

Kailua High School

Peer Mediation Program

Student Manual



MEDIATION IS...

Mediation is a voluntary process, in which two mediators help the parties in dispute find a way of resolving their problems. In mediation the disputants are

- Asked to tell their "story" about what happened,
- Helped to clarify the issues involved,
- Encouraged to understand how each other feel about these issues,
- Helped to find some resolution which each party agrees to which can work and for which both can share responsibility, and
- Finally, if and when an agreement is reached by the disputants, they are helped to write and sign their agreement.

Mediation is based on the belief that conflict is a natural part of life and is neither good nor bad.

Mediation is a way of finding a means of peaceful coexistence when there are differences between people. Mediation is often called the "win-win" method of dispute resolution. Theoretically, there are no losers in mediation. Ideally, disputants come away with something – and at the same time have had to give-in a little. Both sides have been given the chance to say what they think and how they feel.

Mediation tries to focus on the future actions and behaviors of both disputants. What is the best agreement that can be worked out by both disputants which avoids the problem once they leave mediation? How can both disputants best act toward one another when they come into contact after they leave mediation?

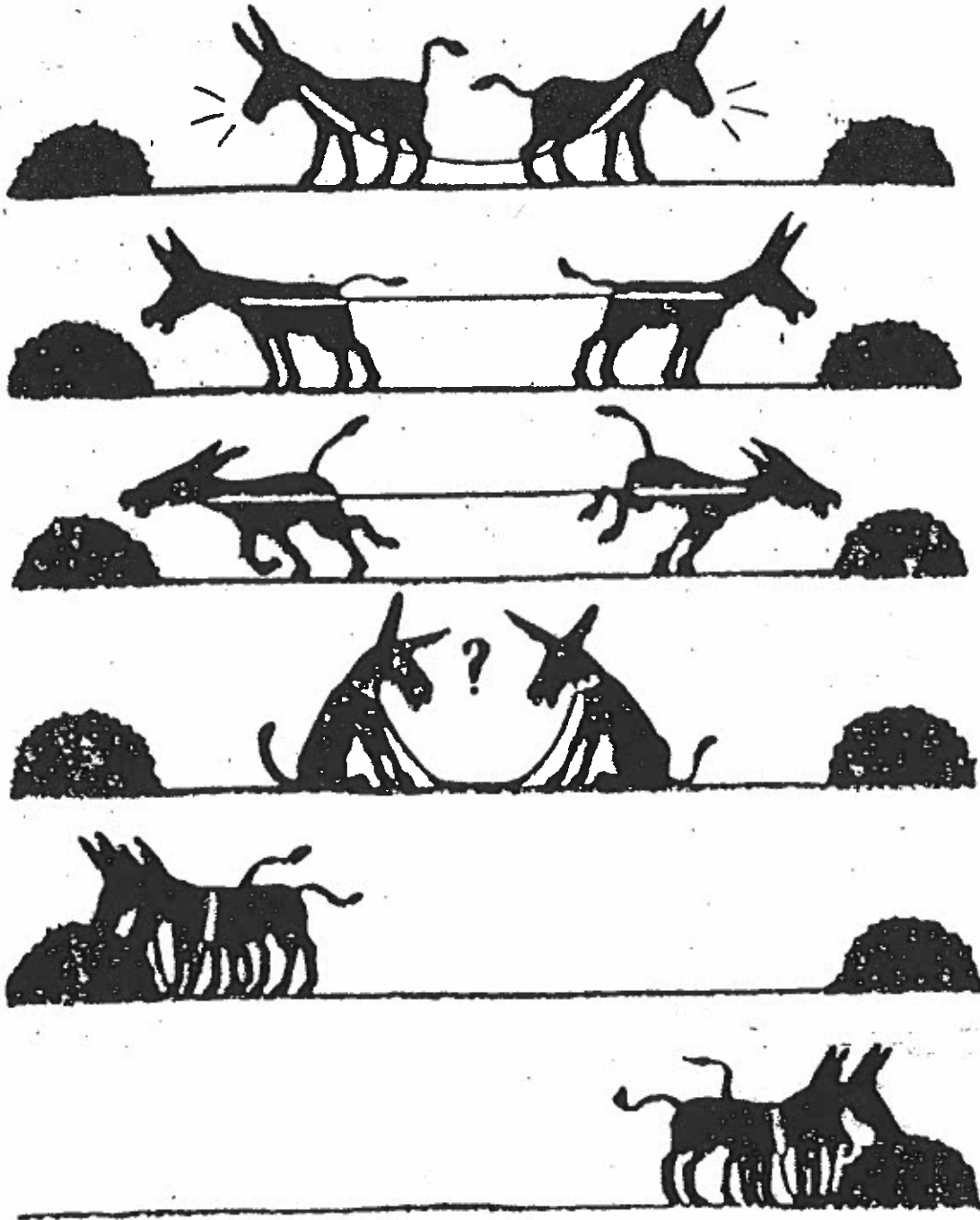
By focusing on the future, mediators work to shift the disputants' attention from questions of punishment, revenge, who is to blame, and what happened in the past. Most often both disputants want the problem solved because it is causing them trouble, but they do not know how to solve it. In their efforts to assist the disputants in solving their problem, mediators do not serve as judges or counselors. What they try to do is act as a go-between for the people in dispute. Mediators are trained to listen carefully, without blaming one disputant or the other.

Mediation, however, is only a method. It involves certain skills which can be taught to most people, such as listening and questioning. It also involves things that cannot be taught, such as a sense of timing, a feeling of aloha, and instincts. There is no one complete set of rules that can be used to mediate conflicts. The most important element is the mediators themselves.

Finally a word of caution, although mediation is a method which has been tried and tested all over the world, it may not always be successful. It may work for some kinds of people and problems and not for others. Some disputes may need other ways to be solved.

"WIN - WIN"

The following cartoon cleverly shows us what "win-win" means ("If the Nations Used Donkey Sense!" cartoon published in the Emergency Peace Campaign's *No Foreign War Crusade*, 1937.):



OUTLINE OF THE SCHOOL MEDIATION PROGRAM

I. Responsibilities of mediators

All mediators must do the following:

- Complete the training
- Be available to mediate (on call, lunch recess, after school)
- Agree to make up all school work missed
- Encourage others to use mediation to settle problems
- Help the mediation coordinator to publicize the program

II. Why mediation?

Mediation can do the following:

- Help settle problems before they get serious
- Show adults that students can do things for themselves
- Improve school climate
- Reduce campus tension

III. Types of problems you will handle

Mediators can help resolve the following types of conflicts:

- Fights/Near fights/Arguments
- Rumors
- Boyfriend/girlfriend
- Money & property
- Outsiders
- Teacher/student
- Family tensions

IV. Types of problems you will not handle:

Mediators will not touch disputes involving the following:

- Weapons
- Drugs
- Assaults

V. What a mediator is

A mediator **must** act in the following manner:

- Stays neutral
- Treats the disputants with respect
- Treats their problem with respect
- Keeps things in confidence
- Doesn't give the disputants direct advice

VI. What a mediator is **not**

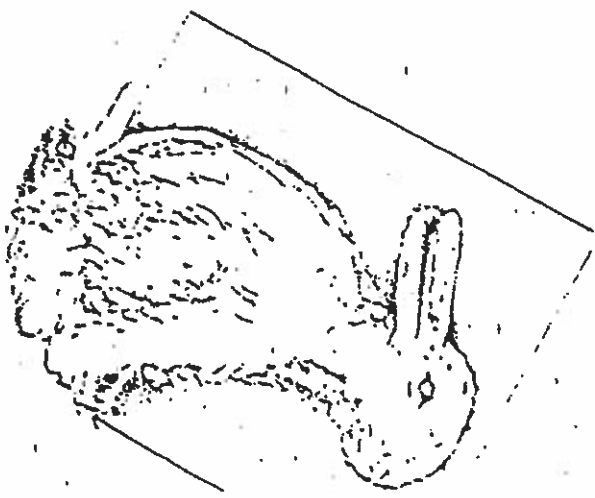
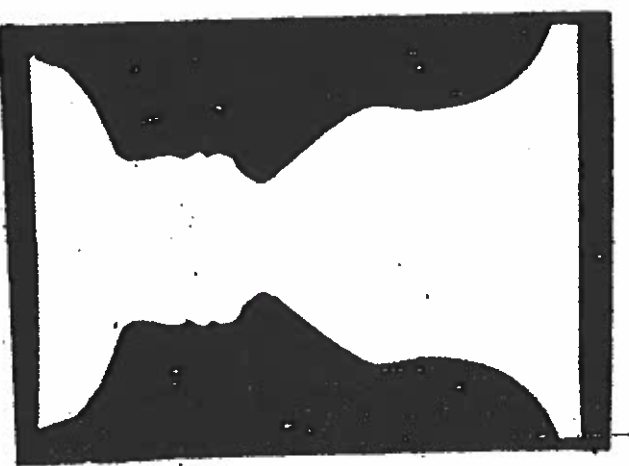
A mediator does not act in the following ways:

- As a counselor
- As a judge
- As a lawyer
- As an advice giver

How do you see things? It's a matter of...

PERCEPTION

Each of the pictures below can be seen in 2 different ways.
Try to see them both.



In life, we often think *our way* of seeing things is the only right way.
It is much more fun if we can see things from another *perspective*.
You'll be surprised at how eye-opening it is!

Lesson 1.1 EXTENSION HANDOUT: The Blind Man and the Elephant

The Blind Men and The Elephant retold by Donelle Blubaugh

Long ago six old men lived in a village in India. Each was born blind. The other villagers loved the old men and kept them away from harm. Since the blind men could not see the world for themselves, they had to imagine many of its wonders. They listened carefully to the stories told by travelers to learn what they could about life outside the village.

The men were curious about many of the stories they heard, but they were most curious about elephants. They were told that elephants could trample forests, carry huge burdens, and frighten young and old with their loud trumpet calls. But they also knew that the Rajah's daughter rode an elephant when she traveled in her father's kingdom. Would the Rajah let his daughter get near such a dangerous creature?

