

OPTIONS FOR SOLVING CONFLICTS

OUTCOMES

As a result of this lesson, students will be able to:

- Define and identify positions and interests in a conflict
- Discuss options for formal and informal resolution of problems
- Identify and evaluate options for resolving conflicts

MATERIALS NEEDED

- Chalkboard/ flip chart
- Chalk/markers

HANDOUTS

- 1 The Case of Gerry Gault

NOTE: You may want to use this handout to review the facts of this case if significant time has passed since you taught the Juvenile Justice lesson. You might also use this handout if there are students in this class who did not participate in that lesson or if you are teaching the lessons in a different sequence.

- 2 Options for Resolving Conflicts
- 3 Steps in a Typical Mediation Session
- 4 Practice Session: Resolving Conflicts Through Mediation

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives.
- Copy handouts and prepare all materials.
- Using the chalkboard, flipchart paper, or an overhead transparency, create a very large “Position chart” that looks like the one in the lesson. At this point, you should only include the top and side axes showing the terms and definitions of “positions” and “interests” on the left axis and “Gerry,” “Gerry’s Parents” and “Mrs. Cook” on the top axis.

COMMUNITY RESOURCE PEOPLE

A Community Resource Person with some background in mediation or conflict resolution would add credibility and interest to this lesson. Send a copy of the lesson when confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a summary section. It is very important to allow sufficient time to complete the debrief, with the students. During the debrief (summary) the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: A LOOK AT THE CONFLICT BETWEEN GERRY GAULT AND MRS. COOK (20 minutes)

1

Share lesson outcomes with the students. If a Community Resource Person has joined you for this lesson, introduce him or her now.

2

If you have already taught the Juvenile Justice lesson, this step will be a review and you may not need to spend much time on it. Before you distribute the handout, you may want to ask students to volunteer to tell Gerry Gault's story.

However, if there are any students present today who did not attend the previous lesson, take your time because these students will be hearing the story and learning the terms for the first time.

Distribute "**Handout 1: The Case of Gerry Gault**", which can be found at the end of this lesson plan. Review the story with students.

3

Tell students that we are going to be talking about the conflict involving Gerry Gault. We are going to analyze the underlying conflict that these people are involved in and not necessarily the court case that followed the initial conflict. Ask the students to answer the following questions:

- Who besides Gerry was involved in this conflict?

Mrs. Cook, Gerry's parents, Gerry's friend who made the phone call with him, etc.

- What do you remember about how the conflict began?

Gerry Gault was accused by Mrs. Cook, his neighbor, of making an obscene phone call to her. Gerry admitted that he was there with his friend when the call was made, but he said that he did not make the obscene remarks.

- How did the conflict end?

The case went to court. Gerry was adjudicated delinquent and sent to training school.

- What did it "cost" Gerry?

He spent time at a training school. He got a reputation of being a trouble-maker. He disappointed his parents. He damaged his relationship with his neighbor. He now has a juvenile record.

- What did it "cost" his parents?

Their son was sent away for some time. They were embarrassed. Their reputation was damaged. They had to pay money for a lawyer. They had to invest some time to attend court hearings. Their relationship with their neighbor was damaged.

- What did it "cost" Mrs. Cook? What could it have "cost" Mrs. Cook, if she had come to court, as she would have to today?

Her reputation with her friends and neighbors was damaged. The Gaults were angry with her. She had to spend some time talking to the police.

- Did it benefit Gerry?

He learned about the court process. He persuaded the U.S. Supreme Court to give all juveniles certain rights in court. He learned that there are consequences to his actions.

- His parents?

They were eventually able to get justice for their son. They were able to ensure that other juveniles are treated fairly in court. Etc.

- Mrs. Cook?

Gerry got punished, the phone calls stopped.

- Did this really settle the conflict?

Probably not.

4

Ask students what each person wanted to happen after the alleged phone call was made. Explain that what people want is called a position. Positions are what people say they want or must have. Some people call these demands.

5

Ask students to think quietly about the positions of Gerry Gault and others in the conflict. If you made the “Positions chart” in advance, show it now. If you have not prepared it in advance, follow the instructions earlier in the teacher directions.

Ask students what positions Gerry holds. Write down a few positions on the chart. (See the chart below step 7 for possible answers.) After you have modeled a few examples, invite students to fill it in to come to the board to fill in the chart for themselves.

6

Explain the term “interests” to students. Interests are the reasons why people want what they say they want. Interests are what people need, value, hope, and fear. The best way to find out people’s interests is to ask them why they have a certain position. There may be more than one interest for each position.

