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MEDIATION AT SCHOOL

Abstract. The conflicts and disputes between people, search of effective ways of management of them have the same ancient history, as well as history of mankind. Obviously, each of us had to come up against conflict situations. The conflicts are shown in activity of all social institutes, social groups, in relationship between people. Conflict is a normal, natural part of everyday life. The word conflict has its roots in the Latin word *conflictus*, meaning "striking together." Despite the violent overtones of its Latin translation, conflict and violence are not synonymous. However, unresolved and lingering conflict frequently leads to violence, interfering with productivity and the quality of life in schools and the community. Extensive data illustrate that instances of violence, including bias-related violence and disciplinary problems in schools around the country, are severely interfering with the learning environment of students. In the serious conflicts of children if they becomes known, adults inevitably interfere. The rush toward conflict resolution in the schools is mirrored in society at large by a move away from the traditional litigation model of problem solving in the courts. Alternative Dispute Resolution (ADR) efforts, including court-based mediation programs, are expanding throughout the justice system. "School mediation" is a completely new concept for many. Moreover, we have no wonder. One of the possible explanations of this fact is the birth in Post-Soviet country. School mediation in Europe and America works for more than two decades. Moreover, in Germany, the idea of the mediation value is so high that graduates of some schools, along with a certificate, can receive a "mediator diploma," promising them in the future quite definite career preferences. Such a diploma is a signal to the employer that there is a person in front of him who has a whole set of special social communication skills - "conflict competence," and therefore he stands head above other applicants for the position.

Keywords: mediation, conflict, negotiations, school, parties of the conflict.

Conflict is a normal, natural part of everyday life. The word conflict has its roots in the Latin word *conflictus*, meaning "striking together." Despite the violent overtones of its Latin translation, conflict and violence are not synonymous. However, unresolved and lingering conflict frequently leads to violence, interfering with productivity and the quality of life in schools and the community. Extensive data illustrate that instances of violence, including bias-related violence and disciplinary problems in schools around the country, are severely interfering with the learning environment of students. Almost 300,000 high school students are attacked physically each month and one in five students in grades 9 through 12 carry a weapon to school (Meek 1992, 48).

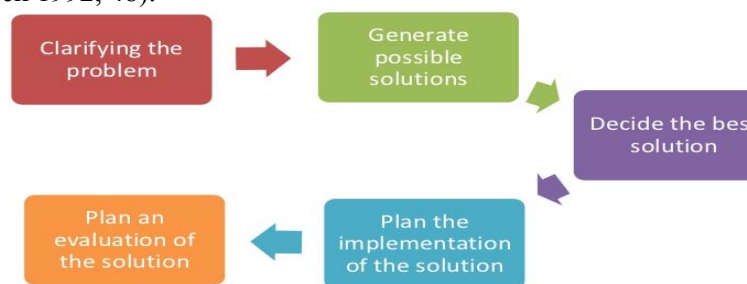


Figure 1 - How do we solve a conflict?

The rising incidence of violence in the schools has led numerous school districts to implement a wide range of costly safety measures from purchasing metal detectors to hiring full-time police officers. Although such measures may limit violent acts in the schools, they do not attack the causes of violence and often serve only to move the violence elsewhere in the community. There is a growing, common-sense consensus that the best way to handle violence in the schools and prevent its spread throughout the community is to defuse disputes before they turn violent.

Schools have attempted to manage interpersonal conflicts among students, teachers, and administrators by various models of discipline, such as referrals to the principal's office, detention, suspension, and expulsion. Yet, it does not appear that these methods teach the students the problem solving and conflict resolution skills they need for life to resolve conflict in a productive, non-violent way. Dissatisfaction with traditional processes established to settle disputes has led educators and others to try new ways of conflict resolution such as mediation.

The rush toward conflict resolution in the schools is mirrored in society at large by a move away from the traditional litigation model of problem solving in the courts. Alternative Dispute Resolution (ADR) efforts, including court-based mediation programs, are expanding throughout the justice system.



Figure 2 - Types Of ADR

“School mediation” is a completely new concept for many. Moreover, we have no wonder. One of the possible explanations of this fact is the birth in Post-Soviet country. School mediation is in Europe and America works for more than two decades. Moreover, in Germany, the idea of the mediation value is so high that graduates of some schools, along with a certificate, can receive a “mediator diploma,” promising them in the future quite definite career preferences. Such a diploma is a signal to the employer that there is a person in front of him who has a whole set of special social communication skills - “conflict competence,” and therefore he stands head above other applicants for the position.

