PEER MEDIATION: EQUIPPING STUDENT LEADERS WITH THE ABILITY TO RESOLVE INTERNAL CONFLICTS

Leonora Gogos*

I. INTRODUCTION

Crime and youth violence are a major problem facing the United States today. The United States has developed the reputation of being a country that nurtures young minds and promises them a holistic education. Currently, there are around 54.8 million students enrolled in grades K-12 in the United States. However, crime rates are rising among juveniles—children in the aforementioned grade range. Teenagers are currently being arrested for violent crimes more often than young adults are.

While these statistics are staggering on their own, the real problem lies in their consequences. Shockingly, the violent death rate for teens between fifteen and nineteen years of age is 69 per 100,000 children. Homicide is the second leading cause of death for people aged fifteen to twenty-four.

Many of these issues trace back to schools, where physical and emotional violence are prevalent. The statistics on this topic, too, are jarring. Over the course of just over a year (from July 1, 2005, until July 30, 2006), there were 17 school-associated violent deaths from students aged five to eighteen. Of these students’ deaths, fourteen of them were homicides and three were suicides.

However, the individuals comprising these unfortunate statistics are not the only ones for whom school is an unsafe environ-

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2 Id.
3 Chris L. Nix & Claudia Hale, Conflict Within the Structure of Peer Mediation: An Examination of Controlled Confrontations in an At-Risk School, 24 CONFLICT RES. Q. 327, 339 (2007).
4 Id.
5 Dinkes, supra note 1.
6 Id.
7 Id.
8 Id.
ment. Over the aforementioned time period (July 1, 2005, until July 30, 2006), students aged twelve to eighteen fell victim to over 1.5 million non-fatal crimes in their respective schools; these non-fatal crimes included thefts and violent crimes.9 Furthermore, perhaps even more shocking is that students were more likely to be robbed at school than away from school—at a rate of ten or more thefts per 100,000 students (in 2005).10

Bullying within school is another plague upon the American school system that is, frankly, not being addressed by the means currently set in place. With today’s rising crime rates amongst school-aged children, bullying is a problem that has the potential to—and is currently fulfilling that potential—become more critical than ever.11

An example of school bullying that became extremely grave is the case of Jeff Johnston.12 Johnston was a sociable honors student from Florida who tried his best in his classes and had many friends with whom he would spend time.13 Then, he fell victim to bullying.14 After his torment began, Johnston wore exclusively dark colors, isolated himself from his friends and family, and became highly self-conscious.15 These symptoms align precisely with the studied effects of bullying.16 Most times, a bullied student’s self-esteem will drop rapidly, as he or she begins to (even subconsciously) accept the harsh words as true statements.17 The long-term effects of bullying can include alcoholism, drug abuse, and other attempts to enter a state of oblivion, removing the child from the root of the problem.18 Students will often become depressed, skip school, and/or attempt suicide.19 Bullying also boasts tragic short-term effects.20 Bullied students often report having headaches, insomnia, and a fear of attending school—specifically, the school bathroom,

10 Id.
11 Id.
12 Jon M. Philipson, The Kids are Not All Right: Mandating Peer Mediation as a Protective Anti-Bullying Measure in Schools, 14 Cardozo J. Conflict Resol. 81 (2012).
13 Id.
14 Id.
15 Id.
16 Id.
17 Id.
18 Philipson, supra note 12.
19 Id.
20 Id.
where they are able to be isolated by a bully.\textsuperscript{21} Furthermore, being bullied affects the bullied student’s academic performance in a very negative way; the student’s grades will often drop due to a new disinterest in and disengagement from other students, added with an incapability to focus in class and on homework.\textsuperscript{22}

Johnston’s situation had become too much for him, and soon, he committed suicide.\textsuperscript{23} Johnston, a middle school student, hanged himself in his closet after undergoing months of bullying at school.\textsuperscript{24} School had simply become an unavoidable place of both physical and verbal abuse for Johnston.\textsuperscript{25}