The old men argued day and night about elephants. "An elephant must be a powerful giant," claimed the first blind man. He had heard stories about elephants being used to clear forests and build roads.

"No, you must be wrong," argued the second blind man. "An elephant must be graceful and gentle if a princess is to ride on its back."

"You're wrong! I have heard that an elephant can pierce a man's heart with its terrible horn," said the third blind man.

"Please," said the fourth blind man. "You are all mistaken. An elephant is nothing more than a large sort of cow. You know how people exaggerate."

"I am sure that an elephant is something magical," said the fifth blind man. "That would explain why the Rajah's daughter can travel safely throughout the kingdom."

"I don't believe elephants exist at all," declared the sixth blind man. "I think we are the victims of a cruel joke."

Finally, the villagers grew tired of all the arguments, and they arranged for the curious men to visit the palace of the Rajah to learn the truth about elephants. A young boy from their village was selected to guide the blind men on their journey. The smallest man put his hand on the boy's shoulder. The second blind man put his hand on his friend's shoulder, and so on until all six men were ready to walk safely behind the boy who would lead them to the Rajah's magnificent palace.

When the blind men reached the palace, they were greeted by an old friend from their village who worked as a gardener on the palace grounds. Their friend led them to the courtyard. There stood an elephant. The blind men stepped forward to touch the creature that was the subject of so many arguments.

The first blind man reached out and touched the side of the huge animal. "An elephant is smooth and solid like a wall!" he declared. "It must be very powerful."

The second blind man put his hand on the elephant's limber trunk. "An elephant is like a giant snake," he announced.

The third blind man felt the elephant's pointed tusk. "I was right," he decided. "This creature is as sharp and deadly as a spear."

The fourth blind man touched one of the elephant's four legs. "What we have here," he said, "is an extremely large cow."

The fifth blind man felt the elephant's giant ear. "I believe an elephant is like a huge fan or maybe a magic carpet that can fly over mountains and treetops," he said.

The sixth blind man gave a tug on the elephant's fuzzy tail. "Why, this is nothing more than a piece of old rope. Dangerous, indeed," he scoffed.

The gardener led his friends to the shade of a tree. "Sit here and rest for the long journey home," he said. "I will bring you some water to drink."

While they waited, the six blind men talked about the elephant.

"An elephant is like a wall," said the first blind man. "Surely we can finally agree on that."

"A wall? An elephant is a giant snake!" answered the second blind man.

"It's a spear, I tell you," insisted the third blind man.

"I'm certain it's a giant cow," said the fourth blind man.

"Magic carpet. There's no doubt," said the fifth blind man.

"Don't you see?" pleaded the sixth blind man. "Someone used a rope to trick us."

Their argument continued and their shouts grew louder and louder.

"Wall!" "Snake!" "Spear!" "Cow!" "Carpet!" "Rope!"

"STOP SHOUTING!" called a very angry voice.

It was the Rajah, awakened from his nap by the noisy argument.

"How can each of you be so certain you are right?" asked the ruler.

The six blind men considered the question. And then, knowing the Rajah to be a very wise man, they decided to say nothing at all.

"The elephant is a very large animal," said the Rajah kindly. "Each man touched only one part. Perhaps if you put the parts together, you will see the truth. Now, let me finish my nap in peace."

When their friend returned to the garden with the cool water, the six men rested quietly in the shade, thinking about the Rajah's advice.

"He is right," said the first blind man. "To learn the truth, we must put all the parts together. Let's discuss this on the journey home."

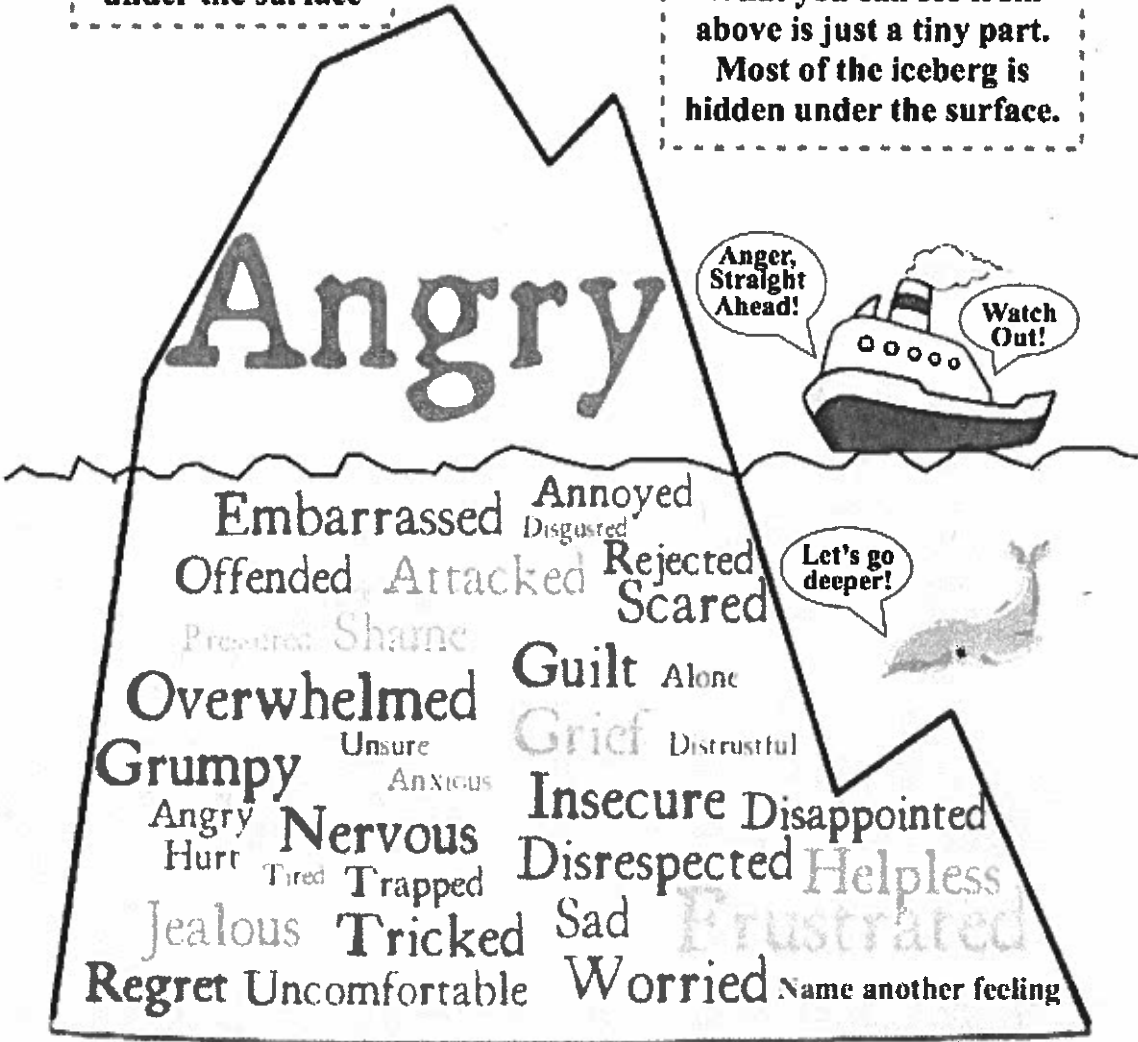
The first blind man put his hand on the shoulder of the young boy who would guide them home. The second blind man put a hand on his friend's shoulder, and so on until all six men were ready to travel together.

Source: United States. Peace Corps. World Wise Schools. Looking at Ourselves and Others. Comp. Paul D. Coverdell. Peace Corps. Web. May 6, 2011. <http://www.peacecorps.gov/wws/stories/stories.cfm?osid=110>

Anger Iceberg

Sometimes when we are angry, there are other emotions under the surface

Icebergs are giant floating pieces of ice found in the coldest parts of the ocean. What you can see from above is just a tiny part. Most of the iceberg is hidden under the surface.



Let's Work it Out!

R

Reach Out

COME TOGETHER WITH THE PERSON YOU ARE HAVING CONFLICT WITH



E

Engage in a Conversation



REMAIN CALM AND MAKE SURE TO TALK ONE AT A TIME.

S

Seek to Solve the Problem

AGREE TO COME UP WITH SENSIBLE SOLUTIONS YOU BOTH CAN ACCEPT.



O

Open Up



CALMLY COMMUNICATE YOUR SIDE OF THE STORY TO EXPLAIN HOW YOU FEEL.

L

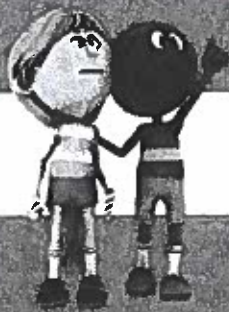
Listen Intently

LISTEN TO THE OTHER PERSON SO THAT YOU UNDERSTAND THEIR POINT OF VIEW.



V

Voice Solutions



BRAINSTORM SOLUTIONS TO RESOLVE YOUR CONFLICT TOGETHER.

