

Don't Fight, Mediate!

Student Workbook

Answer Key





Éducaloi is an independent non-profit organization that explains the law to Quebecers in everyday language.

IMPORTANT NOTICE

The law changes. The information in this guide is up to date to **June 2024**.

This guide is meant as legal information, not legal advice. If you need advice on a specific situation, consult a lawyer or notary.

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Scenario

Each year, Grade 6 students at Four Seasons School put on a show for their parents and the rest of the school. This year, Rachel Rotini is in charge of the music. She takes her responsibility seriously. She works very hard to make sure all the musicians will be ready.

During a rehearsal, Rachel saw one of the musicians, Sarah Smith, fooling around with her guitar. Sarah wasn't playing with the group. Rachel asked her to focus, but Sarah ignored her.

Rachel got angry. She tried to take Sarah's guitar from her. Unfortunately, the guitar fell and broke. Rachel felt bad and apologized right away.

Sarah was very upset. She picked up the broken guitar and left the room, slamming the door behind her.

When Sarah got home, she took out her anger on Facebook. For two weeks, she made negative comments about the pizza restaurant that Rachel's parents own:

"Rachel is so bossy. The only reason she was put in charge is because her parents hold the show at their restaurant."

"They don't even put real pepperoni on their pizza...they use leftover meat."

"I even saw a rat at the back of the restaurant."

Sarah's comments convinced some students to stop going to the restaurant, and Rachel's parents noticed a drop in business. The restaurant is near the school, and many students and staff members eat there.

Sarah and Rachel have not spoken to each other since the day the guitar was broken. Their parents want to find a solution. They want Sarah to have a guitar. They also want to restore their restaurant's good reputation. And above all, they want their daughters to be friends again.

So the Rotini and Smith families decide to meet and invite a mediator to help them find a solution to their problems.





The issues involved in the conflict

1. Who is involved in the conflict?

- *Rachel Rotini (broke the guitar) and her parents (fewer customers at their restaurant).*
- *Sarah Smith (her guitar was broken) and her parents (Rachel's parents want to reach an agreement with the Rotini family).*

2. What problems must they solve?

- *Rachel broke Sarah's guitar.*
- *Sarah's comments on the Internet made Rachel's parents lose customers.*

3. In your opinion, what does each person involved in the conflict want?

- *Sarah wants her guitar to be repaired or replaced.*
- *Rachel's parents want their restaurant's reputation to be restored and to win their customers back.*

Discovering Mediation

With your teacher, discover what mediation is all about. Write down what you learned and your reflections by answering the questions below.

4. After watching the video on mediation:

- a) What is the goal of mediation?

To find a solution that satisfies everyone.

- b) What are the advantages of mediation compared to going to court?

Quicker, confidential and sometimes free.

5. After watching the video about the mediator:

- a) What is the mediator's role?

To assist the opposite parties in negotiating a resolution outside of court. In other words, to encourage discussion between the sides to find solutions that work for everyone.



b) What is the role of the people in conflict during the mediation?

To express their point of view, formulate their expectations and suggest possible solutions.

c) True or false? The mediator gives legal advice or opinions. Explain your answer.

False. The mediator guides the conversation between the people involved in the conflict. They may speak with each party about their cases, but will never give legal advice or opinions. They must remain neutral and fair.

6. Find examples of situations where mediation can be helpful.

- *When students have a conflict at school.*
- *When two people have different beliefs, values, opinions or cultures.*
- *When parents separate.*
- *When two companies disagree about what a contract means.*
- *When two people want to avoid a long, expensive court case.*

7. True or false: The characteristics of mediation.

Statements	True	False
a) The outcome is usually win-win or lose-lose.		X
b) Only one solution is possible.		X
c) The people involved find their own solution.	X	
d) The mediator can impose a solution.		X
e) The mediator is neutral and impartial.	X	