Victimized students already fear going to the school bathroom because they worry about being isolated by a bully; yet, bullying now has the potential to become far more violent in nature. This poses a great, looming threat to the future of American students. Ten percent of male students in grades 9-12—approximately 2.25 million students—reported being threatened or injured with a weapon on school property in the past year.\textsuperscript{26} Six percent of female students (approximately 1.6 million students) reported the same.\textsuperscript{27} Adding on to this, approximately 30% of youth in the United States (equivalent to approximately 5.7 million children) either bully their peers, are bullied by their peers, or do both.\textsuperscript{28} Statistics from the United States Department of Justice showed that 77% of middle school students (typically aged 11-14) report that other children have bullied or threatened them.\textsuperscript{29}

Since all of these violent actions trace back to schools—that of both the bully and the victim—one would reasonably ask why the schools are not getting involved in fixing the problem. Although many schools are not trying and although some schools are, the majority of them are going about it in an entirely wrong way.

Luckily, in 1984, a group of educators and mediators joined forces to create the National Association for Mediation in Educa-

\textsuperscript{21} Id.
\textsuperscript{22} Id.
\textsuperscript{23} Id.
\textsuperscript{24} Philipson, supra note 12.
\textsuperscript{25} Id.
\textsuperscript{26} Decker, supra note 9.
\textsuperscript{27} Dinkes, supra note 1.
When this group was formed, only very few peer mediation programs were in existence. By 1994, a decade later, thousands of peer mediation programs graced the halls of schools all over the United States. Sizable school systems in areas like New York City and San Francisco have instituted peer mediation programs in many of their schools; however, the interest in these programs is not limited to the United States. In fact, educators in Europe, Central America, South America, Africa, and Asia are currently adjusting to peer mediation programs in their distinct school systems.

II. Peer mediation vs. Punitive Action

Students on school campuses face many of the same problems that adults do in daily life. Interpersonal conflict, such as the spreading of rumors and arguments of identity politics, is prevalent in schools and in adult life. Although they are common, these conflicts still do affect the school environment, and can be addressed in two ways: one beneficial, and one not.

If peer mediation is used in response to an interpersonal conflict in a school (and even in a workplace or other environment), the conflict can be resolved fully and can even result in positivity; learning, growth, maturity, and comprehension of another perspective. Mediators are also taught how to manage conflicts and can apply their knowledge in the future, which would gradually reduce the need for institutional intervention.

Unfortunately, many schools do not address conflicts in this manner. Instead, they forgo peer mediation and turn to punitive action. This is the worst option for conflict resolution because people are not taught the necessary skills for productive and efficient conflict resolution. Instead, punitive action will worsen the problem, or in the best-case scenario, gloss over it.

31 Id.
32 Id.
33 Id.
34 Id.
36 Id.
Thus, rather than managing conflict resolution through the customary disciplinary system which centers on punitive action, schools and large institutions must start using peer mediation. In the traditional disciplinary order, only adults are allowed to make the decisions, which are then imposed on students.\textsuperscript{37} These decisions often result in punishment, which makes the children feel “ganged up on” or unheard.\textsuperscript{38} On the other hand, peer mediation is a confidential and voluntary process in which unbiased students facilitate communication and negotiation between their fellow students to help them find solutions to their disputes.\textsuperscript{39} Peer mediation not only serves an immediate purpose in resolving conflict, but it also enables students with the skills to manage conflict in the future, which will gradually decrease the need for direct and stringent institutional intervention.\textsuperscript{40}

Perhaps the most essential aspect of peer mediation is the fact that it is, indeed, led by students, for students. In his book \textit{Students Resolving Conflict: Peer Mediation in Schools}, Richard Cohen outlines several reasons for which peers resolving their own interpersonal conflicts is a superior alternative to adult intervention.

1. First, he writes that “students understand their peers.”\textsuperscript{41} No matter how hard educators might try, there will always be an ineffable gap between generations, and peer mediation completely circumvents this problem by allowing capable people of the same generation to interact, omitting the learning gap.

