

Teacher's
Guide



Don't Fight, Mediate!



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INFORMATION EMPOWERS

Éducaloi is pleased to make this educational activity available to Quebec teachers. This simulated mediation activity is an enjoyable way to stimulate students' interest in justice and civic engagement, while teaching them how to resolve conflicts.

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Mediate!

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Overview of the Activity

Don't Fight,
Mediate!

Introduction	<p>Conflicts are a fact of life. They can arise whenever two people have different needs, interests, opinions or goals. Conflicts manifest themselves in various ways: arguments, silence, violence, breakups, feeling disrespected or unfairly treated, taking action in court, etc. Conflicts are a reality in our society.</p> <p>Mediation can be a simple way of resolving a conflict. It lets people in conflict find their own solutions. The success of mediation depends on the willingness of the people involved to find an effective solution that meets their goals and that they can live with.</p>
Level	<p>Grade 6</p> <p>The activity can be adapted for high school students.</p>
In-Class Procedure	<p>Students read the Scenario of two teens in conflict with one another.</p> <p>Students are assigned to play specific characters in the scenario. They play their roles in a simulated mediation session according to their characters' goals and interests.</p> <p>Students are divided into small groups, each group simulating a mediation session.</p>
Objectives	<ul style="list-style-type: none">• Students learn to identify, manage and solve conflicts.• They learn to use mediation to resolve a conflict.• They learn how to work together to end a conflict.

<p>Knowledge and Competencies</p>	<p>Students will learn about mediation and its advantages. They will experience how a mediation session unfolds. The activity gives students an opportunity to do these things:</p> <ul style="list-style-type: none"> • Reflect on a conflict and the ethical issues involved. • Analyze the source of a conflict and different points of view. • Consider others' perspectives, opinions and behaviour. • Cooperate with others to solve a problem. • Be creative in finding solutions. • Communicate their needs and ideas clearly and respectfully. • Learn to use these democratic and social values: equality, fairness, listening, empathy, tolerance and respect for others and their opinions. • Apply what they learned and experienced to real-life situations.
<p>Duration</p>	<p>Two 60-minute periods</p>
<p>Materials Required</p>	<ul style="list-style-type: none"> • Scenario outlining the conflict • Character Information Sheets to distribute to students according to the roles they are assigned • Illustrations and interactive PowerPoint presentation to show students how the mediation activity will take place • Practical exercises to encourage participation and ensure success of the mediation session
<p>To Print: (Documents in the Student Guide)</p>	<ul style="list-style-type: none"> • Scenario, p. 3, one for each student • Illustration: Players in Mediation, p. 4, one for each student • Character Information Sheet and Exercise: Prepare for Mediation, pp. 5-22, for each student according to the role assigned • Summary of Agreements, p. 23, one for each group • Additional Activities, pp. 24 to 26, as required

Running the Activity

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Two one-hour periods are suggested for the mediation activity.

Period 1: Preparing for Mediation

1. Presenting the Activity (**entire class - 5 minutes**)
2. Scenario and Discussion (**in groups - 15 minutes**)
3. Discovering Mediation (**in groups - 15 minutes**)
4. Introducing the Players in Mediation (**entire class - 15 minutes**)
5. The Mediation Process (**entire class - 5 minutes**)

Period 2: The Mediation Session

1. Team Preparation (**in groups - 15 minutes**)
2. Mock Mediation Session (**in groups - 30 minutes**)
3. Presenting the Solutions (**entire class - 10 minutes**)



Period 1: Preparing for Mediation

TIP!

Use the **PowerPoint** presentation in the first period to introduce students to mediation.

1.1 Presenting the Activity (⌚ 5 minutes)

Explain that students will take part in a simulated mediation session. It is like a play, but without a script!

Mention that they will learn how mediation can be used to resolve conflicts.

Tell students they will meet two families who are involved in a conflict, and that the families have decided to resolve their conflict through mediation. At the end of the period, give students the roles they will play (mediator, advisor or a family member).

Explain that they should act the way these people would in a real-life mediation session. They should play their roles according to what their characters think of the conflict and want from mediation, as set out in the Character Information Sheets.

1.2 Scenario and Discussion (⌚ 15 minutes)

Distribute the scenario to students, and ask a student to read it aloud.

Next, let students discuss the scenario to make sure they understand the conflict, the people involved and the issues.

Exercise 1

Identify the Issues

Discuss these aspects of the conflict in class:

1. Who is involved in the conflict?
2. What problems must they solve?
3. What does each side want?

1.3 Discovering Mediation (⌚ 15 minutes)

Mediation is a way of resolving conflicts. In mediation, the people in conflict discuss their problem and try to find a solution for themselves. The discussions and solutions are confidential. A mediator facilitates the process.

