's ideas expressed and taken into consideration?
- What characteristics made the solutions workable?
- Did you feel that the group took each person's ideas into consideration? Was there anyone who disagreed with the group's final determination?
- What did you like most about the process? Least?
- Did you feel that your group worked well together?
- What suggestions do you have for groups that work together in the future?

4. For the Next Session

Give out copies of Student Activity Sheet 3-B. Ask each student to select a newspaper article covering some type of dispute in the community and write up a case study for the dispute. (See Student Activity Sheet 3-B for mediation case study form.) Then each student should go through all four parts of the process and recommend his/her two most workable solutions to the dispute described in the newspaper article. These materials will be discussed at the beginning of the next class period.

ACTIVITIES: PART 2

How can I use active listening skills and enhance my ability to generate options to solve problems in a dispute?

As a result of the activities in this section, students should be able to:

- Review the active listening skills from the previous lesson.
- Review the process for generating options when looking at a conflict.

1. Review Assignment from Part 1

At the start of this session the class should inventory all the community disputes that students selected from the newspaper. Each one is described, named, and listed on the chalkboard. Once the inventory is complete, the class should choose the disputes they would most like to role-play in small groups (3-5 students). The number of disputes chosen will depend on the size of the class. For example, if the class has twenty-five students choose five disputes so that each of five small groups will be able to focus on solving one of the them.

Before moving into the small group discussion the full group should review active listening, including the process discussed in Lesson 2 for giving feedback to speakers and the process discussed in Part 1 of this lesson for developing options when faced with a conflict. (Student Activity Sheets 3-C and 3-D).

2. Small Group Discussion

Each small group should select a facilitator and a recorder. The initial task is for each student in the group to become knowledgeable about the newspaper article describing the dispute. Allow each group five minutes to read the article. Then each group should review the case study of the dispute as written by the student. Each student should have a copy of the case study. Group members should make any additions and/or corrections to the case study at this time. The group recorder should take notes about the case study that will help the class understand the issues during the debriefing at the end of the session.

Within each small group, individual students should assume the roles described in the article. Ask each of the students in the role of disputants to describe the problem from his/her perspective. Students who are not role-playing the part of a disputant should be using their active listening skills to observe and critique the process (see Lesson 2).

The students who are listening should be given an opportunity to ask questions after each disputant has told the story from his/her perspective. Here the students are beginning to use in a mediation context the skills they have been learning. Students should be encouraged to ask open-ended questions (rather than yes/no questions) so that disputants are encouraged to give full answers. Questions should

be used to make certain that all the important facts are aired and that the speaker gets feedback affirming that he/she was heard and understood.

After the disputants relate their sides of the story, the students should discuss how it felt to have the whole group listening to them.

Now the small group is ready to move to the part of the process that focuses on developing possible solutions. This section will review the four parts described in Part 1 of this lesson:

- Brainstorming solutions to problems
- Discuss pros and cons of potential solutions
- Merge, eliminate and/or pare down potential solutions
- Narrow focus to the one/two most workable solutions

Each group should work through these steps and come up with at least two workable solutions for the problem. The group recorder should take notes on the decision of the group and report to the full class at the end of the session. You should convene the entire class and debrief the groups on the results of their discussions. Several potential questions for discussion include:

- How did the disputants do in their roles? Did they carefully describe the problem as they saw it?
- How did the rest of the small group respond with their active listening skills? Did they ask questions in order to make certain they understood the statements of the disputants?
- Did the entire small group understand the disputants?
- What, if any, additional information did the group want about the dispute?
- What additional feedback did the group members give to the disputants?
- Did the disputants feel they were being heard by the group? If not, what was missing from the group's response?
- Did the group move through the four steps in the process for developing possible solutions?
- What possible solutions were developed by each of the groups?

- Do you feel these solutions are realistic for resolving the dispute? Why or why not? What could act as a "roadblock"?

3. Summary

Below is a summary of the steps in Part 2, to provide you with a quick overview of the entire activity:

- The entire class conducts an inventory of the case studies done for homework and decides which ones to concentrate on in small-group discussions. Review the skills involved in both the active listening and developing possible solutions sections with the entire group.
- Small groups (3-5 students) read case studies and role-play the parties in the dispute. Students who are not playing a part demonstrate active listening skills to make sure issues are aired and disputants are heard. The observers should pay particular attention to giving feedback to the speakers during this part of the session. The small group discusses this part of the process and their use of skills.
- Small groups begin the four-part process of developing options to solve the problem. Each group works through the process while the recorder takes notes in order to report the results to the rest of the class.
- The entire group reconvenes. Each of the recorders reports on the cooperative effort to solve the problem described in the newspaper article. Each recorder describes the problem and explains the two most workable solutions offered by the small group.
- A wrap-up discussion with the entire class ends the activity.

4. Thinking about Mediation

Can you recall a situation in which disputants could not think of any options for handling the problem? What happened? How could the situation have been handled differently? Write a paragraph describing the situation and suggesting three potential solutions.

Brainstorming Solutions

Brainstorming is a good way to generate options when confronted with a problem. The idea is to come up with as many ideas as possible to solve a problem. Go over these ground rules, select a recorder for your small group and brainstorm some solutions for the conflict described in the scenario:

- All members of the group have an opportunity to participate and share their ideas.
- All ideas are written down.
- None of the ideas are criticized or eliminated in this stage of the activity.
- One person's ideas can be expanded upon by another person.
- Participants can say anything that they think relates to the problem. They should be creative, think quickly, and not worry about whether the idea is good or bad or makes perfect sense.
- Participants practice their skills in active listening and giving feedback.
- They should try to come up with as many ideas as possible.
- One person speaks at a time so the recorder can write every idea down.

SCENARIO

Robert

For four months, 17-year-old Robert has been working as a cashier for a dry cleaner. He sometimes has trouble talking to customers, because he is preoccupied. Robert's boss, Mr/s. King, has just overheard a heated exchange between him and a customer. When Robert could not find the customer's shirts, the customer made some rude remarks to him. Robert responded by being rude himself, since he feels that rude people deserve rude treatment. Besides, he did not sleep very well last night. Robert needs and wants to keep his job.

Mr/s. King:

Mr/s. King has spent considerable time training Robert for his job as cashier. Although he/she likes Robert and is basically pleased with his performance, King also realizes that he has difficulty talking to customers. Mr/s. King has been coaching Robert in making conversation, and his skills have improved over the last four months. Robert's angry exchange with the customer upsets Mr/s. King, because he/she has been helping Robert in this area. He/She plans to speak with Robert immediately.

Mediation Case Study

Use this handy outline to put together a summary of the conflict that you are analyzing:

1. Facts:

What are the key facts that have caused the dispute?

What are the positions of the people involved?

Why is the problem coming up now?

2. Issue(s):

What issue(s) is at the heart of the dispute?

What exactly does each side of the dispute want?

3. Brainstorm Solutions to Problems:

4. Discuss Pros and Cons of Potential Solutions:

5. Merge, Eliminate, and/or Pare Down Potential Solutions:

6. Determine the Two Most Workable Solutions:

Active Listening and Developing Options Review Sheet

What is active listening?

How can a good listener let another person know that he/she is being heard?

What are the four steps involved in developing possible options?

Skills Checklist for Observers

Did the disputants face each other to discuss the problem?

Did they make eye contact?

Were they relaxed and attentive?

Did the disputants ask good questions to make sure they understood the problem?

Did the disputants repeat and summarize each other's statements and feelings in order to make sure that they understood?

Did they brainstorm solutions to the problem? Describe the solutions.

Did they discuss the pros and cons of potential solutions? Describe the pros and cons.

What is the Mediation Process?

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Identify the steps in the mediation process.
- Apply the process in two role-plays and analyze the results.
- Analyze and summarize the mediation process.

ACTIVITIES

1. Reading Assignment

Either as preparation or in class the students should read and review "The Steps in a Mediation" section (Student Activity Sheet # 4-E) in this manual.

2. Vocabulary

Students should learn or review the following vocabulary words and phrases which are important to the process:

- Mediation
- Interruption
- Confidentiality
- Summarize
- Options
- Alternatives
- Check for understanding
- Agreement
- Facts
- Issues
- Feelings

3. Small Group Discussion— The Mediation Process

The mediation process is designed to be non-threatening to the participants. The idea is to get the parties to discuss the facts and issues and air all their feelings in as free and open a way as possible. Mediation is not an end result—it is a process. It is important for the mediators to understand the process well enough to feel comfortable with it and to ease the anxieties of the disputants. The more comfortable the mediators are with the process, the more easily they can assist the disputants as they move from step to step.

The mediators are facilitators for the process and need to demonstrate both good listening skills and an ability to break up logjams in the process as they appear. Remember that most mediation is focused on the future relationship of the disputants. This orientation asks how the disputants will live or work together in the coming days, weeks, and months. The process does not try to establish blame, obtain revenge, or assign punishment. Mediators enter a conflict because they believe that the mediation process will help the disputants solve their problem and get along better. (In some cases the parties do not plan to have any future relationship after the dispute is over.)

The material in this lesson is central to the mediation experience for students. Since it is so important, the methodology for the session is also central to the success of the overall experience. Students should be divided into small groups (3-5 students). Each small group should be asked to teach the rest of the class one or two of the steps in the process. (See Student Activity Sheets 4-A, 4-B, 4-C, and 4-D. Each group gets one copy of its assigned sheet.)

- Small Group A - Introduction (Step 1)
- Small Group B - Telling the Story (Step 2) and Identifying Facts and Issues (Step 3)
- Small Group C - Identifying Alternative Solutions (Step 4) and Discussing and Revising Solutions (Step 5)
- Small Group D - Reaching an Agreement (Step 6) and Caucusing (Optional Step)

Each group should spend some time (15-20 minutes) identifying the key points in its assigned phase(s) of the mediation process and then discussing how to present this information to the class. Members of each group will become experts in their section(s) of the process. You could suggest role-playing, simulation, and question-and-answer format as possible ways for students to present the information.

Following their discussions, each group should present the information on its assigned section(s) to the entire class. The groups should present in order (4-A through 4-D) so students see the entire process in logical sequence.

Students should be able to see the flexibility of the mediation process. Skilled mediators can always go back to a previous stage in the process whenever they feel it is necessary. This is sometimes called the "loop back". An example might be a situation where the disputants are moving toward agreement and suddenly one of them begins to discuss a new issue that has not been part of the discussion. In this situation the mediators might need to loop back to an earlier stage and clarify facts or try to generate more options in light of new information.

Once the mediation process has been discussed thoroughly and each group has presented its information, you should use the question-and-answer follow-up materials to generate further discussion and reinforce student knowledge about each of the steps in the process.