E

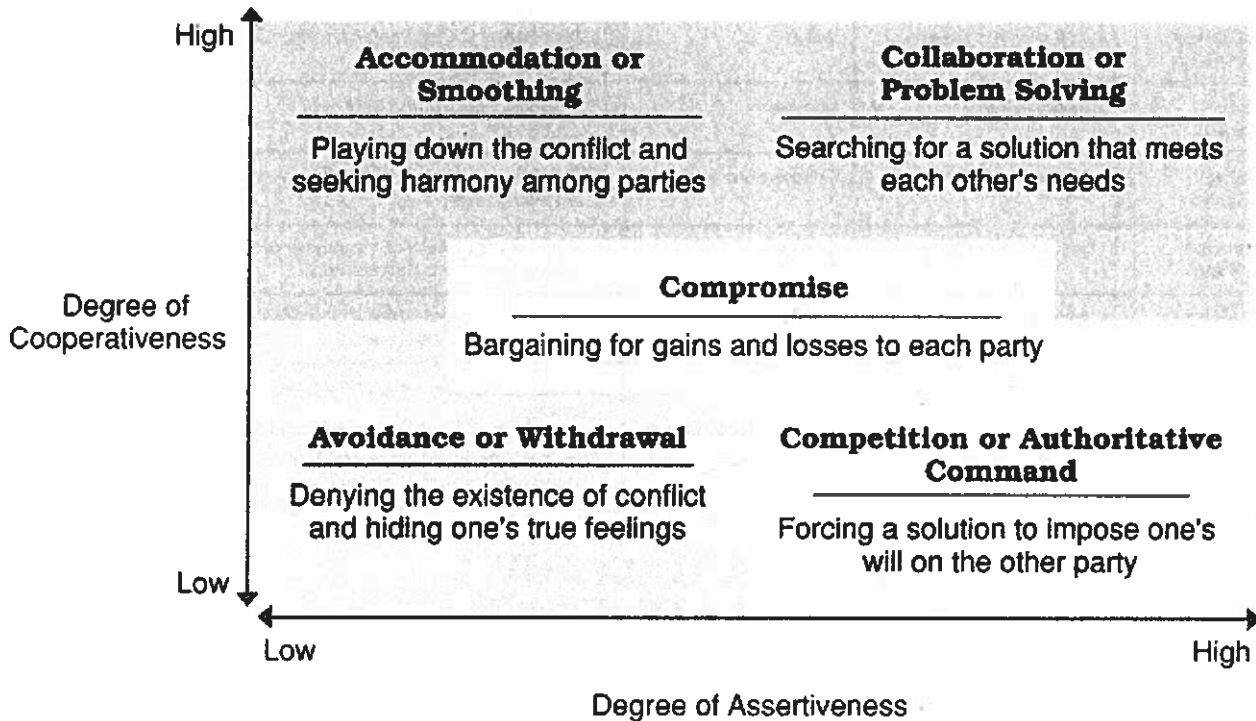
End on a Good Note

AGREE TO THE SOLUTIONS; GIVE A COMPLIMENT AND SHAKE HANDS.



Conflict Styles

How do you handle conflict? Take the quiz at <https://www.quibblo.com/quiz/iDhvUx5/What-Animal-Are-You> or ask Mrs. Andrews for a pen and paper quiz....



The Animal in You

The Turtle – Withdraws from conflict. "I don't care... I don't know... Don't ask me... I don't want to be involved."

The Shark – Forces and tries to make opponents accept his/her solution. "Listen to me... I have the best idea... I don't like your idea!"

The Teddy Bear – Wants to avoid conflict. Tries to build harmony in the group. "That's ok... We need to get along... Everything will be all right."

The Fox – Compromises, giving up part of his/her goals while persuading others to give up part of theirs. "Let's listen to all the ideas first and find a solution we can all live with, maybe a compromise."

The Owl – Views conflict as problems to be solved. The owl confronts the problem, seeking solutions that will satisfy everyone involved. "OK, here's the problem as I see it, let's try this solution."

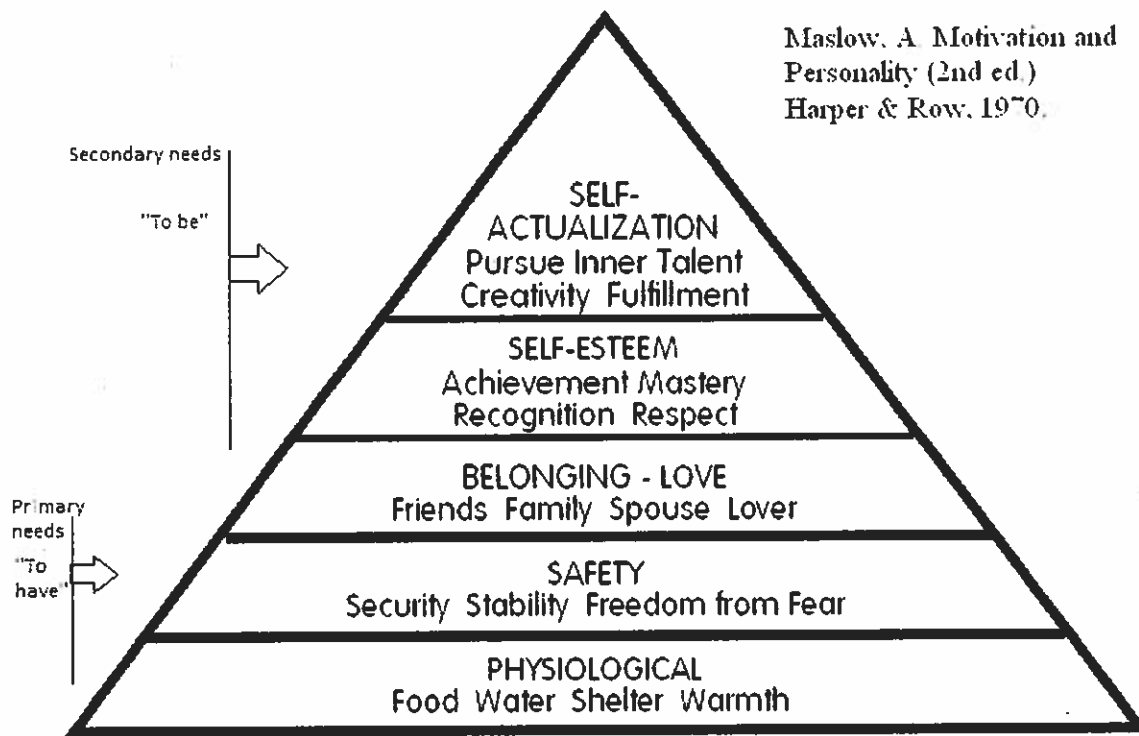


Developmental Theories

Erikson's Stage Theory in its Final Version			
Age	Conflict	Resolution or "Virtue"	Culmination in old age
Infancy (0-1 year)	Basic trust vs. mistrust	Hope	Appreciation of interdependence and relatedness
Early childhood (1-3 years)	Autonomy vs. shame	Will	Acceptance of the cycle of life, from integration to disintegration
Play age (3-6 years)	Initiative vs. guilt	Purpose	Humor; empathy; resilience
School age (6-12 years)	Industry vs. Inferiority	Competence	Humility; acceptance of the course of one's life and unfulfilled hopes
Adolescence (12-19 years)	Identity vs. Confusion	Fidelity	Sense of complexity of life; merging of sensory, logical and aesthetic perception
Early adulthood (20-25 years)	Intimacy vs. Isolation	Love	Sense of the complexity of relationships; value of tenderness and loving freely
Adulthood (26-64 years)	Generativity vs. stagnation	Care	Caritas, caring for others, and agape, empathy and concern
Old age (65-death)	Integrity vs. Despair	Wisdom	Existential identity; a sense of integrity strong enough to withstand physical disintegration

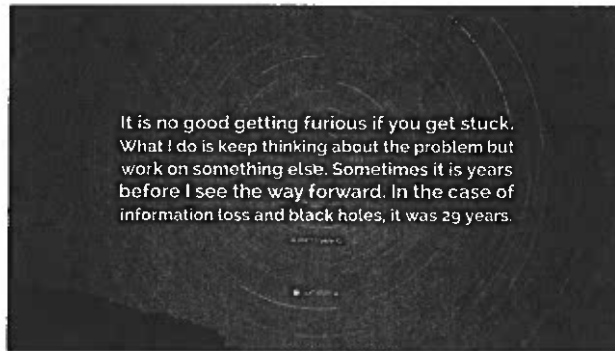
ABRAHAM MASLOW HIERARCHY OF NEEDS

Maslow, A. Motivation and Personality (2nd ed.)
Harper & Row, 1970.



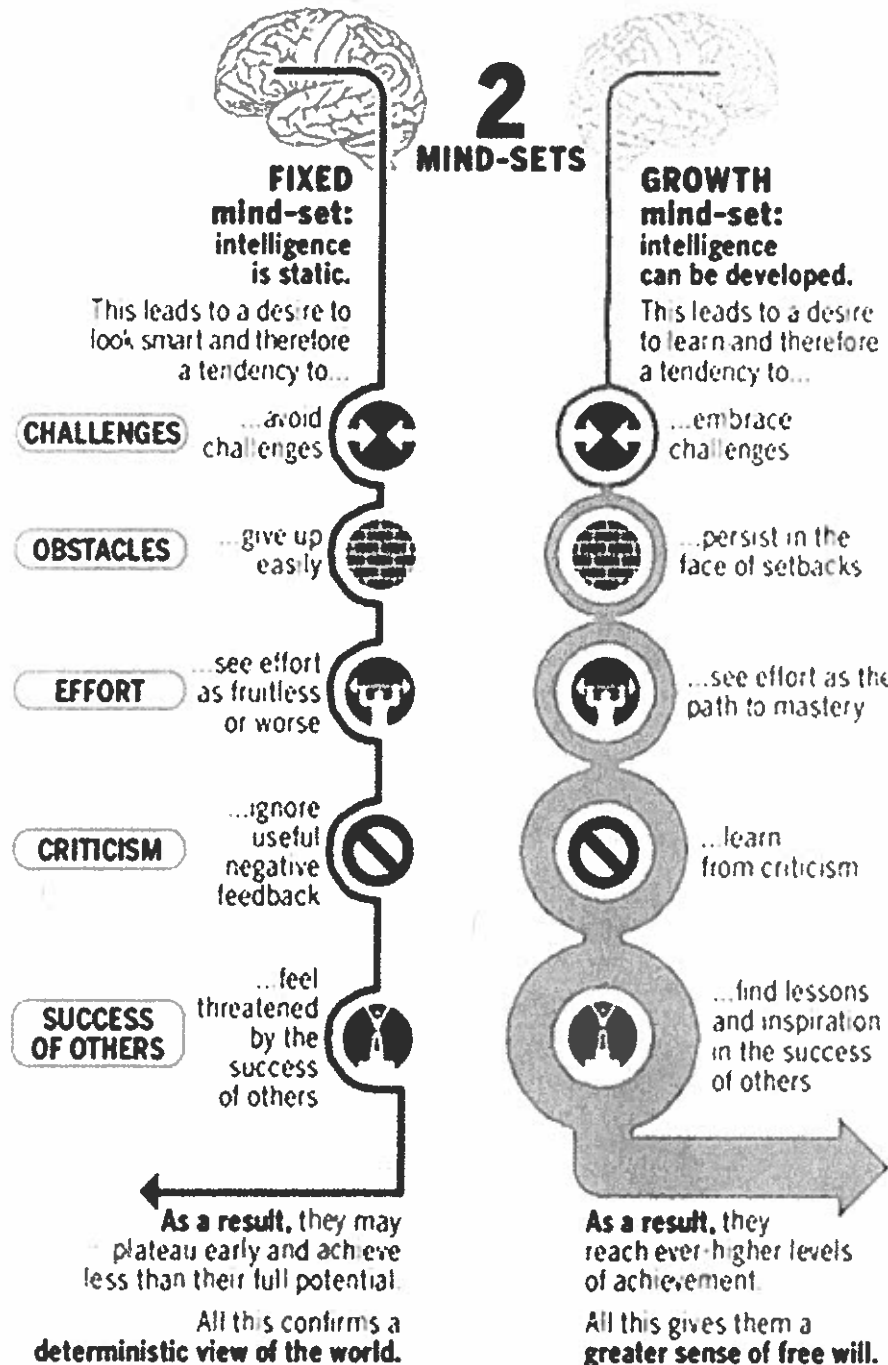
WARNING :
Maslow's Pyramid is deceiving and fallacious. One of the worst tools in 'motivation management'. Do NOT use in practical work !