7

Ask students to think about the interests of the people in the conflict. Add students’ ideas to the chart on the chalkboard or flip chart or transparency:

Example:

| | <i>Gerry Gault</i> | <i>Gerry's Parents</i> | <i>Mrs. Cook</i> |
|--|--|--|---|
| <p>Positions</p> <p><i>(What each says he or she wants)</i></p> | <ul style="list-style-type: none"> ▪ <i>To not be punished.</i> ▪ <i>To be found innocent.</i> | <ul style="list-style-type: none"> ▪ <i>To have Gerry treated fairly.</i> ▪ <i>For Gerry not to get a juvenile record.</i> | <ul style="list-style-type: none"> ▪ <i>To get Gerry punished for what he did.</i> ▪ <i>To not be harassed any more and to have the phone calls stop.</i> |

| | Gerry | Gerry's Parents | Mrs. Cook |
|---|--|--|--|
| <p>Interests (Why each has a certain position)</p> | <ul style="list-style-type: none"> ▪ He was playing around and he did not mean any harm by the phone call. ▪ He and his friends were bored and looking for something to do. ▪ He did not actually make the obscene remark. ▪ He has never gotten in trouble with the police before. ▪ He just wants to live peacefully in his neighborhood. | <ul style="list-style-type: none"> ▪ To have Gerry not be punished ▪ They are afraid that their son's future or reputation will be damaged. ▪ They are worried that they will have to pay lots of legal bills. ▪ They feel guilty that they might be partially responsible for what happened. ▪ They want to live peacefully with their neighbors. ▪ They do not want their son to be sent away. | <ul style="list-style-type: none"> ▪ She was deeply hurt and offended by this obscene phone call and her piece of mind has been damaged. ▪ She was frightened by the phone call. ▪ Young people need to know that there are consequences for their actions. ▪ If Gerry did something wrong, he needs to be punished. ▪ She wants to live peacefully with her neighbors. |

PART TWO: OPTIONS FOR RESOLVING CONFLICTS (60 minutes)

1

Distribute **“Handout 2: Options for Resolving Conflicts”** that can be found at the end of this lesson plan.

If a Community Resource Person is helping with the lesson, he or she may want to handle the next three steps of the lesson. Briefly explain each of the four options to the students: informal discussion, negotiation, mediation, and court litigation.

2

NOTE: Since there will be more opportunities in later sessions to discuss and weigh these options, the goal here is just to briefly introduce these four options to students so that students can analyze them using the Gault conflict.

Read or have students read aloud the descriptions of each option for resolving conflicts. Make sure they understand the definitions for each and the differences between the options.

Explain that the handout represents the continuum of conflict resolution.

3

Once students understand these four options and have a more complete picture of what each person in the Gault conflict wants and why they want it (their positions and interests), they will play the roles of Gerry, his parents, and Mrs. Cook. They will be able to choose the option they think might best resolve this conflict.

4

Divide the class into three smaller groups and assign each group one of the three roles (Gerry, Gerry's parents and Mrs. Cook). If your class is so large that there would be more than six in each group, you may want to divide the group six ways, with two groups assigned to Gerry, two groups assigned to Mrs. Cook, and two groups assigned to Gerry's parents.

NOTE: If parents are present, be sure to involve them in this role-play.

5

Have the groups select a recorder/reporter.

6

Each group should decide which option they would choose to settle this conflict from their character's point of view. Remind students to use what they know about the positions and interests of the part they are playing. They will need to explain the reasons for their decision.

Have each group select their first and last choices for dealing with the conflict from the four options. They should be able to explain the reasons for both choices.

Tell students they have five minutes to complete this task. Post the ending time on the board. While the students are working, circulate around the room to observe their discussions. The Community Resource Person should do the same, if possible.

7

Have the student reporter from each group tell their conflict resolution choices and explain their reasons. Record each group's responses on the chalkboard or flip

chart, including their reasoning behind their decisions.

8

Ask students:

- Is one of the options more fair than the others? Which one? Why? If we were talking about a different conflict, would your answer be the same?
- Gerry actually went to court. Did it work out for him? What went wrong? Could the conflict have been resolved more easily using one of the other options? How? Why would this option have been easier?
- Would things have worked out differently for Gerry if his case had been referred to youth court? How?
- Mrs. Cook did not actually make an appearance in court. If she had, do you think it would have worked out better for her? What could have gone wrong? What could have gone right? Do you think she was satisfied with the result when Gerry went to court? Could she have been satisfied with the outcome if she had used one of the other options? More satisfied? Why?
- How would it benefit or cost Gerry to use informal discussion? Negotiation? Mediation? Court Litigation? How?
- How would it benefit or cost Gerry's parents to use informal discussion? Negotiation? Mediation? Court litigation? How?
- How would it benefit or cost Mrs. Cook to use informal discussion? Negotiation? Mediation? Court litigation? How?