STEP 1. INTRODUCTION

The parties are welcomed and introduced to the two or three mediators prior to taking their seats. The mediators try to help the disputants feel at ease as they congratulate them for agreeing to mediate the case, discuss the importance of their voluntary participation, outline the ground rules and steps in a mediation, answer any questions about the process,

and review the importance of confidentiality for all the participants. A key feature of mediation is confidentiality. This means that the disputants can feel free to discuss any aspect of the problem without concern that the information will be disclosed to anyone outside the process. Any of the participants, including the mediators, can take notes during this phase of the process. The notes of the mediators will be destroyed at the end of the session to ensure that what has been said during the mediation will remain confidential.

Following are several ground rules that need to be discussed and agreed on by all participants prior to the mediation:

- All parties will remain seated during the mediation.
- Each party will have an opportunity to speak.
- No party may interrupt the other party.
- Any party may request a break at any time during the process.

The mediators should check with the disputants to see if any additional ground rules are necessary such as "no smoking," or any other special conditions that may be important to the parties. Mediators should mention the availability of a caucus, where they meet separately with each disputant. The caucus can help break a communication logjam. Keep in mind that the parties are here voluntarily and that there is already a commitment to trying to resolve the conflict.

This introductory statement is very important because it sets the tone for the mediation. If the mediators seem nervous, tired, or confused, the disputants will not have the confidence they need to proceed with the mediation. When more than one mediator is working in a session it is a good idea to break the introduction into parts, with each mediator taking responsibility for several parts.

Seating arrangements are an important part of the set up for a mediation because they can create the feeling of cooperation and movement. For example, sometimes it is a good idea to seat the disputants next to each other and across from the mediators. This can create the feeling that they are working together toward some type of agreement. Poor seating can have negative effects. If the mediator sits on one side of the table with one of the disputants and the other disputant sits alone on the opposite side, the arrange-

ing with one of the disputants against the other. Seating sets the stage for good communication during the process.

One additional issue that could be important involves the site of the mediation. Choosing a neutral setting can be an important part of setting up mediation. The disputants need to feel that they can concentrate on solving the problem.

STEP 2. TELLING THE STORY

During this phase the parties tell their story for the first time. This is the first time the mediator has heard the story, and it is probably also the first time the disputants have heard the problem from the other person's perspective. These initial statements are frequently full of emotion. Both parties need to be given an opportunity to tell their story fully and without interruption. Allowing each to express their emotions will help move the process forward. If there are more than two disputants then each disputant tells the story from his/her perspective.

The mediator is an active listener during this phase, responding with thoughtful silence, an encouraging nod, an occasional "I see what you mean." The idea is to give feedback to the speaker without judging. The mediator needs to assure the speaker that he/she is being heard. Sometimes the mediator should paraphrase the speaker's words to provide this assurance and to promote a full explanation. The mediator listens actively and encourages each speaker to explain the problem as clearly as possible. The mediator focuses on identifying common issues and potential common ground.

After each party has told the story, the disputants are given an opportunity to ask each other some questions to clarify the statements. Mediators should be prepared for some hostility during this questioning period. Allowing each side to question the other is a good way to check the understanding level of the disputants and straighten out any problems before moving to the next step. In addition, the mediators can ask each party to summarize the position of the other. ("What do you understand _____ to be saying?") The summaries should include facts and feelings as expressed by the disputant.

The disputants can decide who will go first. Frequently it is the person who initiated the mediation. Sometimes it is a good idea to let the person who seems most agitated go first. Mediators need to be sensitive to issues of power between the disputants. For example, there could be a situation where the party who goes first is seen to dominate the other party. This could cause communication problems for the second party. Often the disputants will focus on the mediators when they begin telling their story. Gradually, as the mediation process moves forward, the disputants should begin to talk to each other.

STEP 3. IDENTIFYING FACTS AND ISSUES

During this step the mediator tries to get the disputants to state the facts and issues. It is important that both disputants are able to explain the facts as they see them. This lays the foundation for the rest of the discussion. Here the mediator attempts to get the disputants to establish the common facts and issues, summarizes both sides without emotion, and checks frequently to see if the disputants understand each other. Some specific skills that a mediator can use during this stage include paraphrasing, outlining, and clarifying. At all times, mediators remain neutral.

Once the disputants have identified and agreed on the issues, they need to decide which issues should be resolved first. Frequently, once the issues have been outlined, the parties can work together to prioritize.

Mediators must keep in mind that they are responsible for the process while the disputants work through their problems. It is important not to intimidate the parties with questions about their positions. Asking clarification questions is different from cross-examining a witness in a trial situation. ("How did you feel when . . . ?") Mediators must avoid pitfalls like judging, counseling, or dominating the process.

Questions for Discussion

(Possible answers are in parentheses.)

1. What is the purpose of the introductory phase in the mediation process? (The purpose of this phase is to put parties at ease, to establish ground rules and have parties agree to them, and to make certain that the parties understand the process.)

2. What are two potential problems that can come up during the introductory phase? How can each problem be handled? (One potential problem could be that one or more of the disputants is agitated and seems unwilling to listen and agree to the ground rules. In this situation slowing down the introduction to make sure each disputant understands that he/she will be given an opportunity to speak should be reassuring to the agitated party. Another potential problem could be the seating arrangement. If there is any question about the seating arrangement, the mediators should rearrange the room in order to promote comfort and cooperation.)
3. Explain three important ideas that a mediator tries to convey in the introduction to a mediation. (These include the importance of the disputants' voluntary participation, the ground rules, and the steps in a mediation.)
4. Why is seating important in a mediation setting? (Seating arrangements can be used to promote a sense of cooperation and power balance.)
5. What should a mediator consider when planning seating arrangements for a mediation? (Mediators should try to create a feeling of comfort and cooperation. The seating arrangement should convey impartiality and fairness. If the disputants have any disabilities, these should be taken into consideration in the seating arrangements.)
6. What is the purpose of the "telling the story" phase of the mediation process? (The purpose of this phase is to get the problem out on the table and to make certain that each disputant gets to tell the facts as he/she sees them.)
7. What are some potential problems that can arise during the "telling the story" phase? (One potential problem could be interruption of the speaker by the other disputant. The solution is for the mediator to remind the parties that everyone agreed to the ground rules, including no interruptions. Another potential problem is heightened hostility during the questioning part of the phase. The mediators should allow the parties to vent feelings. However, if hostility seems to be getting out of hand, the mediators can remind the parties of the ground rules. Mediators can also call for a break to allow a party to "cool off" if necessary.)
8. What can the mediator expect to hear during the initial statements of the disputants? (Mediators can expect to hear feelings mixed with facts during the initial statements of the parties.)
9. How should note-taking be handled during a mediation session? (To make the parties comfortable with the process, note taking and confidentiality should be discussed and any questions answered during the introduction.)
10. What is the purpose of the identifying facts and issues phase of the mediation process? (During this phase the parties clarify and agree on the issues that need to be resolved for the future.)
11. Why does the mediator attempt to summarize the facts as presented by each side during this phase? (The mediator summarizes in order to make certain that all the facts are understood and that the party has stated them as clearly as possible.)
12. Once the issues are identified what should the next step in the process be? (The next step is to work together to prioritize the issues.)
13. If the parties do not agree on some of the facts, what should the mediator do to clarify the situation? (The mediator can ask some more questions to determine the nature of the disagreement. These clarifying questions should try to separate the facts from the feelings of the parties. This can be difficult to do. One method is to try to get the disputants to identify and explain their feelings in the course of the discussion. When feelings are not identified and acknowledged they can interfere with the rest of the process. This can be a source of confusion and frustration in a mediation.)
14. What are three important skills a mediator needs to use frequently during this phase? (A mediator should paraphrase, outline, and clarify.)

STEP 4. IDENTIFYING ALTERNATIVE SOLUTIONS

Once the issues have been identified and prioritized, the mediator assists the parties in the search for solutions. One way to generate solutions is to brainstorm a list of possibilities. Brainstorming requires that every idea be listed whether or not it is a realistic solution. Judgement is reserved and all ideas are encouraged. Brainstorming allows people to hear ideas and frequently one idea leads to another. Patience is important during this phase. The solutions must come from the people with the problem. Mediators usually should not offer solutions. Sometimes it is difficult for people to think of options. Urging creativity during this phase, the mediator could say, "Pretend that you are in charge and can develop any solution at all. What type of solution would you suggest?" If after a substantial period of time the parties have not come up with solutions that have occurred to the mediator, he/she may make a suggestion and ask whether it could or should be added to the list of potential solutions.

Once the list of brainstormed alternatives is developed, the mediator should do a "reality check." The mediator should ask the disputants to describe the consequences of each of the suggestions. He/She could say "What would happen if you never spoke to each other again? Is this realistic?" The reality check should result in eliminating all but the most workable solutions.

STEP 5. DISCUSSING AND REVISING SOLUTIONS

The discussion can then focus on the most meaningful of the alternatives suggested. The mediator should encourage the disputants to discuss and think through the consequences of their proposed solutions. Sometimes mediators will spur discussion by asking questions. Some examples:

- What would you like to see happen?
- How should we proceed?
- Would this solve the problem?
- Are there any possible problems connected with this solution?

The mediator continuously helps the disputants to check the reality of proposed solutions. The disputants need to decide which of the solutions seem

to be most effective and most comfortable for them. As the parties critique the potential solutions, they try out variations and combinations to develop the solution that best fits their mutual needs.

Questions for Discussion

(Possible answers are in parentheses.)

1. Why is it important to generate as many options as possible when the parties are identifying alternative solutions? (The more solutions there are, the more likely one or more will be helpful in solving the problem. People frequently let go of their biases and positions during brainstorming.)
2. Why is brainstorming a good way for the parties to develop some ideas for resolution? (Brainstorming provides a quick way to develop lots of ideas separate from the act of judging the ideas.)
3. Who comes up with the solutions during these phases? Why is this important? (The possible solutions should come from the people with the problem. Disputants are more likely to uphold a final agreement they developed than one proposed by someone else.)
4. What is the role of the mediator during this part of the discussion? (The role of the mediator is to make certain that all the ideas get on the list of potential solutions. In addition, the mediator facilitates the discussion of the pros and cons of each potential solution.)
5. Discuss four skills that mediators should use during these two phases of a mediation. (Brainstorming, patience, active listening, and facilitation skills are all important during this phase.)

STEP 6. REACHING AN AGREEMENT

The agreement should be written down and each party should be given a copy of the final version. The best agreements are clearly written in simple, specific language (stating who, what, where, when, and how). To the extent possible, the agreement should be written in the language chosen by the parties. If there are timetables or schedules, these should be included in the agreement. All deadlines should be clearly stated.

Be as specific as possible and try to close all loopholes so that there is little opportunity for failure. The agreement should be balanced (i.e., the language of the agreement should be positive and both parties should gain from it.) There is no need to discuss blame in the agreement.

