

TOC PEER MEDIATION

Peer mediation is simply students helping other students resolve their conflicts peacefully. With this type of program, administrators have the option of not dealing directly with time-consuming arguments between students who are under their charge. Nor do the teachers themselves have to stop and disrupt a class to settle a problem between students. In most schools students are allowed to request mediation on their own. In other schools, they are sent to mediation by school authorities--teachers, counselors or principals. In some schools students are also allowed to go to mediation on their own initiative. Adding TOC techniques to the traditional mediation process provides the tactical tools which enable the mediator to ask strategic questions that:

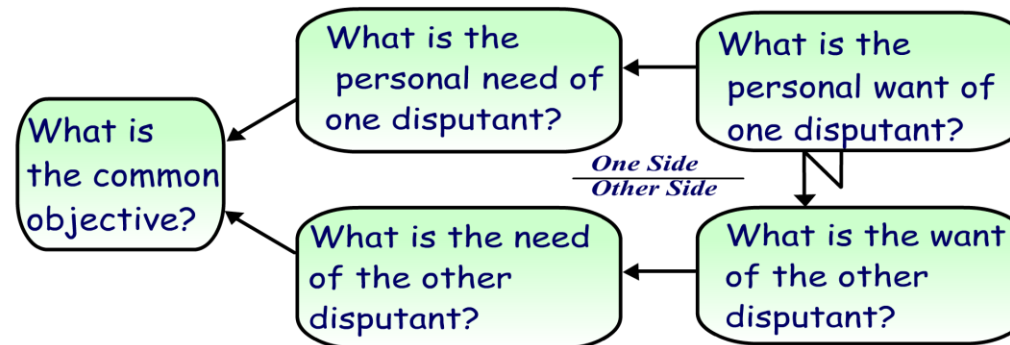
- 1. Clearly and precisely identify/define the problem without casting blame.***
- 2. Focus the emotion of a conflict on a solution. In other words, to turn the situation from 'you against me' to you and me against the problem.***
- 3. Enable students to really listen with an open mind to both sides of the problem in a way that creates not only self-awareness but also empathy for the other side.***
- 4. Ensure the feelings of both sides are treated with respect.***
- 5. Provide an ongoing process to take responsibility for follow up actions that make sense to those who have to implement them.***

TOC Peer Mediation Process

The use of a TOC thinking process is used as soon as possible to clearly define the problem because, without it, emotions frequently get out of control. Often people define problems in the language of blame. If you ask them for their side of the story, they will tell you what someone else has done to them. Do we agree such analysis only makes the situation worse and heightens the anger? Therefore, in TOC Mediation, the mediator focuses the analysis of the problem away from blaming another person into the realization that the problem is caused by a situation in which two people want something that is mutually exclusive.

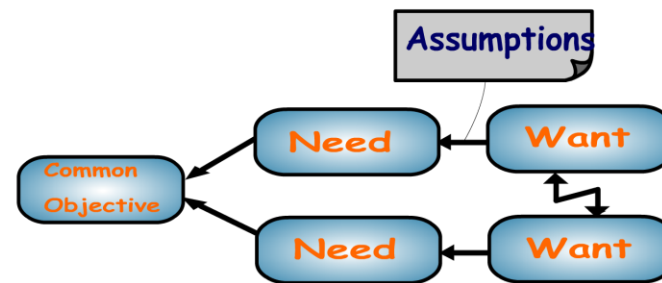


TOC provides a method-a process in the form of a graphic organizer-to record the problem. The TOC diagram, called the Evaporating Cloud, defines the problem by identifying wants, needs and a common goal.



TOC Peer Mediation Process

This format provides a concrete first step of a process to then guide disputants to look at the underlying reasons behind a conflict. People want something in order to satisfy a need. They insist on what they want because they think there is no other way to meet their need. These reasons are frequently unspoken and exist in our heads during conflict. Sometimes these are assumptions about the other party, ourselves, and /or our actions that we do not recognize on a conscious level. These assumptions frequently block us from realizing that there are always alternative ways to meet our needs. Instead we frequently insist on what we want because we think it is the only way to satisfy our needs. After the problem is defined through the five questions in the diagram, the next step in the process is to surface these underlying assumptions by asking ourselves why we think the only way we can get what we need is through insisting on what we want. Since this course of action is what creates the conflict, if we can find an alternative way to meet our needs then we can find a new course of action that is not in conflict with the other side.