8. A tale of two brothers...

a) Does this situation involve mediation? *No*

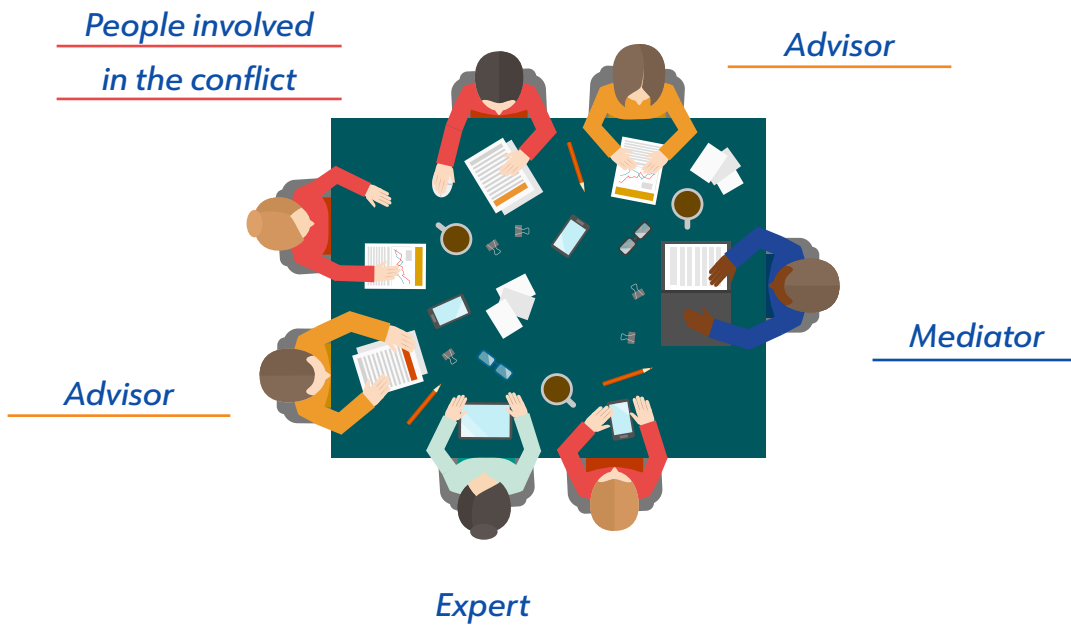
b) Why? *The father imposed the solution. The people involved in the conflict did not find a satisfactory solution for both sides (lose-lose outcome).*

9. Mediation allows the parties in a conflict to...

- find a solution for themselves.
- find a solution that satisfies everyone.
- resolve the conflict quickly (instead of dragging it out in court, for example).
- keep the discussions and agreements confidential.

The Players in Mediation

Write the different roles on the lines next to the characters.



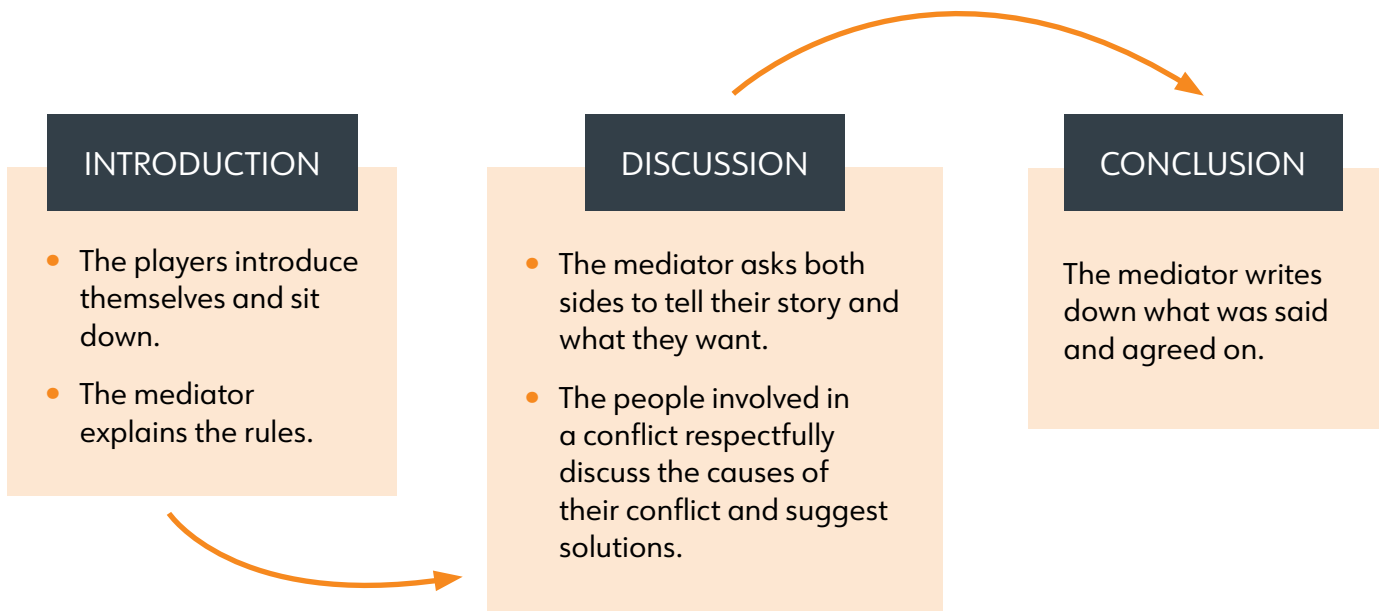
10. Match each role with its description.

People involved in the conflict	•	•	We provide useful information and answer the players' questions.
Advisors	•	•	We take part in the discussions to find satisfactory solutions to our conflict.
Mediators	•	•	We help the players discuss their conflict and find solutions.
Experts	•	•	We are objective in supporting one of the players so that they reach their goals and feel satisfied.