It's never too late to start over. If you weren't happy with yesterday, try something different today. Don't stay stuck, do better.



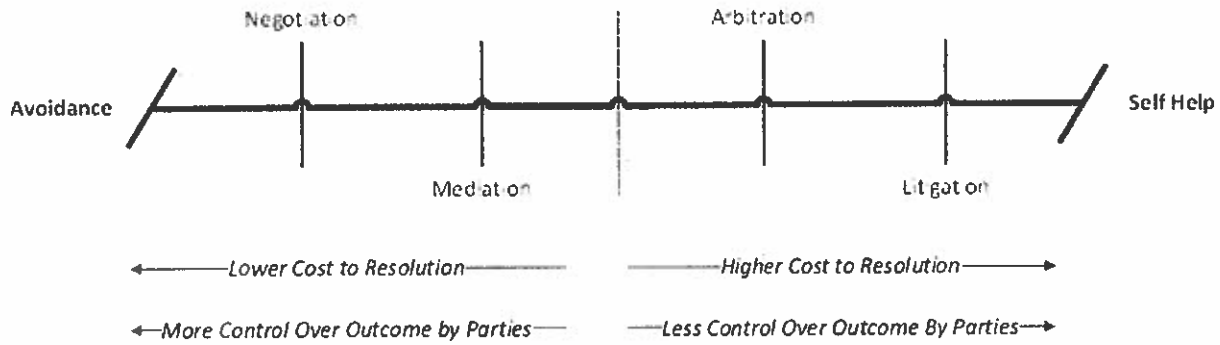
Being stuck in the past is like walking forward with your back facing the front. You'll always miss out on what's in front of you.

THE DAILY QUOTES.COM

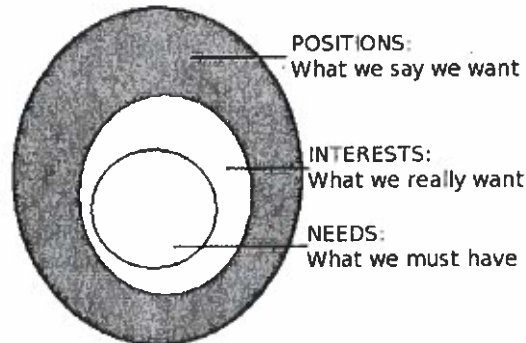
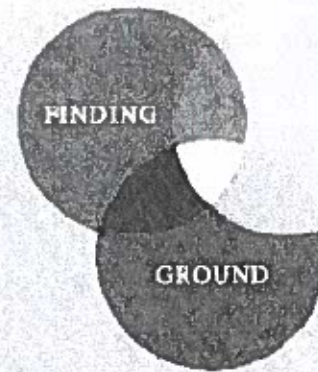


Mediation in relation to the Conflict Continuum

Conflict Continuum



THERE ARE TWO SIDES TO EVERY STORY



Lesson 2.7 WORKSHEET: THE ORANGE

Scenario: Two brothers found an orange on the table and they started arguing over who should get it. One of them said: "I should get the orange, since I'm older." The other one said, "No, I should get it, since I saw it first." They fought for a while about who was right, and eventually they decided to split the orange in half. One of them peeled the orange, ate it, and threw away the peel. The other one took the pulp, threw it away, and brought the peel to their mother, who was baking a cake.

Directions: Complete the chart using the information from the orange scenario.

	Parties: Who is the conflict between?	Positions: What are the parties demanding?	Interests: Why does each party want what they are demanding? What do they need?	Action: What could each side do in order to get what they want?
Party 1 (name)				
Party 2 (name)				

Lesson 2.7 WORKSHEET: PERSONAL AND INTERNATIONAL CONFLICT

Personal Conflict: Complete the chart based on a personal conflict.

	Parties: Who is the conflict between?	Positions: What are the parties demanding?	Interests: Why does each party want what they are demanding? What do they need?	Action: What could each side do in order to get what they want?
Party 1 (name)				
Party 2 (name)				

1 Don't Bargain Over Positions

Whether a negotiation concerns a contract, a family quarrel, or a peace settlement among nations, people routinely engage in positional bargaining. Each side takes a position, argues for it, and makes concessions to reach a compromise. The classic example of this negotiating minuet is the haggling that takes place between a customer and the proprietor of a secondhand store:

Customer

How much do you want for this brass dish?

Oh come on, it's dented. I'll give you \$15.

Well, I could go to \$20, but I would never pay anything like \$75. Quote me a realistic price.

\$25.

Shopkeeper

That is a beautiful antique, isn't it? I guess I could let it go for \$75.

Really! I might consider a serious offer, but \$15 certainly isn't serious.

You drive a hard bargain, young lady. \$60 cash, right now.

It cost me a great deal more than that. Make me a serious offer.

FROM: Getting to YES, Negotiating Agreement Without Giving In; Fisher and Ury 2011

Customer

\$37.50. That's the highest I will go.

Shopkeeper

Have you noticed the engraving on that dish? Next year pieces like that will be worth twice what you pay today.

And so it goes, on and on. Perhaps they will reach agreement; perhaps not.

Any method of negotiation may be fairly judged by three criteria: It should produce a wise agreement if agreement is possible. It should be efficient. And it should improve or at least not damage the relationship between the parties. (A wise agreement can be defined as one that meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account.)

The most common form of negotiation, illustrated by the above example, depends upon successively taking — and then giving up — a sequence of positions.

Taking positions, as the customer and storekeeper do, serves some useful purposes in a negotiation. It tells the other side what you want; it provides an anchor in an uncertain and pressured situation; and it can eventually produce the terms of an acceptable agreement. But those purposes can be served in other ways. And positional bargaining fails to meet the basic criteria of producing a wise agreement, efficiently and amicably.

Arguing over positions produces unwise outcomes

When negotiators bargain over positions, they tend to lock themselves into those positions. The more you clarify your position and defend it against attack, the more committed you become to it. The more you try to convince the other side of the impossibility

of changing your opening position, the more difficult it becomes to do so. Your ego becomes identified with your position. You now have a new interest in "saving face" — in reconciling future action with past positions — making it less and less likely that any agreement will wisely reconcile the parties' original interests.

The danger that positional bargaining will impede a negotiation was well illustrated in 1961 by the breakdown of the talks under President John F. Kennedy for a comprehensive ban on nuclear testing, which, if enacted, might have headed off much of the superpower arms race that ensued over the next three decades. A critical question arose: How many on-site inspections per year should the Soviet Union and the United States be permitted to make within the other's territory to investigate suspicious seismic events? The Soviet Union finally agreed to three inspections. The United States insisted on no less than ten. And there the talks broke down — over positions — despite the fact that no one understood whether an "inspection" would involve one person looking around for one day, or a hundred people prying indiscriminately for a month. The parties had made little attempt to design an inspection procedure that would reconcile the United States's interest in verification with the desire of both countries for minimal intrusion.

Focusing on positions nearly led to unnecessary bloodshed in a dispute between farmers and the national oil company in Iraq after the fall of the Saddam Hussein regime. Displaced farmers in the south of Iraq had banded together, leased arable land from the government, and used their last savings and borrowings to plant crops. Unfortunately, only a few months later the farmers received a letter calling for them to vacate the land immediately in accord with the fine print of their lease, because oil had been discovered under it. The oil company said, "Get off our land." The farmers replied, "It's our land, and we're not leaving." The oil company threatened to call the police. The farmers said, "There are more of us," so the national oil company threatened to bring in the army. "We have guns too; we aren't leaving," came the reply. "We have nothing left to lose."

As troops gathered, bloodshed was averted only by the last-minute intervention of an official fresh from a training program in alternatives to positional bargaining. "How long will it be before you expect to produce oil on this land?" he asked the national oil company. "Probably three years," they replied. "What do you plan to do on the land over the next few months?" "Mapping; a little seismic surveying of the underground layers." Then he asked the farmers, "What's the problem with leaving now, as they've asked?" "The harvest is in six weeks. It represents everything we own."

Shortly thereafter an agreement was reached: The farmers could harvest their crops. They would not impede the oil company's preparatory activities. Indeed, the oil company hoped soon to hire many of the farmers as laborers for its construction activities. And it did not object if they continued to plant crops in between oil derricks.

As illustrated in these examples, the more attention that is paid to positions, the less attention is devoted to meeting the underlying concerns of the parties. Agreement becomes less likely. Any agreement reached may reflect a mechanical splitting of the difference between final positions rather than a solution carefully crafted to meet the legitimate interests of the parties. The result is frequently an agreement less satisfactory to each side than it could have been, or no agreement at all, when a good agreement was possible.