TOC Peer Mediation Process

As a first step, read this part:

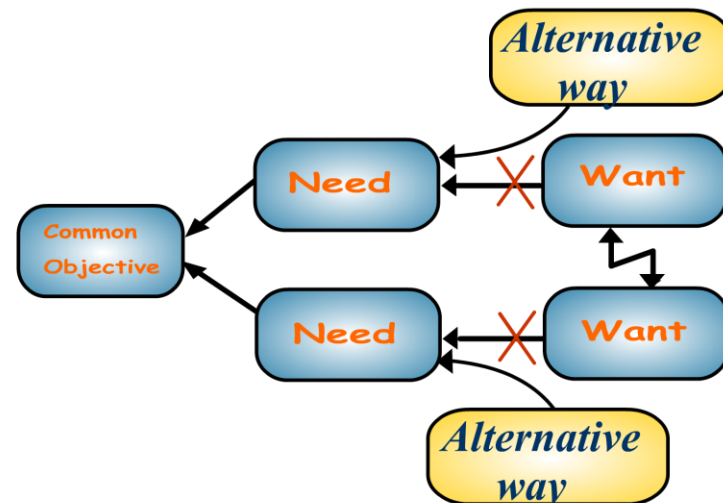
In order to achieve "B" you must have "D" because...

And, for the other side,

"in order to achieve "C" I must have D' because.....

In other words, the mediator asks the disputant why "B" and "D" must go together. Once the disputants verbalize those reasons/assumptions, they are much more aware of the root of the problem which is now expressed in a way that is non-finger pointing. If the disputants understand the reasons why "B" and "D" are connected, they are usually able to think of alternative connections-the other ways (wants) to satisfy their needs.

This alternative way becomes the solution.



Why TOC Mediation Process Works?

According to practitioners of this process, it works so well because it creates so much self-awareness. In 1997 Will Stentz, while a high school senior, integrated TOC into an existing school mediation program with phenomenal results.

He writes:

When we incorporated the use of the TOC techniques into the traditional mediation process at my high school, our vice-principal, Ben Walker, noted improvements to the school culture:
"Detentions, suspensions, and in once case, expulsion from the school only seemed to bring a temporary halt to the problem. After we started using TOC Peer Mediation we were able to get to the root causes such as fear, jealousy, etc. As these students grew in self-awareness, they no longer felt a need to harass others. I find the drop in these cases remarkable. Indeed, one of the worst offenders is now a successful mediator."

Why TOC Mediation Process Works?

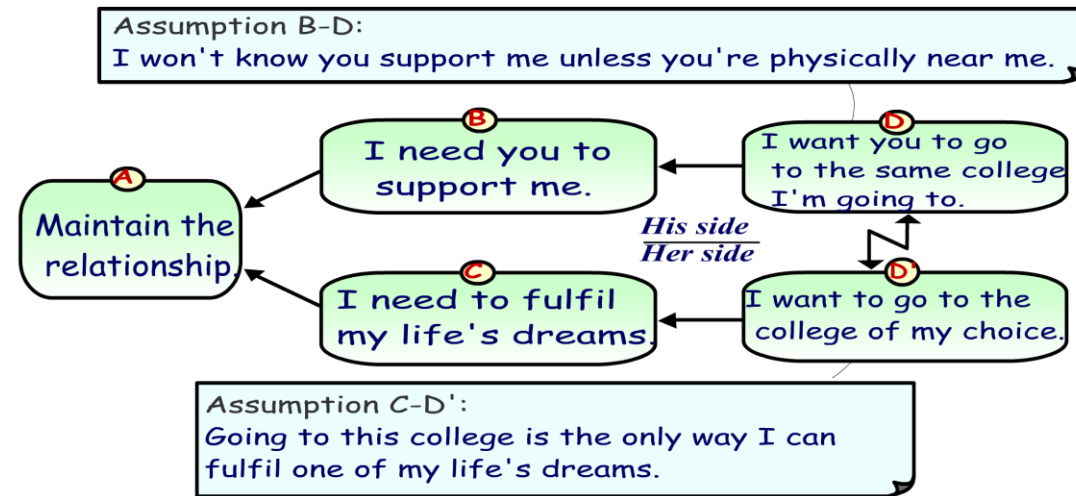
Mr. Walker also used the cloud with students. One instance involved a situation where a wealthy young man's family employed a housekeeper who lived on the property above the garage. The housekeeper had a son who was the same age as the young man and both of them attended our school. The two kids were in conflict all the time: pushing, shoving, and fighting which resulted in a few bloody noses. They ended up in Mr. Walker's office where he was able to use the process with them and get to the real issues. The wealthy family would often leave the young man home when the parents would go away on vacations. Once it happened over a holiday and the young man knew that, above his garage, this other boy was having a great time with his family. He felt very jealous and hurt by the fact that this boy could be with his family all the time and he could not. The only way he could express these emotions was by hostile behaviour. Through the self-awareness, however, brought about by the TOC tools, the young man and this other boy were able to challenge their assumptions about each other and actually developed a very touching friendship.