9

Remind students that, whatever their choices were, the conflict between Gerry Gault and Mrs. Cook did go to court, and the U.S. Supreme Court case that resulted set up an important precedent (the way similar cases are to be decided from then on) for juvenile court process.

10

Brainstorm a list of situations where discussion, negotiation, or mediation is a better option than court litigation.

Ask students:

- Could any of these options resolve conflicts that you have in your own lives? Which types? Would these options always work? Why or why not?

- What types of conflicts might be best resolved with informal discussion? Why?
- What types of conflicts might be best resolved with negotiation? Why?
- What types of conflicts might be best resolved with mediation? Why?
- What types of conflicts should go to court litigation? Why?
- Would you try to use any of these methods for resolving conflicts? Why or why not? What problems might you encounter? Could these problems be overcome? What additional information would you need?

11

Distribute “**Handout 3: Steps in a Typical Mediation Session**” that can be found at the end of this lesson plan.

Review the handout by asking a student volunteer to read it aloud as other read along silently. Ask students if they understand the process.

Divide the students into several groups of five. (If the groups do not come out equally to five students, be sure each group contains at least three people.)

Once the students have moved to sit near their groups, distribute “**Handout 4: Practice Session: Resolving Conflicts Through Mediation**” which can be found at the end of this lesson plan.

Then subdivide each group so it contains two teenagers on one side, two senior citizens on the other side, and one mediator, who is also the center program director.

Ask students to read the problem on the handout. Do not discuss it at this point.

12

Ask the two parties (teens and senior citizens) to prepare for the mediation session by meeting separately to answer the questions below the scenario. While the two parties are meeting, the mediator should prepare for the meeting by reviewing the steps in a typical mediation session. Tell students they have ten minutes to prepare for the mediation session. Write the ending time on the board.

13

When it is time to start, bring the five members of the group together so they can all see and hear one another clearly. Ask the mediator to begin the meeting by reviewing the process. Then the mediator (center program director) should facilitate the meeting using the top portion of the handout. Remember, the mediator should not “decide” the solution --- he or she should simply facilitate it.

After the Mediation Session is completed, ask students the following questions:

- Do you think the mediation worked out? Why or why not?
- Was the agreement fair to all sides of the dispute? Why or why not?
- Do you think the process was fair? Why or why not?
- How do you think the agreement made would compare with taking the issue to court?
- Did the mediators help the disputants reach a workable solution? (Did they put the disputants at ease? Did they summarize each side of the story carefully and accurately? Did they help facilitate the process of reaching a solution without suggesting an appropriate solution themselves?)

PART THREE: SUMMARY (5 minutes)

1

End the class with a discussion of how students can use alternate ways to solve their problems so that there will be no future court contact. Ask students:

- What will it cost you to remain in trouble with the court?
- Think about a conflict in your life. What will it cost you to remain in that conflict?
- Are there any benefits to remaining in conflicts or in trouble with the courts?
- What can you do differently to stay out of trouble or to stay out of conflicts?

2

Have each student tell everyone one thing that he or she learned during the class.

3

Thank students and the Community Resource Person for their participation.

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HANDOUT 1

THE CASE OF GERRY GAULT

Directions:

Read this true story about what happened to Gerry Gault. As you read it, mark it up. Circle words you do not understand. Underline or highlight the parts you want to talk about or that make you mad.

The Story:

Gerry Gault, aged 15, was picked up by police and taken from his home to a **juvenile detention center**. He was not sure what he was in trouble for. His parents were at work. The police did not call to tell them what was happening to their son. After they finally tracked him down and rushed to take him home, his parents were told he would not be released. He would have to spend the night in a juvenile detention home (much like a jail for kids). Gerry and his parents were still not told what the **charges** were against Gerry. They were told that a **hearing** would be held the next day.

At the hearing, the Gaults learned that their neighbor, Mrs. Cook, had called the police and complained that Gerry had made an obscene phone call to her home. Mrs. Cook did not show up for the hearing. Instead, a police officer testified about what Mrs. Cook had said. Gerry blamed the call on a friend and said he did not make the obscene remark. There were no lawyers present and no record was made of the court testimony.