The school is a part of society, and conflict character is multidirectional: between pupils, between teachers and pupils, between teachers and parents. Moreover, these conflicts sometimes happen very rigid and are fraught with traumatic consequences for all parties.

The first attempts of mediation application at school were made in the early eighties in the USA. Since then this method in these or those forms is used rather widely in educational space in many countries of the world.

Let's remind; mediation is the method of settlement of disputes ranked a group of alternative methods of settlement of disputes. Thus mediation differs from all other methods of settlement of disputes radically – both traditional and alternative. In mediation the third party – a mediator – is not authorized and has no right to pass decisions on the dispute and, moreover, has to abstain from the offer of options of a resolution of conflict.

Mediation is a method which evaluates the person's respect, voluntary participation, and will, freedom of development and the decision-making process – the mediation based on the possibility of protection and satisfaction of the parties interests on condition of providing the equal rights to all parties of the dispute.

What do we know about mediation?

Today, the use of mediation is most widespread in the field of law. Here it is practiced in both pre-trial and extra-judicial dispute resolution. The parties appeal to the mediator, who owns personal communication technologies, with which the specialist can help rivals hear each other's arguments, critically take their position and find a mutually acceptable solution, without bringing the matter to court. The advantages of the first variant are apparent: there is neither a winner nor a defeated one; there is no publicity of details, the public presentation of which is often undesirable for any of the parties; Finally, the mediation service is usually much cheaper than litigation costs.

In this capacity, mediation began to develop in the 1970s in the countries of the Anglo-Saxon legal culture - the USA, Australia, and the UK - gradually covering the whole of Western Europe and gaining recognition in an ever more full range of areas, ranging from family and ending with multilateral differences in commercial and public sphere.

Sociocultural roots of mediation

However, it would be a mistake to think that the phenomenon of mediation is less than half a century. This practice has always existed - long before the appearance of the very first judicial systems. Its roots are in the very nature of man and, as a result, in the socio-cultural characteristics of the societies created by him.

After all, what does clear conflict? In the gap between reality and what a person considers fair, between what is and what he thinks should be. This discrepancy between the real and the proper is perceived by us as disorganization, as “the destruction of the fundamentals,” and is experienced as suffering, which causes offense, anger or fear, a feeling of the deepest discomfort, duality, loss of self. There are “opposition poles,” one of which begins to be evaluated as a carrier of absolute value, as an ideal, and the other - as something unnatural, sickening, horror, like chaos, destroying life.

How does a person who finds himself in such a “hopeless” dual opposition behave? It depends on the type of culture to which it belongs. If this is a “black and white” culture that rigidly divides the world into a “kingdom of absolute good” and a “kingdom of absolute evil.” Then conservative positioning is predetermined, and the choice turns out to be extremely simple: the holiness of “its” idea is proclaimed, even the thought of the possibility of dialogue with an opponent (“I can not sacrifice principles”) and care in complete socio-cultural isolation.

Any conflict, including a school one, has the same nature and the same resolution scenarios: either the “victory” of one of the parties or the mutual removal of contradiction.

Mediation: an alternative way of the solution of disputes in education. In the educational environment the conflicts arise quite often, and not always teachers can cope with such a situation independently. The right decision is creation at the school of service of mediation.

Quite often in educational institutions, there are conflicts not only between pupils but also between teachers and pupils or parents - moreover, the last, usually, the sharpest. The emergence of the conflicts usually and inevitably, but the sharply negative attitude to disputable situations can “destroy” all system.

The procedure of mediation is focused on the development of consensus decisions of the parties. The decision based on consensus unlike compromise fully satisfies interests of each of the parties, and owing to this fact is the most viable and stable. The cooperation position is also mediation. Why is mediation necessary?

Today in educational institutions different people – from the principal to the psychologist are engaged in the solution of disputes. Often all of them have very rough ideas of conflict theories.

Of course, conflict situations are solved and now. However, whether always in their decision interests of both parties of the dispute are satisfied?

The procedure of mediation is directed on the achievement of a compromise, conflict exhaustion. In the course of mediation introduction settlement of the conflicts is entrusted, professionals.

Practice shows that functioning of service of mediation in the educational organization allows:

- ✓ to reduce the total conflict situations;
- ✓ to increase the efficiency of conducting the scheduled maintenance directed on the decrease in the manifestation of asocial behavior of participants of the educational process;
- ✓ to reduce the quantity of the offenses made by minors.