Many school related disputes are classified as chronic-ones that have been ongoing and thus have a lot of emotional baggage or story behind them. In these, there are a lot of emotions and other issues that underlie the current conflict. With the traditional style of mediation, a person will only scratch the surface of the problem. However, if you are to expose the needs of a person, you can get closer to the core problem. A good analogy for this idea is that of an iceberg. What a person sees on top of the water is really only a very small portion. The rest is hidden underneath the water. What this process does is allow a person to see the conflict (the iceberg) in its entirety: everything on the surface, and those things that are hidden underneath the surface.

The self-awareness created by the TOC process in chronic disputes enables disputants to create more lasting solutions because those solutions do not compromise needs. A chronic dispute that is settled in the traditional form of mediation sometimes compromises disputants needs and, as a result the problem, often resurfaces.

TOC Mediation Results

Once this program was instituted at Grosse Pointe South High School, we saw very positive results. The overall school atmosphere became more positive and for some people, we were told, less threatening. Communication significantly improved. As Andy Lauppe, a member of our peer mediation team notes, "***TOC really makes you say what you mean.***" During the first four months of using TOC Peer Mediation while I was head mediator, we completed thirty-two mediations, thirty-one of which were successful (*successful mediation means that the case did not have to be brought before the administration a second time). These cases dealt with sexism, racism, harassment (of many natures), bullying and especially girlfriend-boyfriend problems. Many times people don't realize the effect of boyfriend-girlfriend problems on campus. The couple's friends become involved creating lots of distractions in the classroom both for students and teachers. Sometimes the problems effect the students' grades and family relationships. In one such example, Dave and Melissa had been dating three years. During the spring of their junior year, they agreed that they would support each other's college choices. A year later, while seniors, Dave accepted a football scholarship at a nearby college and Melissa was accepted at her "dream university" which would be far away from Dave. She wanted to attend her "dream school" and Dave wanted her to go to his college. Their relationship-and their schoolwork-was in jeopardy if they did not resolve this conflict.



In the traditional form of mediation, they angrily broke up. Using the TOC technique, however, they realized that even if Melissa gave him what he wanted and attended his college, it did not guarantee that she would give him what he needed, especially if she became resentful about sacrificing her needs. Using TOC they were able to work through a solution which saved the relationship and yet met both of their needs. Dave agreed that there were other, even better ways for him to know that Melissa supported him than just being physically present on campus. Melissa also realized if she went away to school that she would have to make sure that Dave knew how important he was to her. Their emotion became focused on the solution rather than on blaming each other. They left the mediation amicably with a solution which made sense to them and the realization that they would still have to work on the relationship.



The main reason students are at school is so they can learn. If students are experiencing conflict, especially with other students, it is not possible for them to give 100% attention to their studies.

The success we were experiencing at our school began to be noticed and we soon received over eighty requests for information on our program from other Michigan schools. Additionally, we were selected from eight hundred applicants to demonstrate our program at a national conference.

Within a year of initiating our TOC Mediation Program, our design spread to other schools within Michigan and California as well as a high school in South Africa. One of the biggest benefits of this program overall is that it teaches students life skills that they can use now and in the future.

Eventually I would like to help develop TOC Peer Mediation materials for all grade levels. What I want to leave behind is a peer mediation program that works for all children.