Gerry and his family attended a second hearing six days later. Again, no records were kept of the proceedings and the neighbor who accused him did not attend the hearing. At a third meeting with the judge, the hearing officer said that Gerry had admitted making the call at the previous two hearings. Gerry and his parents denied this, but there was no record to prove that either side was right.

The juvenile court did not allow juries. Instead, a judge decided the punishment. The judge found that Gerry was **delinquent** and ordered him to a state reform school where he would have to stay until he was a legal adult, which would be when he turned 21 years old. If an adult in that same state had been found guilty of making an obscene phone call, he would have been either fined \$50.00 or sent to a county jail for no longer than 60 days

HANDOUT 2

OPTIONS FOR RESOLVING CONFLICTS

INFORMAL DISCUSSION

A process where individuals or groups of people meet to discuss their conflict with no special rules about how to behave. The people in conflict speak directly to each other and no one else is present.

NEGOTIATION

A process in which people talk directly to each other about their conflict to try to find a solution that they agree on. Negotiation has rules for behavior and it is a voluntary process.

MEDIATION

A process in which an impartial third person (known as the mediator) assists people in conflict as they find a solution that is acceptable to everyone. Mediation has rules for behavior. It is voluntary and confidential. The people in conflict talk directly to each with the help of a mediator.

COURT LITIGATION

A process in which people in conflict use lawyers and bring the conflict before a judge or jury to make the decision for them. The people in conflict do not speak directly to each other – they speak through their lawyers. The rules for litigation are very complex.

Informal



Formal

HANDOUT 3

STEPS IN A TYPICAL MEDIATION SESSION

STEP 1: INTRODUCTION

The mediator makes the parties feel at ease and explains the ground rules for behavior during the mediation. These ground rules can include such things as agreeing to remain seated and agreeing that any party may request a break to collect itself. The mediator's role is not to make a decision but to help the parties reach a mutually acceptable agreement. The mediator explains that he/she will not take sides. Confidentiality is explained to the parties at this time.

STEP 2: TELLING THE STORY

Each party tells what happened. The person bringing the complaint usually tells his or her side of the story first. No interruptions are allowed. Then the other party explains his or her version of the facts.

STEP 3: IDENTIFYING POSITIONS AND INTERESTS

The mediator tries to make certain that each disputant is clearly understood. The mediator also helps to identify the issues and needs of the disputants. This is done by listening carefully to each side, summarizing each person's view, and asking if these are the facts and issues as each party understands them. Sometimes, the mediator will ask the disputants to summarize each other's perspective in order to check for understanding.

STEP 4: IDENTIFYING ALTERNATIVE SOLUTIONS

The disputants brainstorm possible solutions to the problem. Wild ideas are welcome and no idea is criticized at this point. The mediator makes a list and then asks each party to explain his or her feelings about each possible solution.

STEP 5: REVISING AND DISCUSSING SOLUTIONS

Based on the feelings of the parties, the mediator may help the disputants change some of the possible solutions and helps to identify a better solution to which both parties can agree.

STEP 6: REACHING AN AGREEMENT

The mediator helps the parties reach an agreement that both sides can accept. The agreement is written down. The parties also discuss what will happen if either of them fails to live up to the agreement or if the agreement is not working for them.

HANDOUT 4 PRACTICE SESSION FOR RESOLVING CONFLICT THROUGH MEDIATION

GET AWAY FROM MY BENCH

Participants: _____

Teens: _____

Senior citizens: _____

Center Program Director and Mediator: _____

Charles Place is a community center. The center holds programs for neighborhood people of all ages. Many of the programs are during the day for senior citizens; there is an after-school program for teens.

Outside of the center is a grassy area with chessboards and benches. The senior citizens enjoy congregating in this area, sitting on the benches speaking with one another before and after their programs. The teenagers come after school for their programs at the center. They, too, meet each other outside of the center in nice weather. The students and senior citizens have not been getting along with each other lately. Many of the seniors and teenagers have pre-judged each other.

The students carry radios with them and play loud music. The seniors say the music disturbs them. They are unable to carry on a conversation or concentrate on their chess games with the music blaring.

The teens complain that the senior citizens have been at the center all day and when the teens get out of school, there is no space for them. The teenagers say that the "old people" take up all the benches, so there is nowhere for them to sit down. The teens say the senior citizens are always yelling at them to turn down their music and to be quiet, so they can play chess, but they've been quiet all day at school and want to relax now.

Mr./Ms. _____, the center's Program Director, suggested the two groups select representatives and to try to mediate their problems.