Regulatory base

Main stages of the organization of service:

- ✓ informing the employees of the educational organization who are trained and their parents about service of mediation;
- ✓ motivation to participate in the activity of service of mediation of the employees of the educational organization who are trained and their parents;
- ✓ organization of development of coordination of activity of service of mediation;
- ✓ training of the staff of the educational organization who are trained and their parents (lawful representatives) to a meditation method;
- ✓ establishment of cooperation with bodies of prevention of neglect and offenses, guardianship and guardianship, additional education.

In mediation, some phases from the first contact with the parties of the conflict to the conclusion of the mediation agreement are supposed.

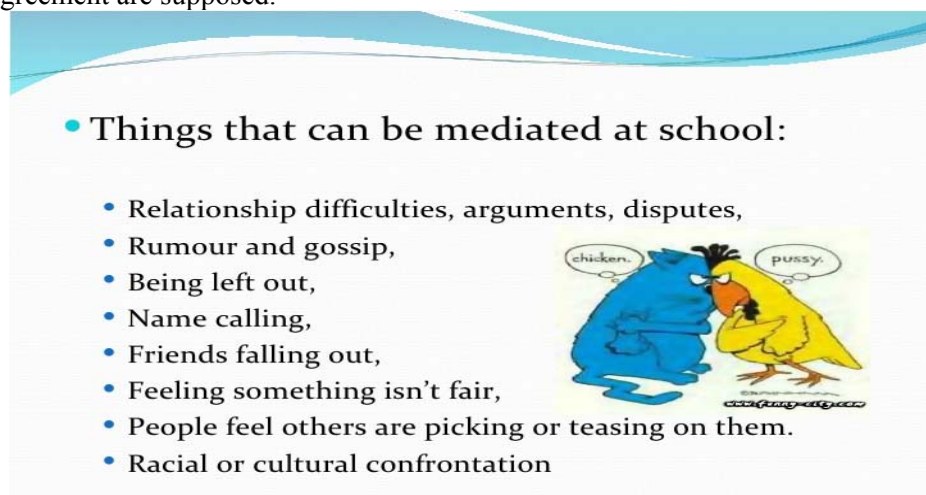


Figure 3. Problems which could be solved by mediation

Who can be a mediator?

On a non-professional basis as mediators persons, as a rule, the criminal records which reached eighteen-year age, possessing full legal capacity and not having an act.

The persons who reached twenty-five year age, having the higher education and who completed a course according to the program of preparation can carry out the activity of a mediator on a professional basis.

Because the application of technology of mediation is impossible without preliminary training, some teachers at school, as a rule, have to undergo the preparation procedure.

Preparation of mediators from among pupils also demands training, and more extended, than the training of adults. Experts' advice providing training with trained where mediation processes, their stages and ways of the solution of the conflicts will be shown.

The service of mediation in the educational organization consists, as a rule, of the following persons:

- ✓ the curator (the deputy director for UVR, the social teacher or the educational psychologist) who will organize work of all service and provides it with information on the happening conflicts;

- ✓ the professional mediators chosen from among the teachers who were trained who are directly involved in the mediation procedure provide theoretical and practical training of pupils;
- ✓ pupils of the senior classes who carry out conciliatory programs for conflict situations.

It is important to note that not each disputable situation can find the solution in the course of mediation especially if the conflict demands the application of administrative or legal sanctions. In educational institutions, the mediator who will help children to learn to solve the internal personal conflicts has to work.

Advantages of mediation

Use of technology of mediation is useful for the educational organization as mediation helps to reach the following results:

- ✓ formation of communicative skills in communication and cooperation with trained, teachers;
- ✓ formation of readiness and ability to carry on dialogue by people and to reach a mutual understanding.

So, mediation solves at once some essential social problems. Despite a set of the nuances connected with the introduction of this technology, the emergence of services of mediation in educational institutions can bring significant positive changes in the procedure of the solution of the pedagogical and social conflicts.

Difficulties and nuances

Let's note that in the majority of the educational organization's service mediation is created only as the formal structure and does not carry out the procedure of reconciliation, or other recovery programs. In such establishments, there are no essential changes in ways of responding to conflict situations and such service it is impossible to consider acting. As a rule, such a way of the solution of the conflicts is very vulnerable and unstable as powerful advantage remains after traditional ways of the solution of the conflicts. Many teachers are sure that only formation of stable cool and school collective, the return of respect for the teacher can serve as effective measures against conflict situations.