2. Next, Cohen writes that “students make the process age-appropriate.”\textsuperscript{42} By this, he means that, since the youth’s problem-solving approaches evolve as they develop biologically, having a student of the same age range as the people involved in the conflict prevents an adult from “talking over students’ heads,” and instead makes the mediation session meaningful.\textsuperscript{43}

3. Then, he writes that “students empower their peers because they have no power over them.”\textsuperscript{44} Essentially, when students involve themselves in a mediation session, they gain “power” (if we define power as respect and attention from

\textsuperscript{37} Id.
\textsuperscript{38} Id.
\textsuperscript{39} Id.
\textsuperscript{40} Id.
\textsuperscript{41} Richard Cohen, supra note 27.
\textsuperscript{42} Id.
\textsuperscript{43} Id.
\textsuperscript{44} Id.
their peers) only by their own behavior. A student cannot suspend or expel another student, so the stakes are technically lower for those involved in the conflict. However, the mediation session is still effective because the students have no authority figure to resist—instead, they must discuss the conflict honestly and openly amongst their equals.

Lastly, Cohen claims that “students normalize the conflict resolution process.” This is not a complicated argument; it simply states that, since students have grown habituated to facing some sort of consequence (inflicted upon them by an adult disciplinarian) when they are in conflict, simply “talking out” the problem with the other people involved feels far less stigmatized, and far more normal.

This point regarding normalization brings us to the next issue: peer mediation in comparison to the more traditional approach of punitive action. Research has found that a “sense of belonging” is a huge factor in preventing violence in schools. While punitive actions such as suspension or expulsion can push students further and further away from their learning communities, peer mediation will push a better version of them back into their school communities, where they can then work to ameliorate it. A school peer mediation program encourages critical thinking, enhances students’ drives, and expands healthy attitudes and interpersonal connections within the school community.

Furthermore, while zero-tolerance policies have been proven to be generally ineffective, they have also been proven to be discriminatory. As more zero-tolerance policies are instituted, schools will add police officers, security cameras and wands, and metal detectors to their school. While this might seem necessary after reading the statistics about how many students carry weapons

45 Id.
46 Id.
47 Richard Cohen, supra note 27.
48 Id.
49 Id.
51 Id.
52 Id.
53 TERRY K ELEHER, R ACIAL D ISPARITIES R ELATED TO  S CHOOL Z ERO T OLERANCE P OLI-
fulltext/ED454324.pdf.
54 RUSSELL J. S KIBA & M. KAREGA RAUSCH, HANDBOOK FOR CLASSROOM MANAGEMENT:
RESEARCH, PRACTICE, AND CONTEMPORARY ISSUES 1063-89 (Carolyn M. Evertson & Carol S.
Weinstein eds., 2006).
to school, this solution is shallow, does not address the root of the problem, and is actually harmful in the long term. As a student, my first thought is that attending a school where you are almost expected to do something wrong—all the equipment is in place to punish you when you actually do it—lowers your self-esteem and makes you feel unsupported, convincing the student that no one believes in them.

III. The Long-Term Effects of Peer Mediation

It has been proven that peer mediation fosters self-regulation, self-esteem, and self-discipline in youth. Peer mediation programs teach trained youth the ability to transfer mediation skills to a variety of settings including family and neighborhood conflicts, which indubitably aids youth in becoming superior problem-solvers and more responsible citizens.

Therefore, it comes as no surprise that peer mediation has proven to be the most successful tactic for conflict resolution in this setting. The National Institute for Dispute Resolution (“NIDR”) found that 8,500 schools across the nation use peer mediation programs, and that these programs boast beneficial long-term effects on their participants. According to their studies, 85% of students trained in peer mediation use techniques they have learned in training to handle future conflicts. This statistic is invaluable for decreasing the amount of conflict the United States will face in the future—students replicate the situations that they see at home or in their communities, so if the future generation has been trained in mediation and resolution strategies, there will without question be less conflict amongst the younger generations. This will continue until the crime rate has fallen considerably from the immense peak where it stays right now.