The mediator is a neutral person who is not involved in the conflict. The mediator must be impartial. This means the mediator doesn't favour one side over another.

In mediation, it's important to consider the needs and ideas of others. What is important for one person may not be important for others. In mediation, several solutions are possible, as long as everyone agrees. The players in mediation shouldn't be afraid to be creative. Thinking outside the box can lead to a solution that everyone can live with.

Exercise 2

Situations Where Mediation Can Be Useful

Invite students to talk about conflicts they've had or heard about.

Discussion Point:

Mediation can be useful in many situations where people are in conflict.

Examples:

- Students have a disagreement at school.
- Two people have different beliefs, values, cultures or opinions.
- Parents are breaking up.
- Two companies disagree about what a contract means.
- Two people want to avoid a long, expensive court case.

**Exercise
3**

Situations That Are Not Mediation

Ask students to differentiate what is and is not mediation.

Discussion Points:

Mediation	NOT Mediation
The mediator is neutral.	One person <ul style="list-style-type: none"> influences the discussion, decides on the solution, favours one side's opinions, or favours one side's solutions.
The people in conflict find their own solution together.	One person imposes a solution, such as a judge or an arbitrator.
The result is usually "win-win."	The result is usually "win-lose" or "lose-lose."
All kinds of solutions are possible, as long as all sides to the conflict agree.	Only one solution is possible.

Example of a situation THAT IS NOT mediation:

A Tale of Two Brothers

Two brothers want to watch different TV shows at the same time and are arguing over who gets control of the remote. They ask their father to settle the argument.

Result: The father decides to turn off the television and tells them to go outside and play. The father made the decision for the brothers.

Moral of the story: Instead of taking the time to discuss the problem and agreeing on a show that both would enjoy, the brothers can't watch any television at all. Getting someone else to decide for them did not make them happy.

Exercise
4

Advantages of Resolving Conflicts Through Mediation

Ask students to identify the advantages of mediation.

Discussion Points:

Mediation helps people in conflict in these ways:

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

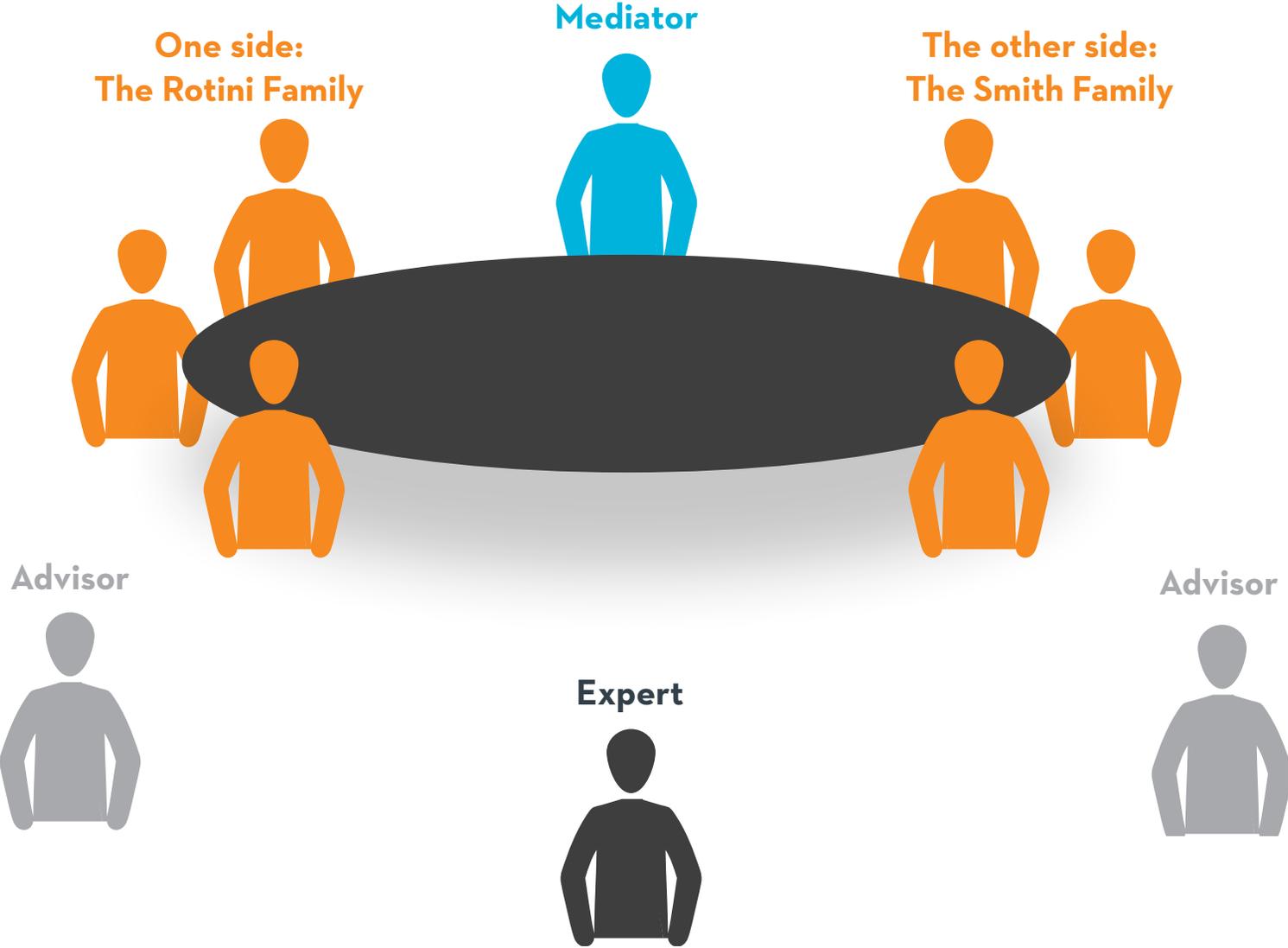


1.4 Introducing the Players in Mediation (⌚ 15 minutes)

Introduce students to the players involved in a mediation session.

 <p>People having the conflict</p>	<p>What they must do:</p> <ul style="list-style-type: none">• Talk to one another to find a solution to their conflict. <p>How they must act:</p> <ul style="list-style-type: none">• Stay calm.• Listen carefully to the other players.• Be open to suggested compromises.
 <p>Advisors</p>	<p>What they must do:</p> <ul style="list-style-type: none">• Give advice to help their side reach their goals and feel satisfied.• Help their side prepare and negotiate during the session in order to avoid an outcome that is not in their interests.• Analyse the situation without letting emotions get in the way. <p>How they must act:</p> <ul style="list-style-type: none">• Be attentive.• Be objective.• Act professionally.
 <p>Mediator</p>	<p>What the mediator must do:</p> <ul style="list-style-type: none">• Help the people talk to one another to find a solution.• Help identify the conflict and what is important to each side.• Suggest ideas.• Ensure the mediation runs smoothly. <p>How the mediator must act:</p> <ul style="list-style-type: none">• Stay neutral.• Be positive.• Be calm and respectful.
 <p>Expert*</p>	<p>What the expert must do:</p> <ul style="list-style-type: none">• Give useful information that helps the discussions go on.• Answer questions. <p>Examples of useful information:</p> <ul style="list-style-type: none">• Stay neutral.• Be positive.• Be calm and respectful. <p><small>*The teacher plays this role.</small></p>

Players in Mediation



Assigning Roles (for 27 to 30 students)

Character	Group 1	Group 2	Group 3
 Rachel Rotini			
 Mrs. Rotini			
 Mr. Rotini			
 Andy, Advisor to Rotini Family			
 Sarah Smith			
 Mrs. Smith			
 Mr. Smith			
 Sasha, Advisor to Smith Family			
 Robin, Mediator 1			
 Mediator 2 (optional)			

Notes: Divide the class into groups of 7 to 10 students. Each group will conduct its own mediation session. The different groups will probably come up with a wide variety of solutions.

Depending on the number of students in your class, you can leave out Mediator 2 and the advisors. The mediation sessions can take place with only the family members and the mediator.

1.5 The Mediation Process (⌚ 5 minutes)

Present the mediation process to students and explain the steps: who speaks when, who says what, etc. The mediator acts like an orchestra conductor.



💡 TIPS!

The mediator can interrupt the discussion in these situations:

- People are being disrespectful or are not following the rules.
- They want to quickly consult their advisor.
- The expert gives important facts so discussions can continue, for example, the value of an object, the date an event occurred, a person's salary.

Exercise 5

The Five Golden Rules of Successful Mediation

With the students, decide on five rules to follow during the mediation session. These rules are necessary to create an atmosphere that encourages discussion and respect for all players.

Examples:

- Players are not allowed to interrupt when someone else is speaking.
- Players must discuss the issues calmly and respectfully.

At the end of the first period:

- Ensure that the students have a good understanding of mediation as a method for resolving conflicts. They must also understand the scenario and the various players involved.
- Explain that nobody knows in advance what solution will be reached. There is more than one solution to any conflict. It is up to them to decide how the story ends. The mediator is there to encourage discussion but not to impose a solution.
- Hand out the Character Information Sheets for students to read at home and to prepare for the mediation session.