It is a good idea to include a sentence or two about what the parties should do if they feel the agreement is not being upheld. One common provision in agreements is that both parties agree to resume mediation if the agreement is not being followed. Providing for the possibility of a breakdown and the need for further assistance will help the parties in the event that some problem arises. Sometimes there is a need for a lawyer or someone else to look the agreement over before it is signed.

Remember that not all disputes that are mediated result in reaching an agreement. Sometimes disputants cannot agree. When that happens the mediator should thank the parties for trying to use mediation to resolve their problem and encourage them to consider other available options that will meet their needs.

After the agreement is drafted it should be read, reworked, and discussed until all parties are comfortable. Everyone should sign the final version of the agreement, including the mediator. All parties should be congratulated for working through the problems and developing an agreement.

THE CAUCUS

(Optional phase)

In a caucus, the mediator meets separately with one or both parties. This is not a regular step in the process, but it is available for the mediators to use if necessary. The parties can caucus at any time during the process. The caucus should be explained during the introductory phase so that the disputants realize that it is available. The caucus can be an important tool to break a communication logjam. It can be used when disputants do not seem to be telling the whole story during the mediation. It can be used to explore a possible solution or to try to further develop a solution. It also gives the mediators a chance to revitalize during a particularly difficult or emotional mediation.

When a caucus is called the mediators must explain to both parties that what is said during the caucus is totally confidential. The mediators must meet with each party separately. Equal treatment is recommended even if the mediators only really need to caucus with one party.

Questions for Discussion

(Possible answers are in parentheses.)

1. What is the importance of the agreement phase in a mediation? (The contract contains the final agreement of the two parties.)
2. The best agreements are written in clear language and include what six components? (The components are who, what, where, when, why and how.)
3. Who should sign the final version of the agreement? (The final agreement is signed by the disputants and the mediators.)
4. Since a caucus is not a regular step in the mediation process, when and why would a mediator decide to caucus? (Some examples: when one of the parties seems unable to move forward, when one party is not presenting the full story, or when the mediator wants to explore a possible solution with one or more of the parties individually.)
5. If you were a mediator how would you explain to disputants that you felt a caucus was necessary? (He/she could explain that the process seemed to be stuck, and perhaps by meeting with the mediator individually the parties would feel freer to explore the reasons for the impasse.)

3. For the Next Session

At this point, the mock mediation scenarios and all supporting documents should be distributed and assigned to be read for the next class.

Mediation Process—Step 1

You are part of Group A. Members of Group A will become experts in the first step in the mediation process. Group A will have 15-20 minutes to identify the key points in the section of the mediation process discussed below and then decide how to present this information to the rest of the class.

Step 1: Introduction

The parties are welcomed and introduced to the two or three mediators prior to taking their seats. The mediators try to help the disputants feel at ease as they congratulate them for agreeing to mediate the case, discuss the importance of their voluntary participation, outline the ground rules and steps in a mediation, answer any questions about the process, and review the importance of confidentiality for all the participants. A key feature of mediations is confidentiality. This means that the disputants can feel free to discuss any aspect of the problem without concern that the information will be disclosed to anyone outside the process.

Any of the participants, including the mediators, can take notes during this phase of the process. The notes of the mediators will be destroyed at the end of the session to ensure that what has been said during the mediation will remain confidential.

Following are several ground rules that need to be discussed and agreed on by all participants prior to the mediation:

- All parties will remain seated during the mediation.
- Each party will have an opportunity to speak.
- No party may interrupt the other party.
- Any party may request a break at any time during the process.

The mediators should check with the disputants to see if any additional ground rules are necessary such as “no smoking”, or any other special conditions that may be important to the parties. Mediators should mention the availability of a caucus, where they meet separately with each disputant. The caucus can help break a communication logjam.

Keep in mind that the parties are here voluntarily and that there is already a commitment to trying to resolve the conflict.

This introductory statement is very important because it sets the tone for the mediation. If the mediators seem nervous, tired, or confused, the disputants will not have the confidence they need to proceed with the mediation. When more than one mediator is working in a session it is a good idea to break the introduction into parts, with each mediator taking responsibility for several parts.

Seating arrangements are an important part of the set up for a mediation because they can create the feeling of cooperation and movement. For example, sometimes it is a good idea to seat the disputants next to each other and across from the mediators. This can create the feeling that they are working together toward some type of agreement. Poor seating can have negative effects. If the mediator sits on one side of the table with one of the disputants and the other disputant sits alone on the opposite side, the arrangement might convey the idea that the mediator is siding with one of the disputants against the other. Seating sets the stage for good communication during the process.

One additional issue that could be important involves the site of the mediation. Choosing a neutral setting can be an important part of setting up the mediation. The disputants need to feel they can concentrate on solving the problem.

Mediation Process—Steps 2 and 3

You are part of Group B. Members of Group B will become experts in the second and third step in the mediation process. Group B will have 15-20 minutes to identify the key points in the two sections of the mediation process discussed below and then decide how to present this information to the rest of the class.

Step 2: Telling the Story

During this phase the parties tell their story for the first time. This is the first time the mediator has heard the story, and it is probably also the first time the disputants have heard the problem from the other person's perspective. These initial statements are frequently full of emotion. Both parties need to be given an opportunity to tell their story fully and without interruption. Allowing each to express emotions will help move the process forward. If there are more than two disputants then each disputant tells the story from his/her perspective.

The mediator is an active listener during this phase, responding with thoughtful silence, an encouraging nod, an occasional "I see what you mean." The idea is to give feedback to the speaker without judging. The mediator needs to assure the speaker that he/she is being heard. Sometimes the mediator should paraphrase the speaker's words to provide this assurance and to promote a full explanation. The mediator listens actively and encourages each speaker to explain the problem as clearly as possible. The mediator focuses on identifying common issues and potential common ground.

After each party has told the story, the disputants are given an opportunity to ask each other some questions to clarify the statements. Mediators should be prepared for some hostility during this questioning period. Allowing each side to question the other is a good way to check the understanding level of the disputants and straighten out any problems before moving to the next step. In addition, the mediators can ask each party to summarize the po-

sition of the other. ("What do you understand _____ to be saying?") The summaries should include facts and feelings as expressed by the disputant.

The disputants can decide who will go first. Frequently it is the person who initiated the mediation. Sometimes it is a good idea to let the person who seems most agitated go first. Mediators need to be sensitive to issues of power between the disputants. For example, there could be a situation where the party who goes first is seen to dominate the other party. This could cause communication problems for the second party. Often the disputants will focus on the mediators when they begin telling their story. Gradually as the mediation process moves forward, the disputants should begin to talk to each other.

Step 3: Identifying Facts and Issues

During this step the mediator tries to get the disputants to state the facts and issues. It is important that both disputants are able to explain the facts as they see them. This lays the foundation for the rest of the discussion. Here the mediator attempts to get the disputants to establish the common facts and issues, summarizes both sides without emotion, and checks frequently to see if the disputants understand each other. Some specific skills that a mediator can use during this stage include paraphrasing, outlining, and clarifying. At all times, mediators remain neutral.

Once the disputants have identified and agreed on the issues, they need to decide which issues should be resolved first. Frequently, once the issues have been outlined, the parties can work together to prioritize.

Mediators must keep in mind that they are responsible for the process while the disputants work through their problems. It is important not to intimidate the parties with questions about their positions. Asking clarification questions is different from cross-examining a witness in a trial situation. ("How did you feel when...?") Mediators must avoid pitfalls like judging, counseling, or dominating the process.

Mediation Process—Steps 4 and 5

You are part of Group C. Members of Group C will become experts in the fourth and fifth steps in the mediation process. Group C will have 15-20 minutes to identify the key points in the two sections of the mediation process discussed below and then decide how to present this information to the rest of the class.

Step 4: Identifying Alternative Solutions

Once the issues have been identified and prioritized, the mediator assists the parties in the search for solutions. One way to generate solutions is to brainstorm a list of possibilities. Brainstorming requires that every idea be listed whether or not it is a realistic solution. Judgement is reserved and all ideas are encouraged. Brainstorming allows people to hear ideas and frequently one idea leads to another. Patience is important during this phase. The solutions must come from the people with the problem. Mediators usually should not offer solutions. Sometimes it is difficult for people to think of options. Urging creativity during this phase, the mediator could say, "Pretend that you are in charge and can develop any solution at all. What type of solution would you suggest?" If after a substantial period of time the parties have not come up with solutions that have occurred to the mediator, he/she may make a suggestion and ask whether it could or should be added to the list of potential solutions.

Once the list of brainstormed alternatives is developed, the mediator should do a reality check. The mediator should ask the disputants to describe the consequences of each of the suggestions. He/She could say "What would happen if you never spoke to each other again? Is this realistic?" The reality check should result in eliminating all but the most workable solutions.

Step 5: Discussing and Revising Solutions

The discussion can then focus on the most meaningful of the alternatives suggested. The mediator should encourage the disputants to discuss through the consequences of their proposed solutions. Sometimes mediators will spur discussion by asking questions. Some examples:

- What would you like to see happen?
- How should we proceed?
- Would this solve the problem?
- Are there any possible problems connected with this solution?

The mediator continuously helps the disputants to check the reality of proposed solutions. The disputants need to decide which of the solutions seem to be most effective and most comfortable for them. As the parties critique the potential solutions, they try out variations and combinations to develop the solution that best fits their mutual needs.

Mediation Process—Step 6

The Caucus (*Optional*)

You are part of Group D. Members of Group D will become experts in the sixth step and the caucus option available in the mediation process. Group D will have 15-20 minutes to identify the key points in the two sections of the mediation process discussed below and then decide how to present this information to the rest of the class.

Step 6. Reaching an Agreement

The agreement should be written down and each party should be given a copy of the final version. The best agreements are clearly written in simple, specific language (stating who, what, where, when, and how). To the extent possible, the agreement should be written in the language chosen by the parties. If there are timetables or schedules, these should be included in the agreement. All deadlines should be clearly stated.

Be as specific as possible and try to close all loopholes so that there is little opportunity for failure. The agreement should be balanced (i.e., the language of the agreement should be positive and both parties should gain from it.) There is no need to discuss blame in the agreement.

It is a good idea to include a sentence or two about what the parties should do if they feel the agreement is not being upheld. One common provision in agreements is that both parties agree to resume mediation if the agreement is not being followed. Providing for the possibility of a breakdown and the need for further assistance will help the parties in the event that some problem arises. Sometimes there is a need for a lawyer or someone else to look at the agreement before it is signed.

Remember that not all disputes that are mediated result in an agreement. Sometimes disputants cannot agree. When that happens the mediator should thank the parties for trying to use mediation to resolve their problem and encourage them to consider other available options that will meet their needs.