In-Class Mediation Session

The simulated mediation process

1. Several mediations will be simulated in the classroom at the same time.
2. In class, a role will be assigned to each student from among the following choices: the mediator, Mr. Rotini, Mrs. Rotini, Rachel Rotini, the advisor for the Rotini family, Mr. Smith, Mrs. Smith, Sarah Smith and the advisor for the Smith family.
3. My role will be: _____ Team # _____
4. Steps involved in the simulated mediation:



The mediator can interrupt discussions in these situations:

1. People are being **disrespectful** or are not following the rules.
2. People want to quickly **consult** their advisor.
3. **The intervention of an expert** (the teacher) is necessary.



5. With the class, identify at least 3 golden rules to follow to ensure a successful mediation:

Examples

1. *The players must follow the mediator's instructions.*

2. *The players must listen to the others, without interrupting.*

3. *The players must discuss calmly and respectfully.*

4. *The players must be open to new solutions.*

Prepare for the simulated mediation




1. Read the character information sheet about your role.
 - a) Remember the important information to be mentioned during the mediation.
 - b) Plan how you will act during the mediation since **you will be playing a role**.
2. Complete the "Exercise to Prepare for the Mediation" sheet related to your role.
3. Meet with the other students who have the same role as you.
 - a) Compare and improve your answers with the other students.
 - b) Share your strategies for the upcoming mediation.
4. Review your character information sheet before the day of mediation to avoid constantly looking at your sheet.



Mediation day!

1. Meet with the students on your team and **bring your character information sheet**.
2. Take a few minutes as a family, with your advisor, to develop a strategy for the mediation.
3. Follow the steps explained by the mediator on your team.
4. **Play your role based on your character information sheet.**
5. Respect the established golden rules.
6. Propose solutions and **be open to the solutions of the other family.**
7. If needed, ask for time for your family to consult with your advisor.
8. Remember that the mediation will only be successful if both families reach an agreement that satisfies everyone. Do what it takes to make it happen!
9. Once an agreement has been reached, sign the Summary of the Agreement.
10. If your team finishes before the other teams, do one or more of the additional activities presented further on in this workbook.
11. When all the mediations are over, as a class, compare the different agreements reached.

Self-evaluation of your participation

			
1. I respected the established golden rules.			
2. I stayed calm and listened.			
3. I proposed solutions.			
4. I was open to the solutions of others.			



Conclusion to the Simulated Mediation

1. How did you find your simulated mediation experience? What positive and/or negative aspects did you observe?

Positive examples: I was surprised that we reached an agreement that satisfied everyone.

The mediator helped to make sure that everyone had a chance to speak.

Negative examples: I'm disappointed with the agreement. Several people were speaking at the same time.

2. Did the mediation establish a winning side and a losing side? Explain your answer.

Normally, the answer should be no! A successful mediation should result in an agreement that satisfies both families (win-win). This question seeks to check the students' understanding of mediation.

3. Which solution proposed during the mediation did you find the most interesting? Explain your answer.

A variety of answers depending on the teams and the proposed solutions.

4. Critical reflection: After analyzing this situation, what impact can our comments on the Internet have?

Examples:

- Our comments can influence how people behave with others.*
- People can believe our comments without checking their source or their legitimacy.*
- Our comments can harm the reputation of a person or an enterprise.*

Continue to reflect on the impact of our actions on the Internet and on social media by doing the "The Internet and the Law" activity.

Additional Activity

Activity 1: Me?! A mediator?

While some people do it as a full-time job, everyone can be called on to act as a mediator at some point. A willingness to listen and lots of ideas are sometimes all it takes to resolve small problems in our daily lives.

Example

Simon is trying to resolve an argument between his siblings. Both want the last piece of chocolate cake! Simon tries to calm them down and help find a solution that will make everyone happy. Without realizing it, he’s playing the role of a mediator!

And you, have you ever acted as a mediator? With your family? With your friends?

- How did you help them resolve their conflict? Explain how you did it!





Activity 2: When I grow up, I'm going to be an astronaut, a pilot or... A MEDIATOR!

Now that you're an expert in mediation (yes, you are!), name 4 important qualities of a good mediator. Explain your answers.

Examples

1. *Impartial*

To avoid favouring one person over another.

2. *Confident*

To be able to speak up to ensure that the mediation runs smoothly.

3. *Organized*

To ensure that the session follows a logical structure.

4. *Patient*

To stay calm if the players have difficulty discussing their conflict appropriately.

Have you ever thought about becoming a mediator?

It's a profession worth finding out about!

Activity 3: Not without my Lady!

Camden and Ridley are separating. But they can't agree on the fate of their dog Lady, a beautiful Collie who has won the last six beauty contests in Saint-Idéon-de-Brantford. They both want her!

Through mediation, they hope to resolve the fate of their darling Lady.

If you were in their shoes, how would you solve the problem?
Find 4 original solutions that could be considered.



**** Note: Cutting darling Lady in two is not an option! 😊**

Examples :

1. *Share custody, one week each.*

2. *Take turns participating in beauty contests with Lady.*

3. *Allow the other person to take Lady to the dog park at least once a week.*

4. *Agree that both will attend important events: veterinary appointments, beauty contests, etc.*