William C. Stentz

Frequently Asked Questions (FAQ's)

1. What can TOC Peer Mediation do for my school?

This program has many benefits. There are times when the administration at a school does not have the time to deal with a situation that could require conflict resolution. Instead, the students in question are given detentions, or some other types of punishment, and sent on their way. The problem is not solved and consequently, will probably lead to physical or mental violence. Peer mediation offers students a chance to solve their problems before they erupt into violence.

2. What types of situations can TOC Peer Mediators handle?

Peer mediation is designed to handle any type of situation that disrupts the school setting. Items such as rumours, break-ups, opposing viewpoints, etc. make up a large percentage of these situations. However, other, more serious disputes such as racism, sexism, gang disputes, etc., can be handled just as effectively as the minor ones. Some may require more time than others.

3. What can you do about illegal issues such as drugs, rape, etc.?

For legal reasons, a TOC Peer Mediator is not allowed to handle such issues. Situations involving drug abuse, rape, suicide, etc. are only handled by administrators or other trained adults within the school system. If any type of illegal activity is brought up as a mediation problem (he raped me... they stole my drugs...etc.), the mediation is ended and brought before the administration.

Frequently Asked Questions (FAQ's)

4. Is it necessary for the administration to be present during the mediation?

No. It is urged that an administrator not be present for the mediation. However, an administrator must be within shouting distance so that if there is a problem with the mediation, he or she can be contacted rapidly. The purpose of the mediation is to allow students to express their feelings and solve their conflict. Psychologically, students would not feel comfortable with an administrator present. Keep in mind TOC Peer Mediation is usually a student-run program with the administration or staff in an advisory position only.

5. Is there any type of special setting that should be used for mediation?

Mediations can be done anywhere that privacy can be ensured. It is a good idea to have a room that can be easily accessible for mediation use. It does not have to be used exclusively for mediation.

6. To what age groups can TOC Peer Mediation be applied?

The skills taught in this program can be used by children as young as five or six years old. These children are able to use the concept of wants and needs to resolve their conflicts with each other. Jean Piaget, a leader in the research and theories of cognitive childhood development concluded that between the ages of two and seven that children develop into a position where they understand and use logic.

Complete TOC Peer Mediation Process Outline:

Step 1. Introduction-purpose and ground rules:

Mediator introduces self and says the purpose of mediation is to help disputants come up with a win/win solution that both accept.

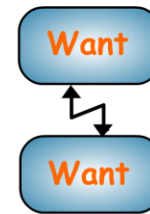
Ground Rules:

- Disputants agree to mediate and to try to solve the problem.
- Disputants must agree to be honest. To tell the truth.
- Be calm and show respect (no fighting, arguing, interrupting or name calling)
- Everyone agrees to keep all discussion confidential. You are not allowed to gossip or share stories from mediation with other students.
- Use active listening. Maintain eye contact and paraphrase what the other person is saying.
- The mediator must remain neutral. (doesn't take sides)
- End the mediation and get adult authority to help if any of the rules are violated.

Complete TOC Peer Mediation Process Outline:

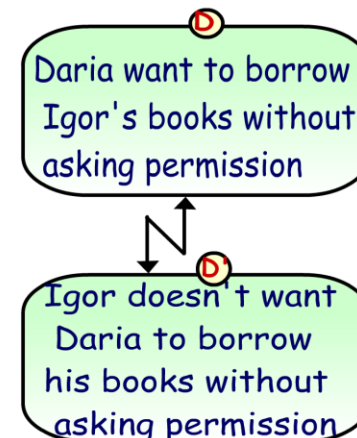
Step 2. Defining the conflicting 'Wants'.

The mediator asks what happened before they got sent to mediation, keeping the discussion focused on the specific situation about which the disputants are in disagreement and expressing the situation as a conflict between two wants: what one side wants and what the other side wants that cannot exist at the same time.



Step 3. Mediator paraphrases what happened back to both of the disputants.

While paraphrasing, the mediator makes sure that s/he paraphrases the wants back to each disputant so that they are opposite in relationship. Example situation:



Complete TOC Peer Mediation Process Outline:

Step 4. verify the 'Wants'.

Pause for the disputants to acknowledge the real conflict and to ask them again if the two wants you paraphrase are accurate.

Step 5. identify the needs.