After the agreement is drafted it should be read, reworked, and discussed until all parties are comfortable. Everyone should sign the final version of the agreement, including the mediator.

All parties should be congratulated for working through the problems and developing an agreement.

The Caucus

(Optional step)

In a caucus, the mediators meet separately with one or both parties. This is not a regular step in the process, but it is available for the mediators to use if necessary. The parties can caucus at any time during the process. The caucus should be explained during the introductory phase so that the disputants realize that it is available. The caucus can be an important tool to break a communication logjam. It can be used when disputants do not seem to be telling the whole story during the mediation. It can be used to explore a possible solution or to try to further develop a solution. It also gives the mediators a chance to revitalize during a particularly difficult or emotional mediation.

When a caucus is called the mediators must explain to both parties that what is said during the caucus is totally confidential. The mediators must meet with each party separately. Equal treatment is recommended even if the mediators only really need to caucus with one party.

Steps in a Typical Mediation

Step 1. Introduction

The mediator makes the parties feel at ease and explains the ground rules. The mediator's role is not to make a decision but to help the parties reach a mutually acceptable agreement. The mediator explains that he/she will not take sides. Confidentiality is explained to the parties at this time.

Step 2. Telling the Story

Each party tells what happened. The person bringing the complaint usually tells his or her side of the story first. No interruptions are allowed. Then the other party explains his or her version of the facts.

Step 3. Identifying Facts and Issues

The mediator attempts to identify agreed-upon facts and issues and to identify the needs of the disputants. This is done by actively listening to each side, summarizing each party's views, and asking if these are the facts and issues as each party understands them. Sometimes the mediator will ask the disputants to summarize each other's perspective in order to check for understanding.

Step 4. Identifying Alternative Solutions

The disputants brainstorm possible solutions to the problem. The mediator makes a list and then asks each party to explain his or her feelings about each possible solution.

Step 5. Revising and Discussing Solutions

Based on the feelings of the parties, the mediator revises possible solutions and attempts to identify a solution that both parties can agree to.

Step 6. Reaching an Agreement

The mediator helps parties reach an agreement that both can live with. The agreement is written down. The parties also discuss what will happen if either of them fails to live up to the agreement.

Notes:

Introduction to the Case

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Describe the facts in the case.
- Identify the disputants involved in the case.
- Arrange the facts on a timeline.
- Write a paragraph describing the problem as viewed by the disputants.

Review Assignment from Lesson 4

The facts of the case should have been distributed to be read as a homework assignment in advance of the class. Class discussion should focus on understanding the facts in the case and discussing the issues from the various perspectives of the disputants.

ACTIVITIES

1. Summarize the Facts and Feelings

One device for summarizing the facts in the case is a timeline. This device is especially helpful because it gives students a sense of how conflict builds between disputants. Organize students into small groups (3-5 students) each with a facilitator and a group recorder. The following tasks should be handled by each small group:

- Develop a timeline of the facts in the case.
- List the issue or issues in the case.
- Brainstorm a list of feelings from the perspective of each of the disputants.

The groups should be given about twenty minutes to complete the tasks. Each group should have two sheets of flip-chart paper on which to write and then display their responses to the rest of the class. The group recorder should be prepared to share the

results of the group's work with the rest of the class. Special care should be taken to be certain that students understand the difference between facts and feelings in the case.

Once the groups have completed their reporting, the following questions should conclude the discussion:

- Is there any information missing? What questions would you like to ask the disputants?
- How would the missing information help you understand the case?
- Why is it important that the disputants discuss and understand the facts and feelings of the dispute?
- What part does active listening play in getting out the facts and feelings of the case?

2. Evaluation

Students should be given a copy of the evaluation criteria for the mock mediation at this point. Go over the evaluation with students so that they understand all the criteria. This will allow students to see how they are going to be evaluated and provides a concrete, concise model for self-evaluation along the way.

3. For the Next Session

Ask students to write a paragraph summarizing the facts, emotions, issues, opinions, and assumptions involved in the case for the next class.

4. Thinking About Mediation

Can you think of a time when your feelings got in the way of solving a problem? How can you use feelings as a strength in resolving conflict? Why is it important for a mediator to understand the effect of feelings on disputants?

Thinking About Mediation

Describe a time when your feelings got in the way of solving a problem.

How can feelings be positive when you are involved in a conflict? How can they be negative?

Why is it important for a mediator to understand the effect of feelings on disputants?

Disputant and Mediator Preparation

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Describe the facts of the situation from one particular perspective.
- Identify two possible solutions to the problem.
- Discuss the consequences of each of the proposed solutions.

ACTIVITIES

1. Disputant Preparation

Once the preliminary analysis of the facts has been completed, students should begin to focus on the various roles of people within a mediation. Divide the class into small groups (3-5 students). Each small group should have a facilitator as well as a group recorder who will share the results of the small group discussion with the rest of the class. Each group should be assigned to examine the scenario from the perspective either of one of the disputants or of the mediators. This strategy immerses students in looking at a problem from one perspective. Make certain that each group understands its assignment. If the class is large, you may want to have more than one group prepare for each disputant and mediator role.

Group A: Use the disputant preparation sheet (Student Activity Sheet 6-A) to discuss the facts from the perspective of the disputant you are focused on. Be sure to consider all the questions so the disputant will have a fully developed position when the mediation begins.

Group B: Use the disputant preparation sheet (Student Activity Sheet 6-A) to discuss the facts from the perspective of the disputant you are focused on. Be sure to consider all the questions so the disputant will have a fully developed position when the mediation begins.

Group C: Use the mediation preparation sheet (Student Activity Sheet 6-B) to discuss the steps in a mediation and the special perspective of a mediator. Discuss questions that will help clarify the particulars of the case.

Try to spend some extra time with the students who are working to understand the mediation process. These students will eventually be working in pairs to handle the mediation between the disputants, and they will need to be comfortable with the process and to know what special skills will be important for mediators. (The information in Lesson 4 can help them renew or develop some of these special skills.)

Students should work in their small groups for at least twenty minutes. The group recorder should summarize the work of the group and share it with the rest of the class.

2. For the Next Session

Students should write a first person paragraph describing the facts and feelings of the person whose perspective they have been considering. Mediators should describe their feelings about the process they are learning and its potential use to resolve problems.

3. Thinking About Mediation

Describe a conflict you know of in which the disputants seem unable to see each other's perspective. What problems does this cause? Can you make any suggestions as to how to help them?

4. Resources

This would be an excellent time to bring in some resource people who work in the field of mediation and conflict management. The involvement of a mediator would give a sense of realism to the activity and expose students to careers in which resolving conflict is important.

Disputant Preparation

What are your concerns? Brainstorm a list of your concerns. Prioritize the list and choose the three concerns that are most important to you.

What is your starting position?

What is the best conceivable outcome from your perspective?

List all your possible needs and interests related to the issues in this dispute.

What do you expect from the mediator?

List two additional workable solutions other than your current position.

Mediator Preparation

This is the outline of the mediation process. Go over this outline with your group and take notes. This will help as you lead the disputants through the process during the mock mediation.

Step 1. Introduction

The mediator makes the parties feel at ease and explains the ground rules. The mediator's role is not to make a decision but to help the parties reach a mutually acceptable agreement. The mediator explains that he/she will not take sides. Confidentiality is explained to the parties at this time.

Step 2. Telling the Story

Each party tells what happened. The person bringing the complaint usually tells his/her side of the story first. No interruptions are allowed. Then the other party explains his/her version of the facts.

Step 3. Identifying Facts and Issues

The mediator attempts to identify agreed-upon facts and issues and to identify the needs of the disputants. This is done by actively listening to each side, summarizing each party's views, and asking if these are the facts and issues as each party understands them. Sometimes the mediator will ask the disputants to summarize each other's perspective in order to check for understanding.

Step 4. Identifying Alternative Solutions

The disputants think of possible solutions to the problem. The mediator makes a list and then asks each party to explain his or her feelings about each possible solution.

Step 5. Revising and Discussing Solutions

Based on the feelings of the parties, the mediator revises possible solutions and attempts to identify a solution that both parties can agree to.

Step 6. Reaching an Agreement

The mediator helps parties reach an agreement that both can live with. The agreement is written down. The parties also discuss what will happen if either of them fails to live up to the agreement.

Notes:

The Mock Mediation

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Conduct a mock mediation, correctly following the sequence of steps in a mediation and employing facilitative techniques.
- Make oral presentations as mediators and disputants.
- Demonstrate skill in active listening, careful explanation and summation, critical analysis, and facilitating an agreement.
- Demonstrate knowledge of the steps in the mediation process.
- Demonstrate ability to work with disputants toward common goals and agreement.

OVERVIEW

Before the actual date of the mock mediation, you should have accomplished most of the tasks described in the Preparing for a Mock Mediation section of this manual.

Evaluators should be equipped with the Mock Mediation Evaluation prior to the start of the mediation. (Student Activity Sheet 7-A). You will want to meet with the people performing the evaluation prior to the mock mediation in order to discuss the form. Set aside time for the evaluators to give feedback to the participants at the end of the mediation. This is an important part of the mock mediation because it is the time when the mediators and the disputants concentrate on their roles in an attempt to see strengths and weaknesses.

Classroom Presentations

If you are planning to hold the mediation in your classroom, you will probably need two class periods for students to complete the entire process. This may vary based on the length and complexity of the dispute.

Mediation as a Special Event Set-Up (see Preparing for a Mediation section)

Tables should be available for each mediation. The number of chairs needed will depend on the number of people participating in the mediation. For example, if the mediation involves two disputants and two mediators, five chairs will be needed (disputants-2, mediators-2, evaluator-1).

TIME ALLOCATIONS

Most mediations will take approximately 1 to 1-1/2 hours to complete. In all likelihood, when the dispute is more complex the mediation will take more time. Students will need some flexibility to make decisions during the course of the mediation.

Standards for Evaluation

Mediator:

Disputant 1:

Mediator:

Disputant 2:

Date:

Teacher:

Time:

School:

The following criteria is based on the belief that in order to work effectively with the disputants, mediators will:

- Establish a feeling of trust with the disputants.
- Learn how the disputants view their problems and their situations.
- Assist the disputants in explaining their goals and expectations.
- Involve each disputant in understanding the problem from the other disputant's perspective.
- Assist with the identification of facts and issues raised by the disputants.
- Assist the disputants in generating options.

- Assist the disputants in their understanding of an ability to make informed choices among alternatives.
- Effectively conclude the mediation. This can be done by helping to write the agreement or by assisting the disputants in reaching the conclusion that perhaps mediation will not satisfy the problem and helping them explore other options. Getting an agreement is *not* a criteria for success.
- Summarize and discuss the experience.

Please use the following standards together with your experience and best judgement as a basis for helping the students learn from their participation in the mock mediation.