There are numerous studies which demonstrate clearly the positive impact that peer mediation has on school environments. In a study done in a diverse, suburban elementary school, peer me-

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55 Johnson, infra note 68; Abbas Turnuklu et al., The Effects of Conflict Resolution and Peer Mediation Training on Turkish Elementary School Students’ Conflict Resolution Strategies, 7 J. of PEACE EDUC. 33 (2010).
56 Id.
58 Id.
Diagnosis was made accessible to all students.\textsuperscript{59} Over the course of three years, data was taken which finally illustrated that the number of suspended students decreased dramatically after peer mediation was instituted in the school.\textsuperscript{60} Furthermore, peer mediation training caused a substantial increase in knowledge relating to disputes and conflict resolution; when re-evaluated three months later, the results had not wavered.\textsuperscript{61} All peer mediation sessions succeeded in their goal of resolving conflict, and the general consensus amongst mediators and participants was that peer mediation was an invaluable and transformative addition to the school.\textsuperscript{62}

A recent instance of a significant success in peer mediation occurred this past April 2019 in Savannah, Georgia.\textsuperscript{63} Students at the Woodville Tompkins Technical & Career High School were awarded by the Mediation Center of the Coastal Empire for their prominent work as peer mediators.\textsuperscript{64} The Honorable Judge Tammy Stokes spoke at the event, in which medallions were distributed to these students who were able to successfully navigate and resolve conflicts amongst their very own peers.\textsuperscript{65} The Mediation Center’s Peer Mediation Program has now trained over one thousand students spanning three of Georgia’s school districts.\textsuperscript{66} The executive director of the program, Jill Cheeks, said that the students go through such a rigorous training program in “effective communication, problem-solving and conflict-resolution skills” prior to becoming peer mediators that it is crucial to applaud their achievements.\textsuperscript{67}

A peer mediation program was also implemented at Highlands Elementary School in Edina, Minnesota.\textsuperscript{68} Students received thirty minutes of training over the course of thirty days, and learned mediation by three main steps: negotiation, conflict media-

\textsuperscript{59} Rita Cantrell Schellenberg et al., \textit{Reducing Levels of Elementary School Violence with Peer Mediation}, 10 PROF’L SCH. COUNSELING 475 (2007).
\textsuperscript{60} Id.
\textsuperscript{61} Id.
\textsuperscript{62} Id.
\textsuperscript{64} Id.
\textsuperscript{65} Id.
\textsuperscript{66} Id.
\textsuperscript{67} Id.
\textsuperscript{68} David W. Johnson et al., \textit{Teaching Students to Be Peer Mediators}, 50 EDUC. LEADERSHIP 10 (1992), http://www.ascd.org/publications/educational-leadership/sep92/vol50/num01/Teaching-Students-to-Be-Peer-Mediators.aspx.
tion, and peacemaking. After the students received training in only negotiation and conflict mediation, their interpersonal conflicts were managed primarily by the students themselves, with no adult intervention. In fact, the frequency of conflicts between students that teachers had to get involved in dropped by eighty percent. Furthermore, the amount of conflicts in which the principal had to get involved dropped to zero. These significant reductions transformed the elementary school’s discipline program from one that adjudicated conflicts to one that supported and trusted the peer mediation process to handle them.

At Highlands Elementary School, students were videotaped negotiating resolutions to two separate conflicts directly after training, and six months later. This exercise was meant to ascertain how effective the training programs were. Then, the students were also given a questionnaire in which they were given two examples of conflicts and were required to express how they would mediate each of them. The students’ responses clearly proved that the students knew, and were able to apply, the peer mediation procedures that they had learned. Thus, the training was proven to be effective. Of course, this is not to claim that all peer mediation training is flawless; students were sometimes unwilling to express their feelings, and occasionally had a challenging time thinking of other students’ perspectives.

In this particular example, peer mediation training did have a long-term effect. In fact, many of the trained students said that they used their negotiation and mediation skills back at home with their siblings. Inspired by the positive effects of the program, many parents reported back to teachers that their children were using peer mediation techniques with their siblings, neighbors, grandparents, and sometimes, even their pets. Interestingly

69 Id.
70 Id.
71 Id.
72 Id.
73 Id.
74 Johnson, supra note 63.
75 Id.
76 Id.
77 Id.
78 Id.
79 Id.
80 Johnson, supra note 63.
81 Id.
82 Id.
enough, and fortunately, many parents whose children were not involved in the peer mediation training project actually requested that their child do be trained next year. Furthermore, numerous parents even requested training themselves. This is solid evidence that peer mediation has a positive effect not just on individual students, but on communities as a whole.