Ask one of the disputants: What need does their want satisfy? how do they benefit by getting what they want? why is it they have this particular want? what are the advantages of having what they want?

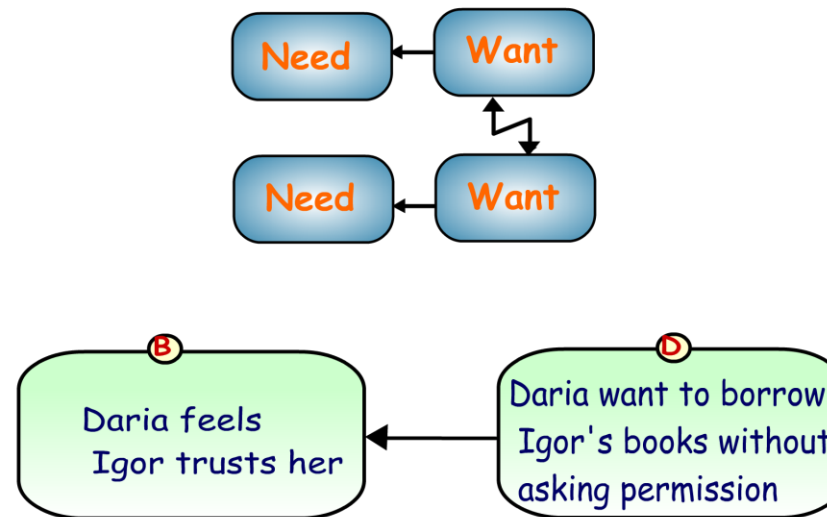
Step 6. Record this list of needs.

Example: Daria's list:

- saves time
- feels Igor trusts her

Step 7. focus on the main need.

Have them select a need from the list that they believe is most accurate to them or combine the needs into one.



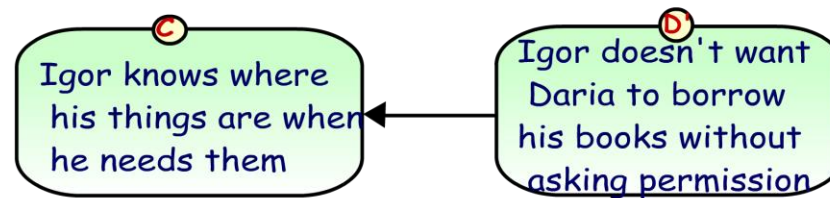
Complete TOC Peer Mediation Process Outline:

Step 8. Repeat steps 5-7 for the other disputant.

Igor's list:

- be treated with respect
- know where his things are when he needs them

Igor:

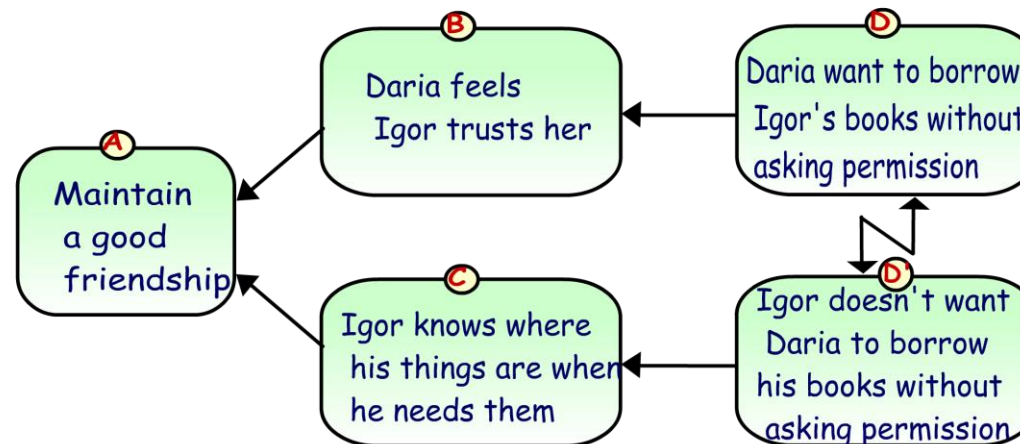


Step 9. Ask them for their common need.

What is their common objective based upon their individual needs?

Example:

Maintain a good friendship.



Complete TOC Peer Mediation Process Outline:

Step 10. Have the disputants read the cloud.