I. Introduction

Mediator: The mediator(s) set the parties at ease and explained the mediation process and ground rules. (Circle one.)

HIGHLY
INEFFECTIVE

INEFFECTIVE

SOMEWHAT
INEFFECTIVE

SOMEWHAT
EFFECTIVE

EFFECTIVE

HIGHLY
EFFECTIVE

COMMENTS:

STUDENT ACTIVITY SHEET #7A CONTINUED

II. Telling the Story

Mediator: The mediator involved both disputants in explaining the problem. Each side took an uninterrupted turn at his/her version. The mediator displayed active listening techniques and focused the discussion without judgment.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

Disputant 1: The person bringing the complaint told his/her side of the story.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

Disputant 2: The second disputant told his/her version of story.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

STUDENT ACTIVITY SHEET #7A CONTINUED

III. Identifying Facts and Issues

Mediator: The mediator assisted the disputants in exchanging their goals and expectations. It is important to focus on the interests of the disputants. The mediator helped the disputants identify the issues and involved them in trying to see the issues from different perspectives.

HIGHLY
INEFFECTIVE

INEFFECTIVE

SOMEWHAT
INEFFECTIVE

SOMEWHAT
EFFECTIVE

EFFECTIVE

HIGHLY
EFFECTIVE

COMMENTS:

Disputant 1: Clearly outlined problem from his/her perspective. Participated in discussion in a knowledgeable and informed way.

HIGHLY
INEFFECTIVE

INEFFECTIVE

SOMEWHAT
INEFFECTIVE

SOMEWHAT
EFFECTIVE

EFFECTIVE

HIGHLY
EFFECTIVE

COMMENTS:

Disputant 2: Clearly outlined problem from his/her perspective. Participated in discussion in a knowledgeable and informed way.

HIGHLY
INEFFECTIVE

INEFFECTIVE

SOMEWHAT
INEFFECTIVE

SOMEWHAT
EFFECTIVE

EFFECTIVE

HIGHLY
EFFECTIVE

COMMENTS:

STUDENT ACTIVITY SHEET #7A CONTINUED

IV. Identifying Alternative Solutions

Mediator: Assisted the disputants in brainstorming a list of potential options. The list was developed without judging any of the suggestions.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

Disputant 1: Disputant thought of a variety of possible solutions and participated in the discussion.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

Disputant 2: Disputant thought of a variety of possible solutions and participated in the discussion.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

STUDENT ACTIVITY SHEET #7A CONTINUED

V. Revising and Discussing Solutions

Mediator: The mediator involved the parties in careful discussion about each suggested solution. The mediator identified the solutions that the disputants felt were best for resolving the problem.

HIGHLY INEFFECTIVE	INEFFECTIVE	SOMEWHAT INEFFECTIVE	SOMEWHAT EFFECTIVE	EFFECTIVE	HIGHLY EFFECTIVE
-----------------------	-------------	-------------------------	-----------------------	-----------	---------------------

COMMENTS:

Disputant 1: The disputant was actively involved in discussing potential solutions.

HIGHLY INEFFECTIVE	INEFFECTIVE	SOMEWHAT INEFFECTIVE	SOMEWHAT EFFECTIVE	EFFECTIVE	HIGHLY EFFECTIVE
-----------------------	-------------	-------------------------	-----------------------	-----------	---------------------

COMMENTS:

Disputant 2: The disputant was actively involved in discussing potential solutions.

HIGHLY INEFFECTIVE	INEFFECTIVE	SOMEWHAT INEFFECTIVE	SOMEWHAT EFFECTIVE	EFFECTIVE	HIGHLY EFFECTIVE
-----------------------	-------------	-------------------------	-----------------------	-----------	---------------------

COMMENTS:

STUDENT ACTIVITY SHEET #7A CONTINUED

VI. Reaching Agreement or Closure Where Agreement is Not Reached

Mediator: The mediator checked each of the suggested solutions to see if it was realistic and would solve the conflict. The mediator carefully wrote the agreement and got the parties to sign the agreement. The mediator thanked disputants for working together to solve their problem. If no agreement is reached then the mediator assisted the disputants in reaching the conclusion that perhaps mediation would not satisfy the problem and helped them explore other options. Getting an agreement is not a criteria for success.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

Disputant 1: The disputant offered realistic reactions to the suggested solutions. The careful discussion led to an agreement signed by the disputant.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

Disputant 2: The disputant offered realistic reactions to the suggested solutions. The careful discussion led to an agreement signed by the disputant.

HIGHLY INEFFECTIVE INEFFECTIVE SOMEWHAT INEFFECTIVE SOMEWHAT EFFECTIVE EFFECTIVE HIGHLY EFFECTIVE

COMMENTS:

Debriefing the Mock Mediation

OBJECTIVES

As a result of the activities in this lesson, the students will be able to:

- Analyze the mediation process.
- Assess the effectiveness of the mediation process.
- Critique the mediation from the standpoint of the agreement between the disputants.
- Compare and contrast the mediation process with other forms of dispute resolution that might have been available to the disputants (e.g., school disciplinary process, arbitration, court, parental involvement, etc.).

ACTIVITIES

1. Observers/Evaluators

You may want to organize the feedback session to allow the observers/evaluators to lead the discussion. Each observer/evaluator should have a completed feedback sheet.

2. Small Group Discussion

A team approach can be used to structure feedback for each mediation. Small groups should be formed composed of the same mediators, disputants, and observers/evaluators who participated in or watched the mediation. The observers/evaluators should use the feedback sheets as a foundation for discussion of the mediation.

Following are some additional questions you may want to discuss with the class during the debriefing:

- Did the mediators put the disputants at ease during the initial phase of the mediation? Did the mediators do a good job explaining the mediation process to the disputants? Was the seating arrangement good for the mediation process?
- Did the disputants feel that they had the opportunity to tell their sides of the story? Did the mediators help the disputants clarify their stories? Did the mediators summarize carefully; did they accurately reflect the facts and feelings discussed by the disputants? How did the disputants feel about the “telling the story” phase of the mediation?
- Did the mediators actively listen to the disputants? Did the disputants feel that they were heard and understood? Did the mediators reflect the feelings of the disputants? Did the mediators summarize the statements of the disputants? Did the disputants ask each other questions about the situation? Were the mediator’s questions helpful to the disputants? Were there any questions the disputant did not feel comfortable asking? How did this questioning help/hinder the process? Were there any questions that might have helped move the process along when the mediators got stuck?
- Were the issues that were identified the real foundation of the problem? Did the mediators summarize the issues correctly? Did the mediators check for understanding among the participants? Did the mediators facilitate the prioritizing of the issues by the disputants?

- Did the search for alternatives identify some workable solutions to the problems of the disputants? Did the mediators list all the ideas generated during this phase? Did the mediators work with the disputants to do the reality check at the end of this phase in order to see which solutions were most likely solve the dispute?
- Did the agreement address the needs of the disputants? Did the disputants seem satisfied with the agreement? Do you think the agreement will be upheld by the disputants? How would this agreement compare with taking this issue to court?

Any point that needs additional clarification should be discussed. If possible, have a trained mediator available as a resource during this part of the discussion so students can compare what happened to them with what might happen in a real mediation.

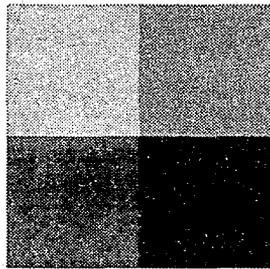
3. Written Assignment

Have students write a brief essay describing their feelings about the way the mediation worked out. Students should include their feelings about whether the agreement was fair to both sides and whether it will be upheld by the disputants.

What Do *You* Think?

Write a paragraph describing your feelings about the way the mediation worked out. Be sure to include your thoughts about whether the agreement was fair to all sides of the dispute and whether you think the agreement will be upheld by the disputants.

III. MEDIATION SCENARIOS



Mediation Scenarios

THERE ARE SIXTEEN SCENARIOS IN THIS SECTION OF THE MOCK MEDIATION materials. They are designed to be used as roleplays and to provide conflicts for participants to mediate in order to practice their newly learned skills.

Each scenario contains a list of the roles, a statement of the scenario, and a separate description of the dispute from the perspective of each of the disputants. The names of the disputants are blank so that students can fill in the names that they would like to use. The roleplay listing is organized according to type of dispute. A variety of conflicts are included.

In addition to these scenarios you can use any dispute as the subject for a mediation. Newspapers, books, actual community disputes of all types, national and international disputes, and historical disputes can be the basis for the mediation experience.

TEEN/TEEN SCENARIOS

1. Having a Ball 89
2. Just One Look 91
3. Someone Special 95
4. Prom Date 97

SCHOOL SCENARIOS

1. I Am My Brother's Keeper 99
2. What's in a Name? 101
3. Break a Leg 105
4. Pizza Boycott 109

TEEN/PARENT SCENARIOS

1. Borrowing the Car 113
2. After the Prom 115
3. Kicking and Screaming 117

TEEN/EMPLOYER SCENARIOS

1. You're Fired! 119
2. Gale Winds 123

TEEN/COMMUNITY SCENARIOS

1. Downtown 127
2. Get Away from My Bench 129

LANDLORD/TENANT SCENARIOS

1. Dear Landlord 131

Having a Ball

PARTICIPANTS

_____ and _____ (girls)
_____ and _____ (boys)
_____ (boyfriend)

SCENARIO

_____ and _____ (girls) were at the park one day when a basketball from a game some of the boys were playing rolled over to them. The girls picked up the ball. The boys yelled, "Throw the ball back, you fat butts." The girls, in a playful mood, decided to hold onto the ball. The boys, in the middle of their game, quickly became angry. "What do you need our ball for, when you got two bigger ones on your chest?" yelled the boys. The girls screamed back, "Shut up, what do you guys need the ball for? You play like a bunch of cry babies." The boys walked over to the girls and began yanking at the ball. _____, the boyfriend of one of the girls, saw the argument and got involved. Everyone started yelling and name-calling. Soon, each group began to get physical. A teacher came over and broke up what was about to become a big fight. However, the hurt feelings and the anger remained. The teacher suggested that the students sit down with each other and discuss how the situation started and why it got out of hand.

ROLEPLAY PARTS

_____ and _____ (girls)

You were just trying to have a little fun. What the boys said made you feel ugly and self-conscious. They are so mean. You liked those guys, but now you don't. You just wanted to get their attention, but all they do is play ball all the time. They didn't have to say such mean things and be so rough. There is only one ball for the class and the guys always get it. They never include you in their games.

_____ and _____ (boys)

Those two girls are so useless. All they do is bother you. Why did they have to disrupt the game? They are a pain. They deserved to be called names. You wouldn't have pushed them around if they had just given the ball back. _____'s boyfriend had no business getting involved. Everything probably would have worked out if he had just stayed out of it.