Arguing over positions is inefficient

The standard method of negotiation may produce either agreement, as with the price of a brass dish, or breakdown, as with the number of on-site inspections. In either event, the process takes a lot of time.

Bargaining over positions creates incentives that stall settlement. In positional bargaining you try to improve the chance that any settlement reached is favorable to you by starting with

an extreme position, by stubbornly holding to it, by deceiving the other party as to your true views, and by making small concessions only as necessary to keep the negotiation going. The same is true for the other side. Each of those factors tends to interfere with reaching a settlement promptly. The more extreme the opening positions and the smaller the concessions, the more time and effort it will take to discover whether or not agreement is possible.

The standard minuet also requires a large number of individual decisions as each negotiator decides what to offer, what to reject, and how much of a concession to make. Decision-making is difficult and time-consuming at best. Where each decision not only involves yielding to the other side but will likely produce pressure to yield further, a negotiator has little incentive to move quickly. Dragging one's feet, threatening to walk out, stonewalling, and other such tactics become commonplace. They all increase the time and costs of reaching agreement as well as the risk that no agreement will be reached at all.

Arguing over positions endangers an ongoing relationship

Positional bargaining becomes a contest of will. Each negotiator asserts what he will and won't do. The task of jointly devising an acceptable solution tends to become a battle. Each side tries through sheer willpower to force the other to change its position. "I'm not going to give in. If you want to go to the movies with me, it's *Avatar* or nothing." Anger and resentment often result as one side sees itself bending to the rigid will of the other while its own legitimate concerns go unaddressed. Positional bargaining thus strains and sometimes shatters the relationship between the parties. Commercial enterprises that have been doing business together for years may part company. Neighbors may stop speaking to each other. Bitter feelings generated by one such encounter may last a lifetime.

When there are many parties, positional bargaining is even worse

Although it is convenient to discuss negotiation in terms of two persons, you and "the other side," in fact, almost every negotiation involves more than two persons. Several different parties may sit at the table, or each side may have constituents, higher-ups, boards of directors, or committees with whom they must deal. The more people involved in a negotiation, the more serious the drawbacks to positional bargaining.

If some 150 countries are negotiating, as in various United Nations conferences, positional bargaining is next to impossible. It may take all to say yes, but only one to say no. Reciprocal concessions are difficult: to whom do you make a concession? Yet even thousands of bilateral deals would still fall short of a multilateral agreement. In such situations, positional bargaining leads to the formation of coalitions among parties whose shared interests are often more symbolic than substantive. At the United Nations, such coalitions often produce negotiations between "the" North and "the" South, or between "the" East and "the" West. Because there are many members in a group, it becomes more difficult to develop a common position. What is worse, once they have painfully developed and agreed upon a position, it becomes much harder to change it. Altering a position proves equally difficult when additional participants are higher authorities who, while absent from the table, must nevertheless give their approval.

Being nice is no answer

Many people recognize the high costs of hard positional bargaining, particularly on the parties and their relationship. They hope to avoid them by following a more gentle style of negotiation. Instead of seeing the other side as adversaries, they prefer to see them as friends. Rather than emphasizing a goal of victory, they

emphasize the necessity of reaching agreement. In a soft negotiating game the standard moves are to make offers and concessions, to trust the other side, to be friendly, and to yield as necessary to avoid confrontation.

The following table illustrates two styles of positional bargaining, soft and hard. Most people see their choice of negotiating strategies as between these two styles. Looking at the table as presenting a choice, should you be a soft or a hard positional bargainer? Or should you perhaps follow a strategy somewhere in between?

The soft negotiating game emphasizes the importance of building and maintaining a relationship. Within families and among friends much negotiation takes place in this way. The process tends to be efficient, at least to the extent of producing results quickly. As each party competes with the other in being more generous

Problem

Positional Bargaining: Which Game Should You Play?

Soft

Participants are friends.
The goal is agreement.
Make concessions to cultivate the relationship.
Be soft on the people and the problem.
Trust others.
Change your position easily.
Make offers.
Disclose your bottom line.
Accept one-sided losses to reach agreement.
Search for the single answer: the one they will accept.
Insist on agreement.
Try to avoid a contest of will.
Yield to pressure.

Hard

Participants are adversaries.
The goal is victory.
Demand concessions as a condition of the relationship.
Be hard on the problem and the people.
Distrust others.
Dig in to your position.
Make threats.
Mislead as to your bottom line.
Demand one-sided gains as the price of agreement.
Search for the single answer: the one you will accept.
Insist on your position.
Try to win a contest of will.
Apply pressure.

and more forthcoming, an agreement becomes highly likely. But it may not be a wise one. The results may not be as tragic as in the O. Henry story about an impoverished couple in which the loving wife sells her hair in order to buy a handsome chain for her husband's watch, and the unknowing husband sells his watch in order to buy beautiful combs for his wife's hair. However, any negotiation primarily concerned with the relationship runs the risk of producing a sloppy agreement.

More seriously, pursuing a soft and friendly form of positional bargaining makes you vulnerable to someone who plays a hard game of positional bargaining. In positional bargaining, a hard game dominates a soft one. If the hard bargainer insists on concessions and makes threats while the soft bargainer yields in order to avoid confrontation and insists on agreement, the negotiating game is biased in favor of the hard player. The process will produce an agreement, although it may not be a wise one. It will certainly be more favorable to the hard positional bargainer than to the soft one. If your response to sustained, hard positional bargaining is soft positional bargaining, you will probably lose your shirt.

There is an alternative

If you do not like the choice between hard and soft positional bargaining, you can change the game.

The game of negotiation takes place at two levels. At one level, negotiation addresses the substance; at another, it focuses—usually implicitly—on the procedure for dealing with the substance. The first negotiation may concern your salary, the terms of a lease, or a price to be paid. The second negotiation concerns how you will negotiate the substantive question: by soft positional bargaining, by hard positional bargaining, or by some other method. This second negotiation is a game about a game—a “meta-game.” Each move you make within a negotiation is not only a move that deals with rent, salary, or other substantive questions; it also helps structure the rules of the game you are

playing. Your move may serve to keep the negotiations within an ongoing mode, or it may constitute a game-changing move.

This second negotiation by and large escapes notice because it seems to occur without conscious decision. Only when dealing with someone from another country, particularly someone with a markedly different cultural background, are you likely to see the necessity of establishing some accepted process for the substantive negotiations. But whether consciously or not, you are negotiating procedural rules with every move you make, even if those moves appear exclusively concerned with substance.

The answer to the question of whether to use soft positional bargaining or hard is “neither.” Change the game. At the Harvard Negotiation Project we have been developing an alternative to positional bargaining: a method of negotiation explicitly designed to produce wise outcomes efficiently and amicably. This method, called *principled negotiation* or *negotiation on the merits*, can be boiled down to four basic points.

These four points define a straightforward method of negotiation that can be used under almost any circumstance. Each point deals with a basic element of negotiation, and suggests what you should do about it.

- People:** Separate the people from the problem.
- Interests:** Focus on interests, not positions.
- Options:** Invent multiple options looking for mutual gains before deciding what to do.
- Criteria:** Insist that the result be based on some objective standard.

The method of principled negotiation is contrasted with hard and soft positional bargaining in the table below, which shows the four basic points of the method in boldface type.

The first point responds to the fact that human beings are not computers. We are creatures of strong emotions who often have

radically different perceptions and have difficulty communicating clearly. Emotions typically become entangled with the objective merits of the problem. Taking positions just makes this worse because people's egos become identified with their positions. Making concessions "for the relationship" is equally problematic, because it can actually encourage and reward stubbornness, which can lead to resentment that ends up damaging the relationship. Hence, even before working on the substantive problem, the "people problem" should be disentangled from it and addressed on its own. Figuratively if not literally, the participants should come to see themselves as working side by side, attacking the problem, not each other. Hence the first proposition: *Separate the people from the problem.*

The second point is designed to overcome the drawback of focusing on people's stated positions when the object of a negotiation is to satisfy their underlying interests. A negotiating position often obscures what you really want. Compromising between positions is not likely to produce an agreement that will effectively take care of the human needs that led people to adopt those positions. The second basic element of the method is: *Focus on interests, not positions.*

The third point responds to the difficulty of designing optimal solutions while under pressure. Trying to decide in the presence of an adversary narrows your vision. Having a lot at stake inhibits creativity. So does searching for the one right solution. You can offset these constraints by setting aside a designated time within which to think up a wide range of possible solutions that advance shared interests and creatively reconcile differing interests. Hence the third basic point: Before trying to reach agreement, *invent options for mutual gain.*

Where interests are directly opposed, a negotiator may be able to obtain a favorable result simply by being stubborn. That method tends to reward intransigence and produce arbitrary results. However, you can counter such a negotiator by insisting that his single say-so is not enough and that the agreement must reflect some fair standard independent of the naked will of either

Problem		Solution	
Positional Bargaining: Which Game Should You Play?		Change the Game—Negotiate on the Merits	
Soft	Participants are friends. The goal is agreement.	Principled	Participants are problem-solvers. The goal is a wise outcome reached efficiently and amicably.
Hard	Participants are adversaries. The goal is victory.	Separate the people from the problem.	Be soft on the people, hard on the problem. Proceed independent of trust.
Make concessions to cultivate the relationship. Be soft on the people and the problem. Trust others.	Demand concessions as a condition of the relationship. Be hard on the problem and the people. Distrust others.	Focus on interests, not positions.	Explore interests. Avoid having a bottom line.
Change your position easily. Make offers. Disclose your bottom line.	Dig in to your position. Make threats. Mislead as to your bottom line.	Invent options for mutual gain.	Develop multiple options to choose from; decide later.
Accept one-sided losses to reach agreement. Search for the single answer: the one they will accept. Insist on agreement.	Demand one-sided gains as the price of agreement. Search for the single answer: the one you will accept. Insist on your position.	Insist on using objective criteria.	Try to reach a result based on standards independent of will. Reason and be open to reason; yield to principle; not pressure.
Try to avoid a contest of will. Yield to pressure.	Try to win a contest of will. Apply pressure.		

side. This does not mean insisting that the terms be based on the standard you select, but only that some fair standard such as market value, expert opinion, custom, or law determine the outcome. By discussing such criteria rather than what the parties are willing or unwilling to do, neither party need give in to the other; both can defer to a fair solution. Hence the fourth basic point: *Insist on using objective criteria.*

The four propositions of principled negotiation are relevant from the time you begin to think about negotiating until the time either an agreement is reached or you decide to break off the effort. That period can be divided into three stages: analysis, planning, and discussion.