Once the cloud is completely filled out, you have defined the problem.
Have the disputants read the cloud and make sure they agree with what is written.

Have them both read the whole cloud aloud to each other.

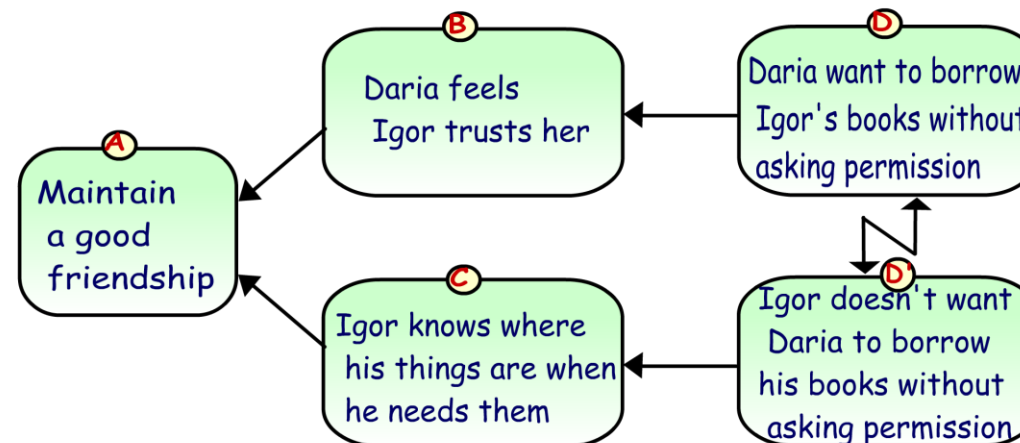
They read the cloud in this way:

In order to maintain a good friendship (common goal, the A of the cloud),
Daria needs to know Igor trusts her (B). In order to know Igor trusts her,
she wants to be able to borrow his books without asking permission (D).

On the other hand, in order to maintain a good friendship (A)

Igor needs to know where his books are when he needs to use them (C)

And in order for him to know where his books are, Daria must ask permission first (D').



Complete TOC Peer Mediation Process Outline:

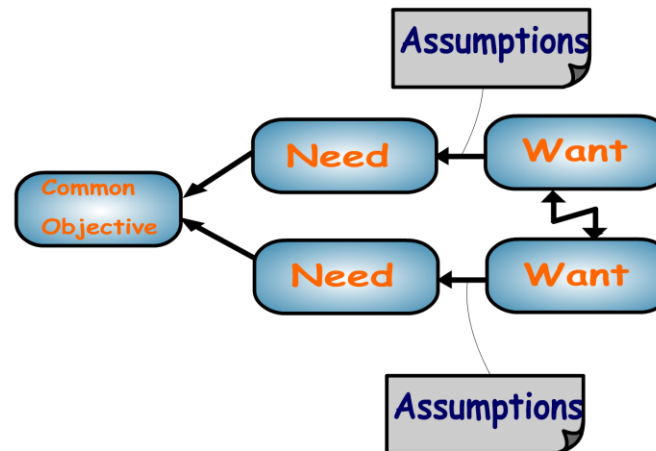
Step 11. Wait for clarity and make changes if the disputants want to change wording to reflect new awareness and clarity.

Step 12. Surface assumptions each side makes.