_____ (boyfriend)

You did not know what started the argument, but you knew that the guys were yelling at your girlfriend. You wouldn't be surprised if the girls started the mess, but you felt that you had to stand up for your girlfriend.

Just One Look, That's All It Took . . .

PARTICIPANTS

_____ (male)

_____ (female)

_____ (another male)

SCENARIO

_____ is in the driver's seat of his new car. His girlfriend, _____, is in the passenger's seat. They are stopped at a red light. _____ (another male) pulls up alongside the car, looks over at _____, and winks at her. He motions to her to come over to his car. _____ tells _____ (male) that the guy in the next car is talking to her. _____ (male) leans over (this is a long light) and makes a gesture to _____ (another male) that indicates that he wants him to stop talking to _____ (female). The light changes to green.

As the light changes the two cars start to race with each other and the two boys yell comments back and forth to each other. When one car changes lanes, the other car does the same. At the next red light, _____ (another male) pulls up alongside the car and continues to make comments to _____ (female). _____ (male) responds with more comments. By the third light _____ (another male) pulls up against the back bumper, touching it and pushing slightly against it. At the next light both boys jump out of their cars. While the two boys threaten each other _____ (female) screams. _____ (male) says that _____ (another male) scratched his car and insulted his girlfriend _____ (male) moves

toward _____'s (another male) car to scratch it with his key. _____'s (another male) car is older, but he takes very good care of it and waxes it often. At that point the other cars in line behind them start to honk their horns. They jump back in their cars and yell at each other that they will meet the next day after school in the park to "finish this."

Word gets around school that there is going to be a fight. Everyone is talking about the fight and everyone knows that both boys carry knives. The most recent rumor is that one of them may bring a gun. _____ (counselor), trained in conflict resolution and fearing that someone could be killed, convinces the three of them to sit down and discuss the matter before things get out of control.

ROLEPLAY PARTS

_____ (male)

You are a proud person. You want to protect your image and your girlfriend's reputation. You feel you have been insulted and that you must go through with the fight if you want people to respect you. You don't like anyone messing with your new car. You worked very hard to get it and you are very proud of it. _____ was wrong for coming on to _____ (female). He should have known that she was off limits, because she was with you. He "crossed over the line" and must be punished.

_____ (another male)

You were just having some fun. _____ thinks he is so important because he has a new car and a girl. You were playing around, having a little car chase, teasing the girl. You think she even liked it. _____ is overreacting, because this kind of thing goes on all the time. Nevertheless, you, too, have to defend your honor and your reputation.

_____ (female)

You can't believe that this whole thing happened because _____ (another male) was playing with you. Now, you wish you had not said anything to _____ (male). You just wanted him to know that another guy was paying attention to you and found you interesting. The boys were acting like jerks. You didn't like when they were fooling around in the car; it scared you. You thought something was going to happen when they got out of the cars. You are very nervous about the fight. Although you liked the attention it isn't worth it anymore. Everyone was coming up to you in school and asking you about what happened. You hope that _____ (counselor) can help. The boys are making a big deal about such a silly thing.

Someone Special

PARTICIPANTS

_____ (male)

_____ (female)

SCENARIO

_____ and _____ go out on a date. They see a movie and go out for burgers afterward. They talk for a while and tell each other a lot about each other. During their talk, they discuss some private things that have happened in each of their families. _____ (male) confides in _____ (female) about something that really upsets him about himself and his family. He has never told anyone about this, but feels comfortable talking with _____. She feels special because he wanted to share his private concerns with her, and she respects his wishes about keeping the information to herself. They walk home. _____ invites _____ in to watch television. While they are watching television _____ puts his arm around her, and she puts her head on his shoulder. Before _____ goes home they kiss for a few minutes. They make plans to go out again the next weekend.

The next day rumors are all over school that _____ and _____ did a lot more than just kiss goodnight on the couch. _____ is furious and embarrassed by these rumors. _____ decides to get even and tells people what _____ had told her in confidence the night before.

ROLEPLAY PARTS

_____ (male)

All your friends knew you had gone out with _____ the night before. You had been talking about going out with her for quite some time. You really liked her. When you got to school the next morning, your friends were really bugging you for information about the previous night's events. They suggested to you what happened, and when you didn't correct them, they assumed it was true. You didn't deny their suggestions because you didn't want them to tease you for "just" kissing _____. You told them not to say anything, but before you knew it, stories were all over school.

You are a little embarrassed yourself. You know _____ is really mad, but she shouldn't have told everyone about your family's problem. That was really mean and upsets you. You agree to meet with a mediator, but you would rather get back at _____ and start another rumor.

_____ (female)

You are so humiliated and embarrassed by the rumors _____ passed around school about you that you felt you had to get even by breaking his confidence. That's why you told some people what _____ had confided to you the during your date. What a jerk. You thought you had spent a really nice evening together and then he goes and does this! You really feel betrayed because you thought you could trust him... you thought he was different.

The Prom Date

PARTICIPANTS

_____ (male)

_____ (female)

SCENARIO

_____ and _____ were supposed to go to the prom together. _____ bought a dress on sale that could not be returned. She also purchased shoes, accessories etc. and made an appointment to have her hair and nails done. _____ and _____ got into an argument three days before the prom and _____ said he didn't want to go to the prom with her. He canceled his tuxedo reservation and sold his prom tickets to his friend. _____ (female) felt devastated. _____ and _____ had frequent shouting matches over this situation. They fought every time they saw each other. This went on long after the prom was over. Finally, a friend suggested they go to a mediator to try to work out their problem.

ROLEPLAY PARTS

_____ (female)

Whether you were mad at _____ or not, all your friends were going to the prom and you did not want to miss it. You couldn't very well go alone and how were you supposed to get a date on such short notice? Furthermore, _____ had sold the tickets without offering them to you, so you were unable to attend the prom any way you look at it, since it was sold out. You can't believe you had to miss the prom. You are having trouble facing your friends. Every time someone brings up an incident that occurred at the prom, you feel like crying. You want to get back at _____. You have decided that _____ should pay for your dress, shoes, accessories and any other money you spent getting ready for the prom.

_____ (male)

You had to deal with _____ less when you were going out with her than you do now. You just want to get away from her. She talked you into going to the prom in the first place. She was always thinking of things to do that cost money. One of the reasons you decided not to go to the prom, besides not liking _____ that much anymore, was because you were saving up to buy a car. You are not about to pay _____ back any money. The tickets were yours and your best friend wanted them.

I Am My Brother's Keeper— Mom Told Me So

PARTICIPANTS

_____ (little brother/sister)

_____ (older brother/sister)

_____ (teacher)

SCENARIO

Your little brother/sister, nine years old, has been having trouble getting along with his/her teacher and has been getting poor grades. Your brother/sister says the teacher picks on him/her. Your mother (who works) has asked you to stop by the classroom after school one day this week and speak with the teacher and your brother/sister about the situation. You have never been in this position before.

ROLEPLAY PARTS

_____ (older brother/sister)

You are a little nervous about doing this. You are uncomfortable because the teacher is an adult. You hope the teacher will not try to push you around and take over the meeting. She may resent you because your mom wasn't able to attend and asked you to handle the problem. You want to find out what started the problem. Did the teacher start picking on him, or was little brother/sister misbehaving in class and not doing his work?

_____ (little brother/sister)

You think the teacher is picking on you. You think she has singled you out. You haven't been on your best behavior and you've certainly been more cooperative in the past, but other kids don't get in as much trouble as you do. You really are unhappy in the classroom and you don't feel like making an effort.

_____ (teacher)

You have been paying closer attention to little _____ lately because his/her attitude in the classroom has declined and his/her work has deteriorated. His/her assignments have been turned in late or not at all. He/she speaks out in class quite often. You are a little annoyed about having to sit in a session with a student and his/her sibling. You are a professional and know what is best for a student.

What's in a Name?

PARTICIPANTS

_____ (students)

_____ (principal)

SCENARIO

Last week, the principal at your school announced an “anti-gang” dress code. Students are angry about the new rule. The students believe that they have the right to wear whatever they want to school. The students feel that the principal has taken the code too far.

The principal has made a rule that students are not allowed to wear any team insignia except the school's on T-shirts, jackets, or hats to school (Raiders, Redskins, Bulls, even basketball player T-shirts are all banned.) The principal believes that these clothes have become symbolic of gangs and that students wear this style of clothing to signify their membership with particular gangs.

You and your friends decide to wear your Bulls T-shirts to school to celebrate the Bulls' victory in the NBA championships. You are also wearing the shirts as a protest against the school's dress code policy. The principal hears about the plan and reminds all the students that they could be suspended if they go through with it. You have requested a meeting with the principal to discuss getting the policy changed.

ROLEPLAY PARTS

_____ (principal)

You believe that gangs are the cause of most of the school's problems. Many of the students are afraid and the gangs pit the students against each other. You also believe that classes are disrupted because of the tension between competing gangs. Most of all, too many students have been hurt or killed because of gang-related violence.

Furthermore, you are concerned that the students will be influenced and pressured by gang members who have dropped out of school to do the same. Those who remain in school will spend too much time with the gang after school rather than doing homework. Team T-shirts and other items promote competition among students. Also, students and their parents who do not have a lot of money feel pressured into buying these items in order to fit in with the other students.

_____ and _____ (students)

Most of the student body agrees with you that the dress code is unreasonable. Many of the students plan to come to school on a designated day wearing T-shirts in protest of the policy. The principal has threatened suspension if they do. You argue that all kinds of students wear these shirts and it does not mean they belong to a gang. Besides, every fight is not necessarily gang-related.

While some gangs in school and around the neighborhood do wear team insignias many students who do not belong or identify with a group wear them, too. Also, students believe that they have a constitutional right of free association and expression. They feel that the principal should not try to keep students from hanging out with whomever they want or keep them from belonging to a particular group or club, nor should he keep students from wearing what they want. They believe that if one group is stopped from meeting or wearing a particular type of clothing, limits could be placed on any group. The students are angry.

Break a Leg

PARTICIPANTS

Mr/s. _____ (teacher)

_____ (student understudy)

_____ (second student actor in play)

SCENARIO

Mr/s. _____'s drama classes were putting on their annual play before their parents and the community. The day before the opening night the lead actor/actress broke his/her leg in a car accident. _____ was the understudy, but he/she had already gone home when the news was announced. The drama teacher told the understudy's sister to tell him/her what had happened and that he/she should be ready to perform the next night.

The understudy's sister went over to a friend's house after school and did not tell her brother/sister about the news until the next morning before school. He/she tried to reread the play during breaks in the day but felt very rushed. He/she was furious with his/her little sister. If only he/she had known the night before.