During the *analysis* stage you are simply trying to diagnose the situation—to gather information, organize it, and think about it. You will want to consider the people problems of partisan perceptions, hostile emotions, and unclear communication, as well as to identify your interests and those of the other side. You will want to note options already on the table and identify any criteria already suggested as a basis for agreement.

During the *planning* stage you deal with the same four elements a second time, both generating ideas and deciding what to do. How do you propose to handle the people problems? Of your interests, which are most important? And what are some realistic objectives? You will want to generate additional options and additional criteria for deciding among them.

Again during the *discussion* stage, when the parties communicate back and forth, looking toward agreement, the same four elements are the best subjects to discuss. Differences in perception, feelings of frustration and anger, and difficulties in communication can be acknowledged and addressed. Each side should come to understand the interests of the other. Both can then jointly generate options that are mutually advantageous and seek agreement on objective standards for resolving opposed interests.

To sum up, in contrast to positional bargaining, the principled negotiation method of focusing on basic interests, mutually sat-

isfying options, and fair standards typically results in a *wise* agreement. The method permits you to reach a gradual consensus on a joint decision *efficiently* without all the transactional costs of digging in to positions only to have to dig yourself out of them. And separating the people from the problem allows you to deal directly and empathetically with the other negotiator as a human being regardless of any substantive differences, thus making possible an *amicable* outcome.

Each of the next four chapters expands on one of these four basic points. If at any point you become skeptical, you may want to skip ahead briefly and browse in chapters six, seven, and eight, which respond to questions commonly raised about the method.

II THE METHOD

2. Separate the **People** from the Problem
3. Focus on **Interests**, Not Positions
4. Invent **Options** for Mutual Gain
5. Insist on Using Objective **Criteria**



Tips for Effective Peer Mediation

- Don't rush the process! Remember don't jump to solutions! Get all the information first.
- Try your best not to judge or take sides.
- Don't go too early with, "Is that all?" or "Can you tell us more?" Be patient.
- Ask open-ended Qs (not yes/no Qs) so you can better understand the complete picture.
- Stay away from "why?" that might make the person feel like they are being blamed or interrogated.
- When in doubt about what to do, summarize what they told you. Then you'll be able to think of questions.
- Remember the difference between facts and opinions. When summarizing, make sure you say, "So you heard she was talking smack" instead of "She was talking smack" or "So you suspect that she lied to you", not "She's a liar" or "She lied." Remember to phrase it so that it's their point of view - but that doesn't make it a fact.
- Let us observe you - don't tell us to go away. You need to demonstrate that you can do it! We're here to help you practice now.
- Recognize that this is not easy. If you say, "This is easy, I know how to do it already" or "Don't worry, I'll know what to say when the time comes" you are not demonstrating skills. Everyone can learn more and build on skills. There's so much to learn, even for seasoned, experienced mediators.

PRACTICE: Appropriate Responses - Listening, Summarizing, Empathy,
Questioning

You are still focusing on the past, present and problem. Listen to the following statements and circle the appropriate responses:

1. During the game last week, the other team was yelling and taunting us the whole time. Then, during one play, a guy on the other team tackled my friend Cody, and then stepped on his hand on purpose when he was getting up. So I swore at the guy, and shoved him a little, and the ref penalized us for unsportsmanlike conduct. Then I got in trouble with my coaches, and now I heard Cody is blaming me because we lost the game.

- A. Well, at least you got your licks in, huh?
- B. What could you have done differently?
- C. So you were frustrated that the ref didn't penalize the other guys for taunting and playing dirty?
- D. Do you think it was a *little* bit your fault? Cody did tell us that it was your fault.
- E. Are you disappointed that Cody is mad at you, when you were trying to back him up?

2. I was in class and I didn't have my folder with me, because my friend was holding it for me. Plus, I didn't have a pen, and the teacher said to take out paper and write down our homework assignment. So I borrowed some paper from my friend, but she didn't have an extra pen, so I saw this pen on the desk and I used it, and the next thing, this guy David is yelling at me, accusing me of stealing his stupid pen.

- A. So you were stuck because you didn't have the supplies you needed - and you didn't think anyone would mind that you used the pen?
- B. Don't you think you should have asked him first?
- C. What are you going to do the next time so this doesn't happen again?
- D. So are you willing to work this out?

3. I was eating lunch with my friends and this loud group of people came and sat down by us. At first it was okay, but then they started to play around and throw food at each other. Some of the bits of food landed in my hair, so that's when I said "hell no" and I threw some food back at them.

- A. Was it a good lunch?
- B. And then what happened?
- C. Tell me who those people are and I'll set them straight.
- D. Okay, let me see if I got this: You were eating with your friends and this group came and started to throw food around, and some of it hit you and that's when you threw something back?
- E. When did this happen?
- F. Have you seen these people before? Have you seen them since this happened?

4. I was checking my MySpace and saw that someone wrote some stuff on there about my sister. I know it was Julie, because she did that before to my other friend. It was really disgusting what she wrote, and when my sister finds out, I don't know what she's going to do. So I took care of it myself.

- A. So you're worried about what your sister will do when she sees it?
- B. What do you mean - how did you take care of it?
- C. I hate it when people do that. Somebody did that to me too.
- D. What was actually written on your MySpace?
- E. Did you try confronting Julie?
- F. Who is Julie? How long have you known her?
- G. What do you think your sister might do if she sees it?

5. My boyfriend is in the military and he just got sent to Iraq, and it's really hard. He wants me to wait for him and he says we'll get married when he comes back, but I don't know. I mean, I love him and everything, but I'm so young. So anyway, I'm going through all this stress, and then my friends tell me to just forget about him and be happy here, because I can't do anything about him being away. They just don't understand. So the other day, I couldn't take it, and I yelled at them all. Now nobody is talking to me.

- A. When did you yell at your friends?
- B. How long have you and your boyfriend been together?
- C. Why did you have to yell? Don't you think you could have talked nicely?
- D. Were there other people around when you yelled at your friends?
- E. Is your boyfriend the handsome one who graduated last year?
- F. You're having a hard time with your relationship, because your boyfriend is away and you're not sure you want to marry him? And you feel your friends don't understand?

PRACTICE: Appropriate Responses - Listening, Summarizing, Empathy, Questioning

You are still focusing on the past, present and problem. Listen to the following statements and summarize, show empathy and ask appropriate questions:

1. The other day, I saw her walking down the hall and she just snobbed me. She always does that. And then yesterday, she bumped into me in the hall, and I know she did it on purpose, so I called her out, and then my best friend told me to calm down and he took her side. All the boys like her, I don't know why. And then, in class, I see her kiss up to the teachers so she can get good grades. She's new to this school, and she just loves the attention. I don't like her at all because she's such a phony snob - she just puts on an act for the boys.

2. I just found out that my best friend Julie has been talking to my boyfriend behind my back. I thought I could trust her, but I guess not. Now I hear from people that she likes him - she's probably been fooling around with him all this time. She's so two-faced. When I asked her earlier, she denied it, but yesterday she admitted she did talk to him.

3. I've been hearing more and more rumors about Kelly lately. Mary says that Kelly is pregnant, but she doesn't look pregnant! And to make it worse, Mary said that Kelly is fooling around with Glenda's old boyfriend John - and we all know what kind of guy John is. How can she be so stupid? If she's pregnant from him, that's it. So I confronted Kelly, and she got all mad at me, and now I hear she's spreading rumors about *me!*

PRACTICE: Appropriate Responses - Listening, Summarizing, Empathy, Questioning

You are now focusing on future and solutions. Listen to the following statements and identify the appropriate responses:

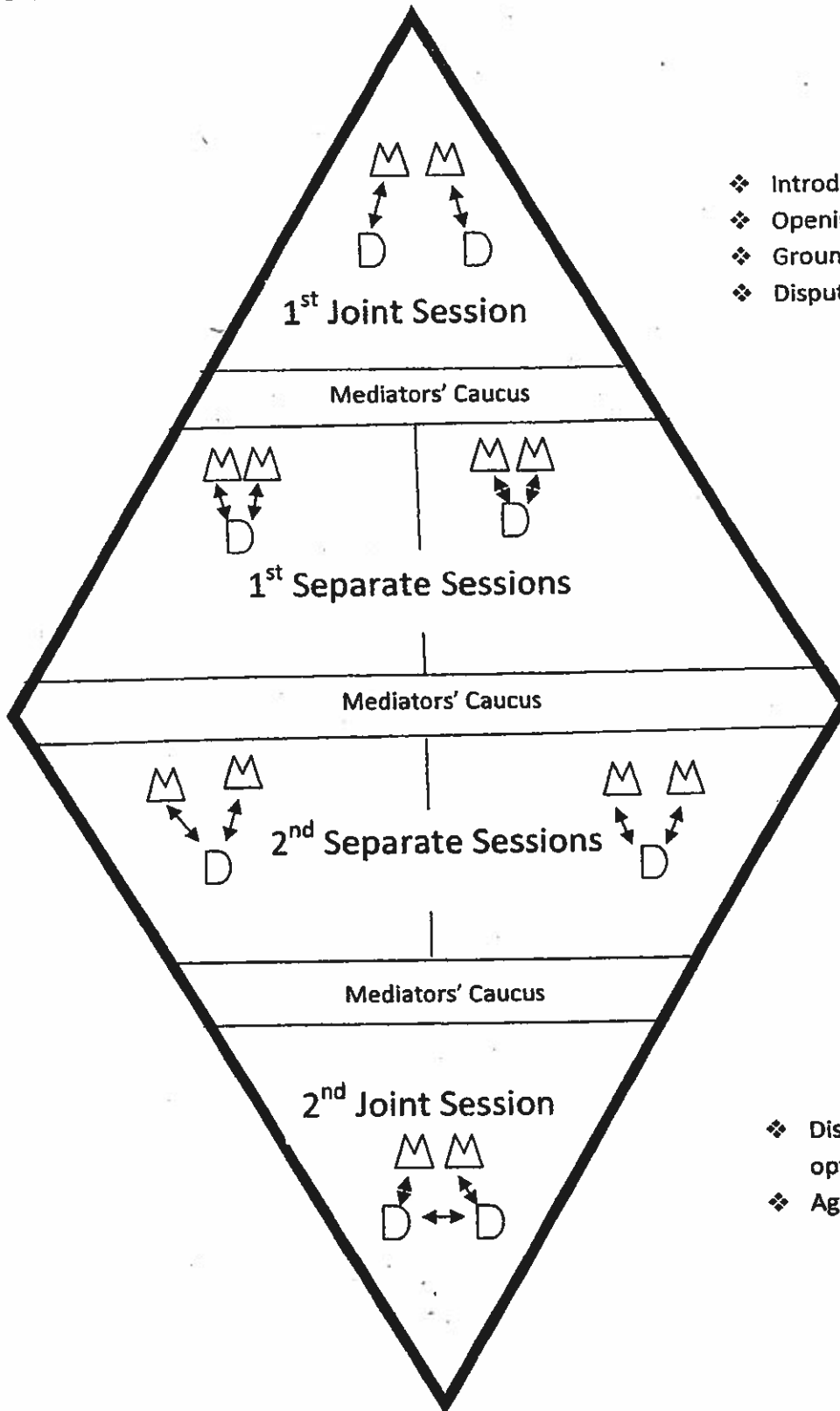
1. My solution is to tell my cousins to go after him. That's what I'm going to do to stop this.
 - A. Well, if that's what you've gotta do, that's what you gotta do.
 - B. Won't your cousins get in trouble then? Do you want them to get arrested?
 - C. What do you think will happen if you do that?
 - D. Can you think of other choices?

2. I'm just going to ask my counselor to change my class, because I just don't like being in the same class as him.
 - A. Hasn't this happened before, when you're always wanting to change your classes?
 - B. What can you do if it turns out that you can't change your class? Can you think of other solutions?
 - C. I know what you mean - I hate that teacher too.

3. I just won't talk to her again, and I never want her to look at me again.
 - A. Is that possible? Didn't you say earlier that you have classes together?
 - B. Okay, we'll tell her to never look at you or speak to you again.
 - C. What will happen if she does look at you? What can you do?

4. I'm not going to apologize unless she apologizes first.
 - A. Well, she's just as stubborn as you are, because she isn't going to say sorry until you do.
 - B. What will happen if neither of you apologizes? What will happen if you both apologize? Which would you rather have?
 - C. What else would you be willing to do to solve this?
 - D. She said she is willing to apologize.

THE MEDIATION PROCESS



- ❖ Introductions
- ❖ Opening statement
- ❖ Ground rules
- ❖ Disputants' Statements

- ❖ Mediators meet with each disputant separately
- ❖ Deals with past & present
- ❖ Consider "3 Questions"

- ❖ Mediators meet with each disputant separately
- ❖ Deals with future
- ❖ Discuss "3 Questions"

- ❖ Discussion of options
- ❖ Agreement writing

THE MEDIATION PROCESS

1. Preparation by mediators

- Pick up mediation materials.
- Check room (privacy/noise) & arrange furniture.
- Decide on responsibilities

2. 1st Joint Session

- Introduction of mediators & disputants
- Show disputants to their seats.
- Opening statement by mediators:
 - Welcome to the mediation process. We hope this situation can be worked out. Thanks for trying mediation.
 - The mediation process is **voluntary and confidential**.
 - Mediators are **neutral and don't take sides**. We are not trying to find out who's right or wrong. We're here to guide you and help you come up with your own solution to this problem.
 - We will be taking notes. The notes will be destroyed at the end of the session.
 - (Describe the entire mediation process) \diamond
 - The mediation ground rules are as follows:
 - No interrupting No threatening No swearing
 - No name calling No fighting
 if illegal and/or life threatening information is given, we will have to reveal that information to the school authorities.
 - The mediation process works best when both disputants try to be as truthful as possible.
 - Do you understand and agree to follow the ground rules?
 - Do you have any questions? If not, let's begin.

d. Disputant Statements

- Ask which disputant wishes to go first – or pick one.
- Each disputant describes the problem – no interruptions.
- Mediators ask questions for additional information. (Limit)
- Mediators try to get at the feelings of the disputants.
- Mediators restate (facts) and reflect (feelings).

3. 1st Mediator Caucus (Meeting)

- What do we know from listening to the disputants statements?
 - Clarify information revealed.
 - What seems to be the problem?
 - How do the disputants feel? How do we (mediators) feel?
- What do we need to know? Where are the gaps? How do we get there?
 - Who should we talk to first in the separate sessions?
 - What are some of the questions we should ask?

4. 1st Separate Sessions

- Mediators meet with each disputant separately.
- Sessions deal with the past and the present.
- Explore positions and interests. Any hidden agendas?
- Mediators restate and summarize.
- Find out what information they want kept secret.
- Have disputants consider answers to these 3 questions (while outside):
 - How would you like to see this problem solved?
 - What would you like to see ___ do to make that happen?
 - What are you willing to do to make that happen?

5. 2nd Mediators' Caucus (Meeting)

- Further clarify what has been revealed.
- What are some possible directions the mediation can take?
- Are the disputants ready to discuss possible solutions/future options?
 - if yes, proceed to next step.
 - if not, what additional information do we need?

6. 2nd Separate Sessions

- Mediators meet with each disputant separately to discuss the future.
- Mediators ask the disputants to give their answers to the 3 questions from the 1st separate session.
- (Optional) Reality testing. Mediators ask what might happen if the conflict is not resolved.
- Mediators restate and summarize.
- Find out what information can be shared with other disputant.

7. 2nd Joint Session

- Discussion of Options
 - Mediators summarize options discussed & point out areas of agreement.
 - Try to have disputants state agreements/speak to each other.
 - Clear up misunderstandings – healing process.
 - Are you ready to write an agreement?
- Agreement Writing
 - Use correct names
 - Simple, clear, specific statements – use disputants' words.
 - Both disputants take responsibility – balanced
 - Read statements to disputants while writing them.
 - Check: Is agreement realistic, practical, lasting?
 - Make follow-up arrangements. (optional)
 - Disputants & Mediators sign agreement/ tear up notes.
 - Thank & congratulate disputants & each other.

AGREEMENT FORM

Names (Please print)

Grade

Grade

(Party #1)

(Party #2)

Date: _____

Case No: _____

Session began: _____

Ended: _____

AGREEMENT

I, the undersigned, having participated in a conflict resolution session on this date and being satisfied that the provisions of the resolution of our dispute are fair and reasonable, hereby agree to abide by and fulfill the following:

Follow-up date _____

Party #1

Party #2

Conflict Manager/Witness

Conflict Manager/Witness

CHECKLIST FOR A GOOD AGREEMENT*

___ 1. Is the agreement **SPECIFIC**? Does it tell:

Who

What

When

Where

How

___ 2. Is the agreement **BALANCED**?

Do both disputants share responsibility for making it work?

___ 3. Is the agreement **REALISTIC**?

Can both disputants really do what they promise?

___ 4. Is the agreement **PRACTICAL**?

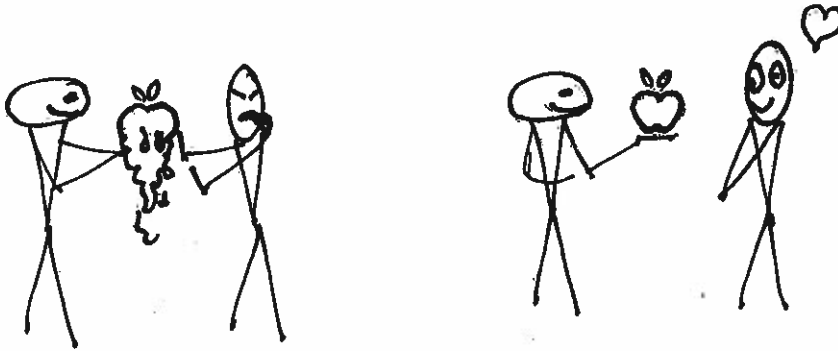
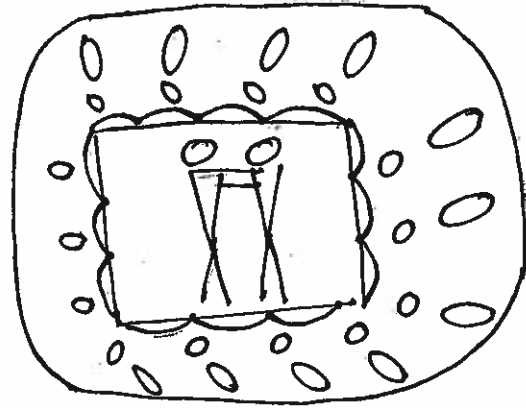
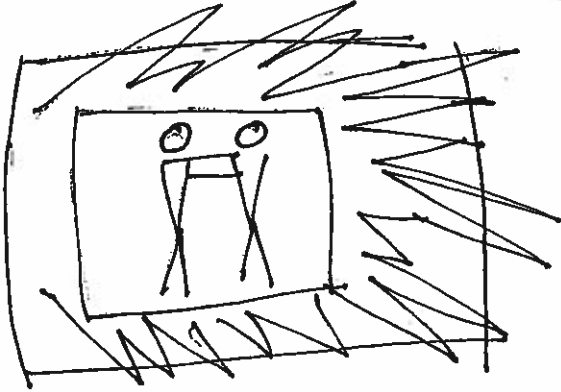
Does the agreement solve the problem?