One of the difficult stages at the creation of service of mediation in an educational institution can be as well preparation of local acts (the order on the creation of school service of mediation, the provision on school service of mediation, the plan of work of school service of mediation and others).

Also, one of the problems unresolved so far remains not always external intervention of the expert in a conflict situation. Often the service of mediation is subordinated to the head of the establishment; from here and there are questions of trust to specialists of such service. Without the trust of the parties of the conflict to the authoritative expert, there will be no sense.

As we see, mediation at the solution of the conflicts in the educational environment has pluses and minuses.

Thus, "school mediation" is an innovative technique and the educational technology calculated on the application at all institutes which are taking part in education and formation of the identity of the child – from a family and preschool institutions to the higher school.



Figure 4 -Types of School Mediation

Coming to the world, each child as the personality bears in himself both positive and negative potentials of development. Therefore a task of adults is to give a child the chance to realize all the best of it. The social development of the child includes different institution from family, then preschool, school, and, of course, the special place in the development and formation of the child identity occupies communication with contemporaries. By no means, it is impossible to underestimate the importance any of these aspects though during the different periods of life influence and their importance vary.

However, at all stages of a growing, the person needs to feel safe, feel accepted, valued, dear and favorite people, significant for him. Then the child has an opportunity for normal psychophysical and intellectual development.

The purposes of course "School mediation" can be formulated as follows:

- ✓ creation of the safe environment favorable for the development of the personality with the active civic stand able to make decisions and to be responsible for the acts;
- ✓ education of the culture of constructive behavior in the conflict based on mediation which based on the value of human life, uniqueness of each, acceptance, respect of the right of everyone for the satisfaction of own requirements and protection of the interests are (but not to the detriment of others interests);
- ✓ improvement of quality of life of all participants of teaching and educational process (what tutors, teachers, administrators of educational institutions, psychologists, social workers, social teachers, school inspectors, children, teenagers, youth, family) by means of the mediation approach which is based on positive communication, respect, openness, goodwill, mutual acceptance both in groups of adults and children and between these groups.

In an ideal, each employee of the educational system has to own skills of mediation. In each educational institution there have to be five-six school mediators from among teachers, school psychologists, social teachers, etc., and they have to mediate a settlement of "the school conflict", and also teach children, parents, teachers and administration of school to skills of positive thinking and constructive behavior in the conflict. The school mediator along with the settlement of the conflicts has to extend the principles of mediation after all the main thing – the prevention of the conflicts.

What does it mean "to understand"? At first sight, if there is a communication, everything is straightforward: "I said – you understood." However, it is the seeming simplicity.

In the conflict usually occurs so that the party, without having opportunity and desires to understand each other, often prefer "to destroy" the opponent, sometimes to the detriment of to themselves. To receive information – it is not enough, it still needs to be understood correctly.

Also, it is one of the aspects with which mediation works. It corrects the broken or deformed communication, creation of conditions for understanding by the parties herself and each other. It is essential to understand that to create a favorable climate and safe space, it is impossible to increase the quality of training without understanding adults idle time, but the truth most often ignored that communication and is education. Quality of education also depends on the quality of communication. For this reason, one of the bases of a method "School mediation" is positive communication. "School mediation is a beautiful school of communication.

Integration of method "School mediation" begins with the training of adults in bases of mediation and to the ability to resolve disputes with the help of this method. Tutors, teachers, school psychologists, social teachers and social workers, the staff of agencies of guardianship and guardianship, the employees of law enforcement agencies working with difficult teenagers, minor offenders and others who work in educational and educational system owing to the professional activity stand on "front line", and they should look for ways of permission of these problematic conflict situations, the causing stress not only for participants but also for those who try to resolve them.

Difficult conflict situations in the educational and educational sphere arise every minute, as well as in life in general. Mediation belongs to the conflicts, as to an integral part of life. It is clear that often the conflict bears destructive potential though without the conflict there would be no development also. Therefore one of the problems of school mediation is to send the conflict energy not in destructive, but into the creative course. After all, the primary goal of mediation in nurture is an educational context – development by the parties of the mutually satisfying decision focused on future cooperation.

However, it is essential to train kids to solve their problems and negotiate.