During the opening night performance, _____ did fine until the final scene when he/she forgot a line. The mistake made another actor, _____, make a mistake, too. Regardless, the audience loved the play. After the curtain went down, _____

(other student actor) went over to _____ (understudy) and said, "Everything would have been fine if you hadn't messed up, you stupid (*slur*)!" Both students began swinging at each other, but the teacher broke it up before anyone was hurt.

Everyone went their separate ways yelling that they would finish it later. Mr/s. _____ called the counselor the next day to intervene before the fights continued.

ROLEPLAY PARTS

_____ (student understudy)

You really wanted to be in the play when it was being cast, but Mr/s. _____ had never let an _____ student play the lead in the six years he had directed plays at the school. Sure enough, you only got to be an understudy — big deal.

Nevertheless you DID study for the part and would have done better if your stupid sister had remembered to tell you the night before. Anyway, you *did* do fine except for *one* little mistake at the end. Mr/s. _____ said you did a great job and the audience thought so, too. It is just that racist who had to ruin the whole thing. It is enough to make you never want to participate in any school activity again. Who needs this kind of grief?

_____ (other student actor)

You are angry. You wanted to play the lead in the play and ended up with a supporting role. Even then, you feel you were doing great until _____ screwed up. What was Mr/s. _____ thinking by letting _____ play the lead?

Mr/s. _____ (teacher)

You do not understand what is going on. The play is always such a fun experience for you and the students. Even after losing the lead actor the day before opening night, the performance went well. _____ (understudy) did a great job. The mistakes made by the two actors/actresses were small and the audience didn't really even notice. Instead of a celebration after the performance there was nearly a fight. You want to know how this problem can be resolved and how it can be avoided during the rest of the performances.

The Pizza Boycott

PARTICIPANTS

- Anti-Pro-Life, Pro-Boycott Group
- No Boycott Group
- Anti-Shelter Donations, but Neutral on Pro-Life Donations Group

SCENARIO

Your school is having an AIDS education forum for students and pizza will be served. Large quantities of pizza need to be ordered for the forum. One pizza company has offered a significant discount to the school if the students order from them. They will deliver the pizzas to the school. The students make the arrangements to purchase the pizzas and have them delivered to the school for the forum. A percentage of the profits the pizza company makes is given to worthy causes; this is one of the reasons the students chose this particular company. The student forum coordinators ask for a copy of the pizza company's annual report. When they read it they discover that monies have been donated to, among other places, a "pro-life" organization and a non-profit organization which provides temporary shelter to women and their children who "run away" from allegedly abusive spouses.

The knowledge of monies going to these organizations has caused some controversy among the student body. The students are of different opinions as to whether they agree with the organizations to which the funds are being donated.

Should the school use this pizza company for the forum when some students don't like one or more of the organizations that funds are being donated to, while other students don't object to the same organizations as others or think it all balances out?

The students have been invited to the principal's office in order to try to work out the problem.

ROLEPLAY PARTS

_____ and _____

(No Boycott Group)

Money given to the temporary shelter balances out the money given to the "pro-life" organization, which some students don't approve of. Some students are "pro-life" and feel the pizza company should not be boycotted.

What is the big deal? This pizza company is the least expensive of all the ones which were contacted, plus they are the only one who will deliver and have a truck outside keeping pizzas warm. The money saved by the school using this pizza company is significant and the budget is very limited.

_____ and _____

(Anti-Shelter Donations, but Neutral on Pro-Life Donations)

Some students are opposed to women being encouraged to “kidnap” children from their fathers. Children can be traumatized by this action. Educational and therapy programs would be more beneficial.

_____ and _____

(Anti-Pro-Life, Pro-Boycott Group)

A number of students are very vocal about their disapproval of using the pizza company, when monies are given to pro-life groups. This is a very emotional issue and has caused the most controversy.

These students are very strongly in support of the boycott.

Borrowing the Car

PARTICIPANTS

_____ (teen)
_____ (parent)
_____ (second parent)

SCENARIO

_____ (teen) would like to use the family car Saturday night to attend a party. He/she asks his/her parent(s), who say, "no." The parent explains further that he/she is planning to use the car to go to a party on Saturday night. In many households this would be the end of the discussion, but his/her parents are willing to sit down with _____ (teen) and discuss options.

ROLEPLAY PARTS

_____ (parent)

You are a modern kind of parent and think that it is a good idea to sit down and discuss _____'s (teen) needs for the car on Saturday night. While you are convincing yourself of this, the bottom line is that you are planning to use the car and are not coming into this "mediation" session with the intent of giving in to _____ (teen). You figure you will suggest that he ask a friend to drive him to the party.

_____ (second parent)

You are a bit resistant to having the discussion at all. You heard on a television talk show that this sort of thing is good to help foster a better relationship. As far as you are concerned though, you are the parents. If you need the car, you are going to use the car. You really don't see why you have to let _____(teen) be part of the decision. It is difficult enough arranging a schedule. If _____(teen) ever gets the car, it is a privilege. You are actually resistant to letting _____(teen) have the car regardless of whether you need it or not and are relieved that you have an excuse to say no to him/her. _____(teen) is a new driver and you are worried about the other people that are out driving on Saturday nights. You are concerned about having your child driving other kids around in the car and don't want the responsibility of worrying about them as well. When you think about it you don't even want to let him/her go to the party. You may be a little too over-protective, but you believe it is your right as a parent.

_____ (teen)

Sure your folks will sit down with you, but there are two of them and one of you, not to mention they are parents and will throw that weight around. You think that this is a little unfair. Why can't they get a ride with another couple to the party? You could drop them off and they could get a ride home. You have a date and you can't very well have one of your parents drive you to the party. You didn't tell your parents about the date, because they'll start asking a lot of questions and make a fuss. If all else fails, you will mention it as a last resort. With only one car in the family, you rarely get to drive. You just got your license a few months ago and are really anxious to drive.

TEEN/PARENT SCENARIO #2

After the Prom

PARTICIPANTS

_____ (teen)

_____ (parent/parents)

SCENARIO

_____ is planning to go to the Senior Prom. His/her parents are very concerned about the amount of drinking that goes on after the prom.

ROLEPLAY PARTS

_____ (parent/parents)

You suspect that _____ may be able to get alcoholic drinks, even though he/she is under 21. You really don't think he/she should do anything illegal. You don't want to deny him/her a little fun, and after all, this is a special occasion. You are concerned about his/her safety and the safety of those with him/her. You are also concerned about other drivers on the road late at night. It's not that you don't trust _____; you just worry because he/she's your child.

_____ (teen)

You do not drink and won't start at the after-prom parties—even if everyone else does. It's a once-in-a-lifetime event, a momentous occasion. Your parents agree that the prom is a once-in-a-lifetime event. You would be willing to rent a limousine with your friends so that you are not driving if that will make your parents happy, but limousines are *very* expensive.

Kicking and Screaming

PARTICIPANTS

_____ (teen)

_____ (parent/parents)

SCENARIO

_____ (teen) came home from school with a poor report card. He/she got into a huge argument with his/her parents. Everyone was screaming. _____ said something that hurt his/her mother and she slapped his/her face. _____ ran out of the kitchen, slammed the door and then kicked a hole in it. _____'s parents "grounded" him/her for a month. _____ is not allowed to play on any sports team, hold a part-time job, or see his/her friends after school. _____ is expected to pay for the repairs to the door.

ROLEPLAY PARTS

_____ (teen)

You think your parents are too strict. Not everyone can be an "A" student. You don't really like school all that much and think that grades are stupid anyway. You never do very well on tests, but you think you know the class material. You're sick of being compared to your older brother, who always made good grades. You think your parents are being totally unreasonable. A month is too long to be grounded. You can't believe they are going to make you quit the track team, and **how** can you pay for the door if you can't get a job? All this is not going to make you do any better in school. More studying will not make you do better in school; the classes are boring and you are not interested.

_____ (parent/parents)

_____ needs strict limits. By being tough on him/her, you believe he/she will get better grades on the next report card. School is very important and good grades are the only way to get ahead. _____ needs to concentrate and take school seriously. If no socializing and no sports is what has to be done, then so be it. You cannot tolerate your child saying anything to you that is disrespectful. He/she must be punished, even with a slap. He/she will have to pay to replace the kitchen door. Sometimes you wonder why he/she can't be more like your older child, Thomas. Thomas always did well in school. The tension in the house is really a problem. You are all constantly fighting with each other. You just want _____ to be motivated so that he/she can do well and have a good future.

You're Fired!

PARTICIPANTS

_____ (waitperson)

_____ (deli-clerk)

_____ (manager)

SCENARIO

_____ works as a waitperson after school and some evenings at a deli in town. _____ (deli-clerk), a friend of _____'s (waitperson) works behind the deli counter, slicing meats and making sandwiches. _____ (manager) makes up the work schedules each Thursday and posts them on the bulletin board behind the counter. The deli's management has a policy: all employees have to work either a Saturday or a Sunday every weekend.

_____ (deli-clerk) had a graduation party to go to on the third Sunday in June. He/she told _____ (manager) about the party and asked not to be put on the schedule for that Sunday. When the schedule was posted for the week of the party, _____ (deli-clerk) was listed to work on the Sunday of the party. He/she was really annoyed. He/she spoke to another deli-clerk and explained the situation. The other deli-clerk agreed to switch with _____ (deli-clerk) so he/she could go to the party. _____ (deli-clerk) told the manager about the switch. The manager told them that they could not switch. _____ (manager) said, that he/she could not pay attention to everyone's social activities, that there was a business to run and too many people are asking for special privileges with the deli's weekend work policy.

_____ (manager) said that they would be fired if they did not work as the schedule was printed — no changes were permitted.

_____ (deli-clerk) quit the job, even though he/she needed the money. He/she felt that the graduation party was a priority and that _____ (manager) was being unreasonable. He/she hopes to get a job somewhere else.

The manager was very frustrated because he/she was now short-handed. _____ (manager) sat down with the schedule and tried to figure out how to have enough people to handle the weekend crowds. _____ (manager) made some switches to the schedule and posted the new schedule.

_____ (waitperson) was off from work for a few days that week and was going to work on Sunday. With the new schedule change, _____ (waitperson) was listed to work on Saturday. _____ (manager) called _____ 's (waitperson) house and left a message for him/her on the answering machine. _____ (waitperson) never got the message. _____ (waitperson) was supposed to call in and make sure the schedule was the same (there are rarely changes, because, as you know, _____ (manager) doesn't like to change the schedule). Not knowing that he/she had to work, he/she did not come to work on Saturday.

When _____ (waitperson) came into work on Sunday, the manager was so furious that he/she fired _____ (waitperson). He/she tried to explain that he/she didn't get the message, but the manager wouldn't listen. In a gesture of solidarity the deli-clerks quit their jobs, too.