Period 2: The Mediation Session

TIPS!

- Set up the classroom so that it is conducive to mediation. Move the desks and chairs to form discussion tables. Provide markers and easel pads for each group, or stick large sheets of paper to the wall. Students can use these materials to take notes during the discussions.
- Ensure that all students have a **Character Information Sheet** and understand their roles.
- Use the **Additional Activities** if some groups finish quickly or get bored!

2.1 Team Preparation (⌚ 15 minutes)

Review with students the scenario and the characters involved.

Next, divide students according to the character they have been assigned. For example, group together all students playing Rachel Rotini, those playing Mrs. Rotini, those playing the advisor for the Rotini family, the mediators, etc.

They will prepare their roles and work together on the **Exercise: Prepare for Mediation**.

Once students have completed the exercise and discussed their roles with other students playing the same role, they return to their own teams. They share their ideas with their **family members** and **advisors**.

Exercise 6

Know Your Character and Prepare for Mediation

Before beginning the mediation, have students do the exercise Prepare for Mediation. Make sure that they understand the characters they were assigned and that they discuss their characters with one another.

Allow a few minutes at the end of the exercise for the advisors to discuss strategy with their clients (the Rotinis or the Smiths). While the advisors are doing this, the other students can help you set up the classroom for mediation.

2.2 Mediation Session (⌚ 30 minutes)

- Create separate spaces in the classroom for each group and give them the necessary materials.
- Ask students, other than those playing the mediators, to leave the classroom. Have the mediators of each group welcome them as they re-enter.
- Ensure the discussions are respectful. If necessary, intervene to call a student to order or, as an expert, to keep the discussions moving forward.
- Allow a set amount of time for the mediation. When there are 10 minutes left, remind students that they must reach an agreement in the time that remains. Don't forget to save some time for students to present their solutions and for wrapping up the activity.

2.3 Presenting the Solutions (⌚ 10 minutes)

Ask students to present the solutions their group agreed upon. Since all groups used the same scenario, it will be interesting to see the different solutions they reached.

Encourage students to talk about the activity. Examples:

- What results were they happy to get?
- What could they have compromised on?

TIP!

The solutions can also be presented in the next class or as a written assignment.

Have a fun and successful mediation!

Additional Resources

- Éducaloi's **articles** Solving Problems Without Going to Court¹ and Choosing the Best Way to Solve a Conflict² available on its website.
- Éducaloi's **video** Mediation in Small Claims Court³ available on YouTube.
- The **article** Mediation⁴ on the website of the Ministère de la Justice du Québec.
- **Dispute Resolution Reference Guide**⁵ on the website of the Canadian Department of Justice.

Resources in French Only:

- Éducaloi's **video** Choisir le moyen qui convient pour régler un conflit⁶ available on Youtube.
- **Passerelles**⁷ (program for managing conflicts in schools) developed by the Regroupement des organismes de justice alternative du Québec or ROJAQ (organizations for alternative justice).
- The **website** of Institut Pacifique,⁸ and in particular the Vers le Pacifique program, the objective of which is to prevent violence in children by promoting peaceful attitudes.
- Le **Tableau des modes de prévention et de règlement des différends**⁹ [available in PDF format] on the website of the Barreau du Québec.
- The **article** Pourquoi avoir recours à la médiation en matière civile et commerciale?¹⁰ available on the website of the Chambre des notaires du Québec (Quebec's professional association of notaries).
- "Qu'est-ce que la justice participative", Episode 11, Season 1 of **Le Droit de savoir**¹¹ produced by the Barreau du Québec and Télé-Québec.

¹ www.educaloi.qc.ca/en/capsules/solving-problems-without-going-court

² www.educaloi.qc.ca/en/capsules/choosing-best-way-solve-conflict

³ www.youtube.com/watch?v=zGrZfgvP9tc

⁴ www.justice.gouv.qc.ca/english/publications/generale/mediation-a.htm

⁵ www.justice.gc.ca/eng/rp-pr/csj-sjc/dprs-sprd/res/drrg-mrrc/toc-tdm.html

⁶ www.youtube.com/watch?v=5vrkfkI84fQ

⁷ www.rojaq.qc.ca/les-oja/services-offerts/le-projet-passerelle/

⁸ <http://institutpacifique.com/>

⁹ www.barreau.qc.ca/pdf/publications/autres/recapitulatif-justice-participative.pdf

¹⁰ www.cnq.org/fr/affaires/32-pourquoi-avoir-recours-a-la-mediation-en-matiere-civile-et-commerciale-.html

¹¹ www.ledroitdesavoir.ca/voir_segment01.asp?id=11&segment=3