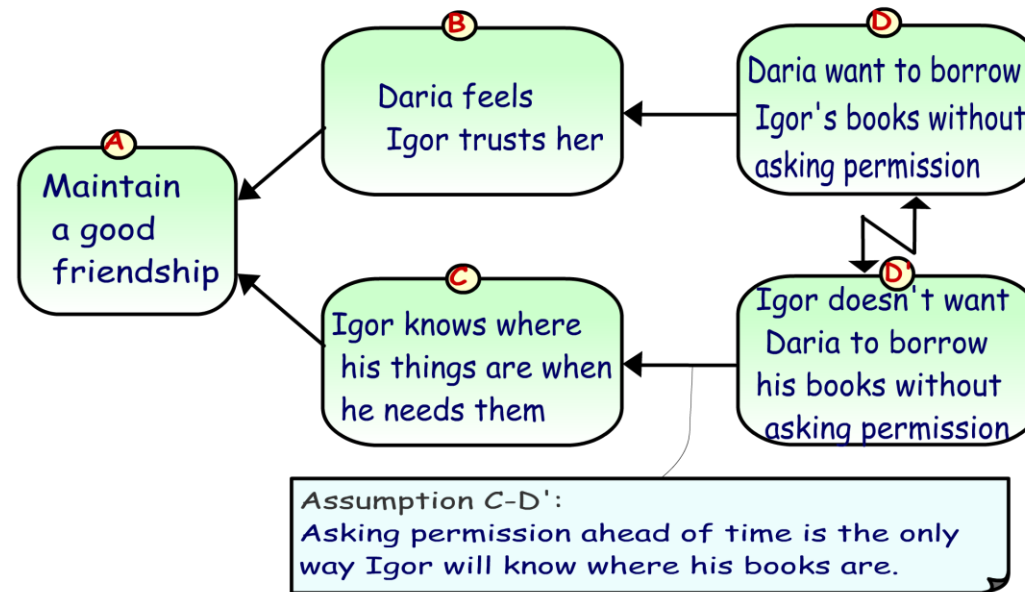
Get disputants to surface underlying assumptions between their need and their want and record them.

Step 13. Ask disputants if the assumptions are really valid.

If they are not valid, the connection between the need and the want does not exist. If the disputant thinks the assumption is really valid, ask the disputant to think of ways to invalidate the assumption-to break the connection. These ways of breaking the connections are alternative ways to make sure each side meets their needs even if they give up what they want. Needs are never compromised in TOC!



Complete TOC Peer Mediation Process Outline:



In order to know where his books are Daria must ask permission before she borrows Igor's books because (assumption) asking permission ahead of time is the only way he will know where his books are.

Complete TOC Peer Mediation Process Outline:

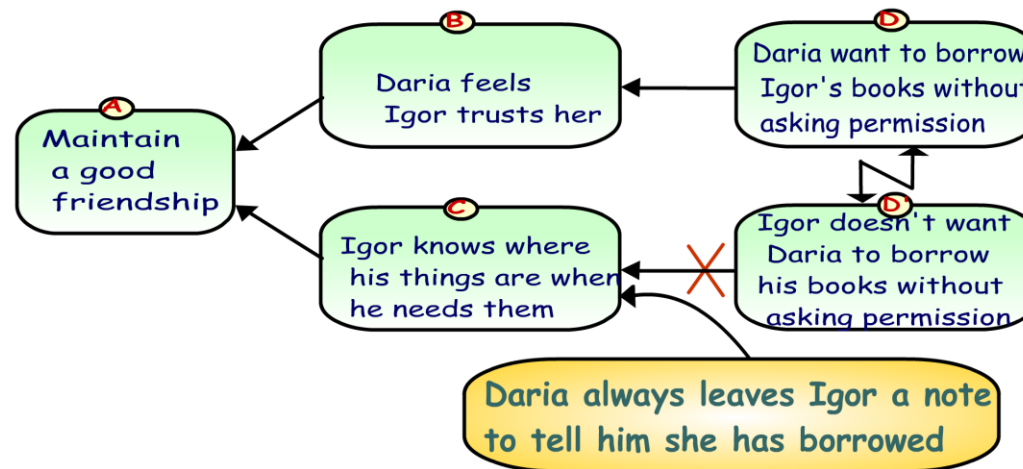
Step 14. Define the solution and verify it.

Have each side test the solution by thinking through what will happen if it is implemented. Are any additional solutions needed to make sure the solution is win/win? If so, record those solutions.

Example:

Assumption: Asking permission ahead of time is the only way Igor will know where his books are.

Solution: Daria always leaves Igor a note to tell him she has borrowed his books so he knows where they are.



What if??? People are sometimes forgetful and Daria might forget to leave a note. Additional idea/solution is needed and must be created by the person who has to implement the solution (in this case, Daria must come up with the additional way to solve the problem).

Daria's additional solution: *If I forget, I will verbally ask permission until Igor is satisfied that I can be trusted again.*

Complete TOC Peer Mediation Process Outline:

- Step 15. Disputants agree on the total package of solutions and sign the contract.**
- Step 16. Follow-up is scheduled and agreed upon.**
- Step 17. Debrief with advisor.**