IV. PEER MEDIATION FOR “AT-RISK” STUDENTS

Oftentimes, punitive action is taken directly against “at-risk” students who are involved in conflict. According to the No Child Left Behind Act of 2002, “at-risk” denotes:

[a] school aged individual who is at-risk of academic failure, . . . has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system . . . in the past, is at least [one] year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

However, “[t]his definition is vague, incomplete, and potentially damaging.”

Researchers have found that alternative schools are mainly inhabited by people of color who are suspended, expelled, pregnant, parenting, homeless, or in the juvenile justice system. But, mediation in the place of exclusionary and punitive action, may also promote school engagement for at-risk students.

The long-terms effects of peer mediation have been proven, as the statistic that 85% of trained student mediators use peer mediation tactics in their future illustrates. By equipping the future generation with the tools necessary to deescalate and resolve conflict, we are stopping the vicious cycle which results in the teenage

83 Id.
84 Id.
85 Id.
87 Fetzer, supra note 52, at 9.
88 Id.
90 Fetzer, supra note 52.
suspension, expulsion, pregnancy, and jailing found in these alternative schools. By implementing zero-tolerance policies, we are only perpetuating the cycle; these students mimic things that have been done around them in this environment without anyone or any program ever instilling any change. By actually using mediation and discussing what happened and why it’s wrong, we can add a new level of understanding for these students and make them no longer “at-risk” (a harmful definition in its own right). Without PMP, the system is punishing these students without giving them a chance to realize why what they did is wrong. By having them hear how their actions adversely affected someone else, real change might actually be able to be implemented.

The studies support this. McCormick’s studies showed that at-risk students were perceived by teachers as being far more cooperative after going through the process of peer mediation. This noticeable shift was supported by a 47% decrease in self-reported aggressive conflicts—yet another result of the implementation of the peer mediation program. McCormick also reported that at-risk students who were direct participants in the program developed “prosocial” outlooks on conflict, yet those who had only indirect or no exposure to the process retained “antisocial” outlooks on conflict. For example, one at-risk student was trained officially as a peer mediator. Before his training, this student’s preference for resolving conflict was in an aggressive style, but after training over one semester, his preference changed to a collaborative approach. This metamorphosis showed that those students that often created the disputes in the first place were just as excited about the problem-solving procedure as those people thought to be model students.

Another study was conducted which showed results of peer mediators having higher levels of empowerment and feelings of confidence in constructing their own future. Counselors involved in this study observed that the disputants who began with poor lis-
tensioning skills developed very strong ones through the process.\textsuperscript{98} All students, disputants, and mediators alike, were able to find a place in the mediation room to discuss problems and figure out how to solve them, creating a “win-win” situation for everybody.\textsuperscript{99} In fact, one student summarized the process as such:

All I ever wanted to do was to fight. If someone said something to me I didn’t like, I didn’t think about talking, I just thought about fighting. I thought, ‘Who needs this? What am I doing here?’ I just wanted to punch these girls out. I figured that the mediator would tell me what I was going to have to do. But she didn’t. Instead she drew me out, listened to me. It felt so good to let it all out; then I wasn’t angry anymore I thought, ‘Hey, if this can work for me I want to learn how to do it’\textsuperscript{100}

V. \textbf{Conclusion}

Even by reading just a few studies on the effects of peer mediation in school environments, it is challenging to ignore the immensely positive results that schools have seen. Students feel more empowered and more heard, and this switch in their attitudes is apparent in the decreasing rates of conflicts in these environments.

Although schools might worry about implementing new structures into the school system, there is no school without some sort of consequence system, and the effects of peer mediation versus punitive action suggest peer mediation to be far superior. Schools do not have to restructure their entire school systems, but they must try what they can to incorporate peer mediation into their normal arrangements. Not only does it help students resolve their conflicts, it also equips them with life skills that can truly lead to an ameliorated society in the future.

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\begin{enumerate}
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