___ 5. Is the agreement **LASTING**?

Will the agreement solve the problem for good?

WHAT'S REFRAMING???

ReFRAME

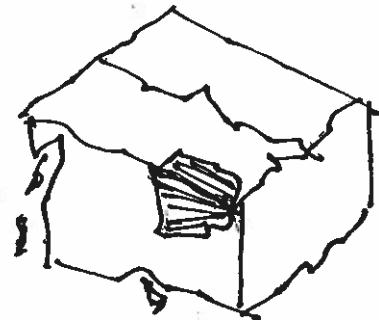


Better Delivery

Is it necessary or helpful to give the message covered in filth?

Was the message received or accepted?

Repackaging



What's inside?

Could they hold the same thing?

Which would you rather receive?

REFRAMING

Re*fram*ing: restating another person's statement to make it less provoking and more productive.

When we use reframing:

- "Zingers" or negative impact are removed or decreased
- Areas of agreement between parties are emphasized
- Content and feelings are "heard" and validated
- Movement is created toward resolution and consensus

Reframing involves:

- Changing the wording of the message
- Changing the meaning of a statement by broadening or narrowing the meaning and focusing away from positions and toward interests
- Focusing on common ground and minimizing differences

How can you reframe the following negative statements?

Negative Statement	Reframed
"He just uses people."	"He tends to rely on others." or "Sometimes he needs help."
"She talks too much."	"She likes to do a lot of socializing."
"She's such a slut."	
"He is such a player."	
"She is a backstabber."	
"He likes to talk a lot of s###!"	
"He is so selfish."	
"She never pays for anything."	
"She's too emotional."	
"She thinks she's all that."	

SUGGESTED MEDIATOR QUESTIONS/COMMENTS

If you're not sure what to say or ask, here are some suggestions...

Greeting/Helping disputants feel comfortable

1. Hi, my name is _____, and I'll be one of your mediators today.
2. Thanks for waiting so patiently. I hope you don't mind being called out of your class
3. We're just here to help you find a solution that works for both of you.

Restating/Reframing/Reflecting

1. So you see the problem as...
2. What I hear you saying is...
3. How did that make you feel?
4. It sounds like you're really angry about...
5. You seem frustrated because...

Gathering Information About the Problem (First Separate Session)

1. What happened?
2. Can you tell us more?
3. When/where/how did that happen?
4. What have you gained or lost as a result of this conflict?
5. What are you doing now about this situation?
6. What is it that you really want or need?

Gathering Background Information

1. How long have you known each other?
2. Were you friends before this happened?
3. Do you share the same friends?
4. Do you have classes together?
5. Do you see each other around school?
6. How has your relationship changed?

Looking for Resolution (Second Separate Session)

1. What would be a fair solution for you?
2. How would you like to see this problem solved?
3. What would you like to see _____ do to solve the problem?
4. What are you willing to do to solve this problem?
5. Finding Common Ground:
It sounds like you are both...
We hear you both saying...

Here are some of the issues you've agreed on so far...

6. Reality testing:
Is (fighting, ignoring the problem, etc.) getting you what you want?
What will happen if you don't come to an agreement?
Is that what you want to happen?
If not, what are you willing to do to help reach an agreement?

Conclusion

1. Congratulations! You both worked hard to come up with a solution to your problem.
2. Are you satisfied with this agreement?
3. Please let your friends know that you have resolved this problem so there won't be any misunderstandings.
4. In one or two weeks we may send you a follow-up survey to see how the agreement is holding up.
5. If you find that you are not comfortable with any part of this agreement, let us know and we'll help you to schedule another mediation session.

REALITY TESTING

When a disputant is not cooperating, the mediators can ask questions to get him/her thinking about potential consequences of their behavior. Some questions you can ask are:

What will happen if... ?

Do you want that to happen? -,"

Then what are you willing to do to solve the problem?

If they are still unwilling to cooperate, you can seek assistance from your advisor, or refer the case back to the counselor or administrator.

.....

Here is an example of how reality testing may be used during a mediation session:

Mediator: *What are you willing to do to make this situation better?*

Disputant: *Nothing! Why should I have to do anything.*

Mediator: *And what will happen if you decide to do nothing about this situation?*

Disputant: *I don't know*

Mediator: *Do you think you and _____ will be able to solve this problem?*

Disputant: *No.*

Mediator: *What will happen if you don't come up with an agreement?*

Disputant: *We'll probably have to go back to the vice-principal's office.*

Mediator: *If you go to the vice-principal's office, who will come up with the solution to this problem?*

Disputant: *The vice-principal, I guess.*

Mediator: *Do you want that to happen?*

Disputant: *No.*

Mediator: *Then what are you willing to do to solve this problem?*

Disputant: *Well, maybe I can apologize if...*

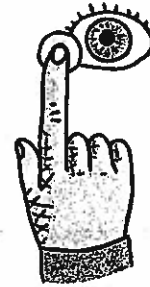
ACTIVE LISTENING GUIDELINES

Listening skills are extremely important in mediation, especially during the first half of the session. To be a good listener, remember the following:

1. **EMPATHY** Try to put yourself in the other person's "shoes." Try to understand how the person feels. This is different from having sympathy, or pity. Imagine how you would feel if you went through what the disputant went through. (Remember to not take sides, however!)

2. **NONVERBAL COMMUNICATION** is more powerful than words. This includes:

- tone of voice (calm, firm)
- facial expressions (pleasant, appropriate to the content)
- eye contact (look but don't stare, nod to show understanding)
- posture (straight, comfortable, still)
- gestures (to illustrate points, but avoid nervous habits like tapping the table)
- interpersonal space (allowing enough room for the disputant to be comfortable)



3. **VERBAL COMMUNICATION** The questions you ask will tell the disputant whether or not you were listening.

- Picture in your mind what is being said.
- Ask *appropriate* questions, and ask the disputants to clarify what you don't understand. (See also suggested questions/comments sheet.)
- **Remember, if you are doing most of the talking, you are not listening.**

4. **ROADBLOCKS** to avoid. The following will probably stop the disputants from expressing their ideas and feelings:

- Interrupting. Let the disputants finish what they are saying before you speak.
- Advising. Do not give direct advice, do not tell them what to do. The session is for the disputants to work out their problem. (It is okay to give *suggestions*.)
- Judging. Do not take sides, or try to make the disputant feel guilty. You are not there to find out who is "right" or "wrong."
- Dominating. Do not do most of the talking, or bring up your own similar problems. Let this be the disputants' time.
- Never speak badly of other people, especially the other disputant.



ACTIVE LISTENING (cont.)

Using active listening skills tells the disputants that you are genuinely interested in what they have to say. If you are really listening, they will probably share more, with more honesty, leading to a successful mediation session.

The Chinese characters that make up the verb "to listen" tell us something significant about this skill:



Remember, active listening is not just hearing the words: it is listening with your *ears, eyes, undivided attention, and with your heart*. It takes practice to develop good listening skills, but they can be learned and developed!

Mediation Session Observation Checklist

Date: _____

Case #: _____

Mediator #1: _____

Mediator #2: _____

Disputants: _____

Mediation Process

✓ 1st Joint Session Tasks

- ___ Introduction/Opening Statements
- ___ Disputants tell story
- ___ Restate/Reframe
- ___ Reflect (Identify disputants' feelings)

✓ Caucus Tasks

- ___ Clarify major issues
- ___ Identify feelings
- ___ Discuss gaps & plan of action

✓ 1st Separate Session Tasks:

- ___ Summarize previous session
- ___ Gather information (past & present)
- ___ Identify hidden agendas
- ___ Explore positions & interests
- ___ Reality check (if needed)
- ___ Explain "3 Questions to Think About"
 - "How would you like to see this problem solved?"*
 - "What would you like to have (other disputant) do to make it happen?"*
 - "What are you willing to do to make that happen?"*

___ Insure confidentiality

✓ 2nd Separate Session Tasks

- ___ Summarize previous session
- ___ Address any hidden agendas
- ___ Address positions & interests
- ___ Reality check(s) if needed
- ___ Discuss options/possible solutions (future)
- ___ Share other disputant's perspective
- ___ Review "3 questions to think about"
- ___ Encourage disputants to communicate in joint session & help prepare them to do it
- ___ Insure confidentiality

✓ 2nd Joint Session Tasks

- ___ Summarize the options discussed
- ___ Point out areas of agreement
- ___ Give disputants a chance to speak to one another
- ___ Write an agreement
- ___ Destroy notes
- ___ Thank disputants for their efforts

Mediation Skills Checklist

- ___ Restated & Reframed
- ___ Reflected (feelings of disputants)
- ___ Clarified when needed
- ___ Attentive body language

- ___ Took notes
- ___ Asked relevant questions
- ___ Stayed neutral
- ___ Showed aloha & appreciation

**Kailua High School
Peer Mediation Program
Follow-Up and Evaluation Form**

Name

Date of Follow-up

Case #

Please answer all the questions as completely as possible:

1. How did you hear about the Mediation program at Kailua? (check all that apply)
 Friend Vice-Principal
 Teacher Other (Please specify) _____
 Counselor

 2. How satisfied were you with the agreement you reached at the Mediation session?
 Very Satisfied Unsatisfied
 Satisfied Very Unsatisfied

 3. How has the other party kept to the terms of the agreement?
 Completely not too well
 Satisfactorily broken it

 4. Do you think the problem is now settled?
 yes partially
 no

 5. Do you think another mediation session is necessary?
 Yes
 No

 6. How do you feel about the fairness/neutrality of the mediators?
 Both mediators were fair Both mediators seemed to take sides
 One mediator seemed to take sides

 7. How helpful were the mediators in helping you to solve the problem?
 Very Helpful Not too Helpful
 Helpful Made Things Worse

 8. If you had another problem, would you try mediation again?
 yes
 no
Why or why not? _____
-
-

9. Do you have suggestions for improving our mediation program?

10. Do you feel that the mediation program is a worthwhile service to have for the school?

yes

no

11. Would you be interested in being a mediator?

yes

no

12. Any other comments?

Thank You for Participating in Mediation!