Training children to resolve the conflicts also helps to develop a healthy person with moral values. We teach them to respect ourselves, and also to appreciate and accept another. We promote manifestation at children of self-respect, and also we bring up the responsible relation to the actions, acts, and life in general. Mediation teaches them to the ability to occupy and develop an active living position, assuming responsibility for further development of own vital scenario, and also understanding the force of the influence on the world around. It is critical to teach children how to react to conflict situations. In the course of training, they also study empathy, ability to put themselves to the place of another, to be sensitive to sufferings of another, to feel others pain. These are those excellent values without which the person cannot be and remain a person.

One of the forms of meditation training to children is decreasing the space between primary school kids and middle school teens. In the USA one of the methods is "Empathy Course." The fifth-grade kids interact ones in the week with a toddler.

The trained adults work with children in groups on equal rights. It allows involving in work of children actively. Training age-mates ("groups equal"), we create conditions for permission them the interpersonal conflicts, and on the other hand – we give them the chance of self-realization. Children become distributors of ideas of mediation. The "School Mediation" program requires a block of legal knowledge. The Need for the creation of such an educational program for children and adults is challenge of the time.

Difficult relations happen, there are between parents and teachers owing to legal illiteracy of both parties, and also inabilities to communicate with each other, to listen and hear another party, to empathize. Often teachers become the victims of misunderstanding and the consumer relation of parents. Therefore it is vital that each party understood that all have equal rights, was informed of these rights, thus fully realizing that any right is followed by duty and responsibility. Moreover, if we manage to extend at least with small steps this knowledge, to organize an educational activity in this environment, we will take the first steps, not only to the improvement of conditions for all participants of educational process, but also we will create the real base for the improvement of legal culture in general.

If we manage to think differently about conflict it becomes neither good nor bad, just something that is present in our lives. If we accept this possibility, we can then focus on how we interact with conflict and whether this interaction leads to constructive outcomes.

A healthy and productive school (or any other organisation or group) is one with plenty of conflict that is being dealt with well by people who are open to the gifts that it can offer. It is one where people manage to step beyond their fears to a place where there is compassion, creativity and readiness to learn.

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БІЛІМ БЕРУ ЖҮЙЕСІНДЕГІ МЕДИАЦИЯ

Аннотация. Адамдар арасындағы қактығыстар мен даулар, оларды басқарудың тиімді тәсілдерін іздеу адамзат тарихының өзі сияқты ежелгі тарихқа ие. Әлбетте, әрқайсымыз шиеленіскен жағдайларға тап болған кездер болды. Қактығыстар барлық әлеуметтік институттардың, әлеуметтік топтардың қызметінде, адамдар арасындағы қарым-қатынаста көрінеді.

Мұндай жағдайларда балаларға қиындық туғызады. Балалардың ауыр жанжалдарына, егер олар туралы белгілі болса, ересектер сөзсіз араласады. Олар қабылдаған іс-әрекеттерден кейін көбінесе балалар арасында формальды татуласу орын алады. Шын мәнінде, осындай "татуласу" нәтижесі балалар арасындағы қарым-қатынастың үзілуіне әкеліп соғады. Өзара әрекеттесу бұзылған, диалог жоқ. Мұндай жағдайларда жанжал тараптары арасындағы қатынастар одан әрі шиеленісе түседі.

Мұндай жағдайларда медиацияға, яғни жанжалдарды шешуде делдалдыққа негізделген қалпына келтіру технологиялар әдісі жақсы жұмыс істейді.

Түйін сөздер: медиация, жанжал, келіссөздер, мектеп, жанжал тараптары.

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МЕДИАЦИЯ В СИСТЕМЕ ОБРАЗОВАНИЯ

Аннотация. Конфликты и споры между людьми, поиск эффективных способов управления ими имеют такую же древнюю историю, как и сама история человечества. Очевидно, каждому из нас приходилось сталкиваться с конфликтными ситуациями. Конфликты проявляются в деятельности всех социальных институтов, социальных групп, во взаимоотношениях между людьми.

Труднее в таких случаях приходится детям. В серьезные конфликты детей, если о них становится известно, неизбежно вмешиваются взрослые. После действий, которые они принимают, чаще всего между ребятами происходит формальное примирение. В действительности же результатом такого «примирения» становится разрыв отношений между детьми. Взаимодействие нарушено, диалог отсутствует. В подобных ситуациях отношения между сторонами конфликта становятся еще более напряженными.

В таких случаях хорошо работает метод восстановительных технологий, основанный на медиации, т.е. посредничестве в разрешении конфликтов.

Ключевые слова: медиация, конфликт, переговоры, школа, стороны конфликта.

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