The owner of the deli was very concerned and told the manager to meet with the deli-clerk and waitperson and try to straighten out the problem. The owner felt that the deli had made a training investment in these teenagers and that it might be worth it to settle the conflict and keep the employees.

ROLEPLAY PARTS

_____ (deli-clerk)

You are very angry. You feel that the manager was totally unreasonable. You think that the manager should have been more considerate about not scheduling you for work in the first place. You let the manager know ahead of time about the party. You can't understand why you can't switch with someone if it is o.k. with them. You are concerned about finding another job—you really need the extra cash.

_____ (waitperson)

You feel that you have been unjustly fired. The was not fair; he/she really fired you because he/she was mad at _____. First, _____ makes a big deal about changing the schedule but then he/she, herself, changes the schedule. No one ever calls in to find out if there have been any changes and all of a sudden you get fired for it. Besides, you are entitled to be out of town when you are off, why should you have to make a long distance call? It's none of their business where you are when you are not at work. You can't understand why you were fired. Messages get lost . . . it happens! A miscommunication like that is reasonable.

You are not crazy about the job, but you enjoy working with your friends and you need the money.

_____ (manager)

You have responsibilities. You have a business to run. Policies need to be enforced. If you bend the rule for one person, then you have to bend the rules for everyone. You are really frustrated, because this has left you short two employees. Kids are so unreliable.

On the other hand, the owner really seems to want to work out the problem and keep the employees.

Gale Winds

PARTICIPANTS

_____ (lead guitarist)

_____ (new guitarist)

_____ (band leader)

SCENARIO

Gale Winds is an up and coming band. Recently their lead guitarist, _____, left the band because he/she did not like the musical direction the band was taking and wanted more control over the writing of the songs. His/her decision was fine with the rest of the band, but they were not looking forward to auditioning new guitarists. They also had to cancel their upcoming shows until _____ (lead guitarist) could be replaced. While no one said they were upset at the time, later both _____ and the band resented each other a little bit.

Three weeks after _____ left the band, *Gale Winds* received a call from Success Records about signing a two-record contract. The agent from Success had seen the band play in a local club a month before. He had also heard their demo tapes, which included _____ (lead guitarist) playing guitar.

After _____ (lead guitarist) left *Gale Winds*, the other band members placed an ad in the city music paper and put up flyers at the local music school. _____ (new guitarist), who had been studying at the school for two years, auditioned for the band. He/she and the other band members got along great and

impressed each other with their musical skill. Needless to say, _____ (new guitarist) got the job.

With their new guitarist, *Gale Winds* was scheduled to enter the recording studio and begin work on their first album. At the same time, _____, (lead guitarist) who had been unsuccessful in starting a new band, called up the band leader, _____, and asked to rejoin the band. _____ (band leader) explained that they had a new guitarist who was working out really well. He also told _____ that Success Records had heard their demo tape. The agent was so impressed he had offered them a recording contract and they were about to start recording. _____ (lead guitarist) reminded _____ (band leader) that he/she was the guitarist the agent saw and it was his/her guitar playing on the demo tape that got the band the record contract. The band, with their new guitarist, agreed to meet with _____ (lead guitarist) to discuss the matter.

ROLEPLAY PARTS

_____ (lead guitarist)

You cannot believe they got a record contract! You left the band in the first place because you felt they were going nowhere. You tried to get them on the right track, but they just would not listen to you—no matter how much you tried to tell them. Your songwriting is just too good not to be on the new record. It was your playing the record company heard because you were on the demo tape. You should be in the band and the other guy should be out. It's your right to be on the album.

You have been extremely frustrated for the past three weeks because you have not been able to get a new band going. You are also in financial trouble. If *Gale Winds* is going to use some of the songs you co-wrote, you should be on the record.

_____ (new guitarist)

You believe that you are a cooperative person—easy to get along with. This is the break you were waiting and hoping for while you were studying at music school. The band is planning on using at least two of your new songs on the album. You also have expanded on some of the songs that _____ (lead guitarist) co-wrote. This is your big break! You are excited! You are in the contract! You earned it! No matter what, you do not want to lose your spot in the band or on the record.

_____ (band leader)

As an original member of the band, you are in a bind. The band works well with _____ (new guitarist). He/she is always open to new ideas and takes criticism well. Aside from the fact that he/she is a great guitar player, _____ brings new energy and a new focus to the band. You know _____'s (lead guitarist) own guitar abilities are excellent, however, you feel that over the final six months, _____ (lead guitarist) was harder and harder to work with—everything had to be his/her way.

On the other hand, you have known _____ (lead guitarist) for many years and he/she did not leave the band on bad terms. You feel bad that he/she has not been able to get something going on his/her own. Maybe you could have been more open to _____'s (lead guitarist) ideas when he/she was still in the band. After all, you listen to _____'s (new guitarist) ideas much more than you used to listen to _____ (lead guitarist). You probably could work things out with _____ (lead guitarist), but you don't want to get rid of _____ (new guitarist). If you let him/her go, you may not be able to get him/her back in the future. You do not feel it is fair to fire him/her just because _____ wants to come back. _____ (new guitarist) is the person on the contract. You are not sure what is best.

Downtown

PARTICIPANTS

_____ (teen)

_____ (store owners)

SCENARIO

_____ (teen) likes to go into town and look around in the stores. _____'s parent does not like the idea of _____ (teen) going into town alone, although he/she is 16 years old. However, she lets him/her go into town if he/she is with friends; she believes he/she is safe with a group. Everyone goes into town. It's a way to pass the time.

Recently, a number of stores downtown have experienced some shoplifting and vandalism. As a result, the stores have made a policy that no one under sixteen can enter a store without a parent or guardian. The policy also limits the number of kids aged 16-18 that can enter a store together to two. Other kids have to wait outside until the pair inside leave. Stores have threatened to call the police if the kids give them any trouble about the new policy. This policy makes _____ (teen) and his/her friends angry. They feel it is unfair. They do not want to disobey their parents' rules and they do not want to get in trouble with the law either.

The manager of the shopping center suggests that he/she will convene a meeting between the teens and the store owners.

ROLEPLAY PARTS

_____, _____ and _____ (teen and friends)

First of all, you don't like the idea that you are constantly under suspicion. Just because some other kids may have caused trouble before, doesn't mean you should have to pay the price for their actions.

You don't want to go against your parents wishes. You think the rule is unfair because people should have the right to shop where they want, with as many people as they like, no matter how old or young they are. Why is the rule only directed at young people?

You are also angry because you spend a lot of money downtown, buying sweatshirts, sneakers, CDs, magazines and candy.

_____ (store owners)

The policy is necessary based on the rise in shoplifting, theft, and vandalism activities that have taken place downtown. The kids scare paying customers away — they are intimidating because they are noisy and travel in “packs.” They roam around messing up the shelves and touching merchandise. It is hard to keep an eye on them and still conduct business.

The kids are disruptive. They yell to each other and talk back when you ask them to keep it down, and are rude when asked if they want to buy something.

Get Away From My Bench

PARTICIPANTS

_____ and _____ (teens)

_____ and _____ (senior citizens)

Mr/s. _____ (Center program director)

SCENARIO

Charles' Place is a community center. The center holds programs for neighborhood people of all ages. Many of the programs are during the day for senior citizens; there is an after-school program for teens.

Outside of the center is a grassy area with chess boards and benches. The senior citizens enjoy congregating in this area, sitting on the benches speaking with one another before and after their programs. The teenagers come after school for their programs at the center. They, too, meet each other outside of the center in the nice weather. The students and senior citizens have not been getting along with each other lately. Many of the seniors and teenagers have pre-judged each other.

The students carry boom boxes with them and play loud music. The seniors say the music disturbs them. They don't hear too well to begin with, so they really are unable carry on a conversation or concentrate on their chess games with the music blaring.

The teens complain that the senior citizens have been at the center all day and when the teens get out of school, there is no space for them. The teenagers say that the "old people" take up all the benches, so there is nowhere for them to sit down. The teens say the senior citizens are always yelling at them to turn their music down and to be quiet,

so they can play chess. Mr/s. _____, the program director at the center suggested that the two groups select representatives and try to mediate their problems.

ROLEPLAY PARTS

_____ and _____ (teens)

You have just as much right to hang out as the senior citizens. Besides, they have had the space all day. Why can't you get a turn? What is so great about chess anyway? Why do they need it to be quiet?

_____ and _____ (senior citizens)

Those kids show up with their loud music and their messy outfits and disrupt your conversations and chess games. The space isn't big enough for all of you. Those kids should respect their elders. Where are their manners?

Mr/s. _____ (Center program director)

You have watched this problem simmer for about six months. Both the teens and the seniors have rights, but neither group is willing to listen. There are some ways to deal with the needs of both groups but each has gotten more stubborn as time passed. You think that you can see some ways the two groups could support each other. Your boss has sent you to the mediation to represent the interests of Charles' Place.

Dear Landlord . . .

PARTICIPANTS

_____ (tenant)

_____ (landlord)

SCENARIO

_____ (tenant) lives in a small apartment building. Lately, he/she has been having trouble with a clogged sink. He/she tried using a strong drain cleaning liquid, but it didn't work. He/she called the landlord, _____, and reported the problem. _____ (landlord) agreed to come over and check it out, even though _____ (tenant) was not very pleasant on the phone.

Within a week, _____ (landlord) went to the apartment and tried to solve the problem. When he/she entered the kitchen of the apartment, however, it was a mess. He/she decided that a plumber was needed to fix the sink. Since the sink was a mess the landlord asked the tenant to clean it up. The tenant told the landlord that the kitchen was a wreck because the sink was not working. He/she did not understand how he/she was expected to clean the kitchen without a sink!

Due to other "emergencies" in the building, _____ did not get back to _____'s sink problem until two weeks later. At that time, _____ entered the apartment with the plumber to find the kitchen still filled with dirty dishes, trash, and flies. He/she refused to let the plumber work on the sink.

The next day _____ called the landlord and got into another argument
_____ threatened to sue the landlord and _____ threatened to evict
him/her. After both parties realized the seriousness of the problem, they decided to sit
down and talk it over.

ROLEPLAY PARTS

_____ (tenant)

You are very angry. You do not understand why it has taken so long to get the sink fixed. You feel the landlord has been negligent. Your dishes have piled up in the sink for three weeks. You have had to eat out. You pay the rent on time and feel that it is not unreasonable to get your sink fixed. You can't believe that you've been threatened. The landlord has no right to evict you.

_____ (landlord)

You have asked the tenant for one simple thing: make sure the sink is clean when you come back with a plumber. You do not understand how anyone can live in such a disgusting kitchen. During the two weeks after the first visit, there were other more important problems to take care of in the building. You think it is ridiculous that _____ threatened to sue you. You felt you had every right to threaten to kick him/her out, but he/she has always paid the rent on time and most of the time he/she has been a good tenant.