

OPINION

Conflict Resolution Programs in Australian Schools – No Longer If, but How...

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The shooting at Columbine High School in Littleton, Colorado, in April 1999 shocked the world. Educators, mental health professionals, law enforcement officers, legislators, parents and communities around the globe faced the enigmatic question: ‘how do we protect our children whilst they learn?’ Immediate responses took the form of heightened security precautions and stricter school violence legislation. Since the early nineties, public schools across America had been increasing the number and types of physical security measures being used to protect children whilst in their care, installing metal detectors, hiring security guards, eliminating student lockers and instituting strict search and seizure policies. Yet, students appeared to be learning how to circumvent safety precautions with teachers becoming less inclined to intervene for fear of being caught in the crossfire. What more could be done?

The FBI’s National Centre for the Analysis of Violent Crime (NCAVC) prepared a report entitled: ‘*The School Shooter: A Threat Assessment Perspective*’¹ which warned that school violence was more than just a school or police problem and acknowledged the integral role to be played by families, schools, peers and wider communities in shaping the social and emotional skills of young people.

A systematic approach to threat assessment was recommended nationally across the United States with the NCAVC devising a threat assessment - intervention model which set out a methodical procedure for evaluating a threat and the person making it. This protocol was designed to enable an informed judgment on the danger that a violent act will actually be carried out but required the participation of specialist staff, trained in the skills required to observe and differentiate between types and levels of threats.

With the support of the then US Attorney General Janet Reno, the NCAVC also convened the 1999 Leesburg Symposium, where stakeholders were invited to contribute to discussion forums focusing on strategies to remedy the acknowledged epidemic of school violence. In attendance were teachers, administrators, NCAVC staff members, law enforcement officers who were involved in investigating school shootings and experts in adolescent violence, mental health, suicidology, school dynamics and family dynamics. As a result of that symposium a number of proposals were generated, including: the provision of training for students on subjects such as interpersonal communication, conflict resolution and anger management; and making use of student peer groups in the intervention program². In the following years a variety of school peace programs and peer mediation schemes have been instituted and developed across the United States, with varying levels of government and community funding³.

Whilst educators and legislators in Australia were no doubt equally shocked and moved by the Columbine incident, there was little if any discernible shift in education policy or funding in this regard until 2002 when the Crime Prevention Branch of the Commonwealth Attorney-General's department commissioned a report to evaluate the methods and approaches to reducing bullying in early primary schools in Australia. The adoption of the National Safe Schools framework⁴ has now been made a pre-cursor to Australian schools sharing in the \$31.3 billion in Commonwealth funding in the three years from 2005 to 2008. It now appears that the burning question is not whether schools can afford to implement conflict resolution programs for their student bodies but rather, whether they can afford not to, and how best to incorporate affordable and effective programs.

This paper will discuss the case for compulsory conflict resolution programs and the role of Law Society sponsored mediation programs in the fostering of conflict resolution skills in Australian schools.

The Case for Social Emotional Learning and Conflict Resolution Education

School violence is not unique to America, it has become a high profile public policy issue throughout the world. Reports and studies into school violence were being conducted years before the Columbine incident in the United States, yet the tragedy occurred.

Less physically destructive forms of violence occur more frequently everywhere and there is an increasing amount of evidence of the more insidious effects of intimidation, taunting and bullying. Language is also the weapon used in student violence towards other students, being critical in issues of sexism and racism⁵. Current research across the globe is drawing links between children's peer relations and psychological well-being⁶, whilst Rigby & Slee⁷ are extending their research to specifically look at the links between peer victimisation and the ideation of suicide among adolescent school children in Australia.

Early anti-social behaviour is now also being linked as a predictor to the frequent use of drugs in adolescence⁸ whilst educators and psychologists are acknowledging that empowering children to be appropriately assertive can be crucial in equipping them to resist peer pressure, speak out against wrong and to refuse going along with the crowd despite the fact that their choice may be unpopular.

From the educator's perspective, increasing liability in tort also indicates that Australian schools without an anti-bullying program may now be at risk of being liable in negligence⁹. Ironically it seems that overworked teachers who have fewer disciplinary measures available to them than ever before are also finding themselves more liable for violence between peers whilst in their care.

Australian children spend at least 6 hours a day, 5 days a week in schools; collections of people with diverse family, racial and cultural practices who are required by law to attend such an institution. In 1997, there were 1.9 million primary students and 1.3 million secondary students in Australian schools. Three-quarters (74%) of those primary students and two-thirds (66%) of those secondary students attended government schools¹⁰. Teachers in these schools are subject to the vagaries of a system that may transfer them to unfamiliar and 'difficult' social contexts with minimal preparation or resources. It is submitted that conflict in this environment is inevitable. People will not see things the same way – but they will need to live together. If they are to do that in an environment of mutual respect, then teachers and students from all social and ethnic groups will need to be able to discuss their differences in a productive and mutually beneficial way.

In this context, Goleman argues that inappropriate responses are too-often triggered by an inability to control emotions and that children, specifically, need to be taught how to control themselves and their impulses so that they can persist in the face of frustration¹¹. Training children to see things from another's perspective breaks down stereotypes and contributes to acceptance of difference and increased tolerance. Equipping teachers to implement this training is another important part of the equation.

There is also a great deal of supporting evidence for the proposition that conflict resolution training can change children's lives academically as well as socially. The embedding of effective social emotional learning and conflict resolution skills in students can give teachers more tools and time to help students to reach their best performance in terms of learning outcomes¹². In addition, neuroscientists argue that emotional knowledge and empathy skills are desirable in the education process on the basis that when emotions are involved in the learning experience, there is a greater and more accurate recollection of the information learned¹³.

In the undercurrent of this research, however, has been the public policy debate about where responsibility for this aspect of education really lies. Whether it properly belongs with schools, or rather falls under the banner of 'character development' which has traditionally been considered the prerogative of parents and guardians.

Goleman acknowledges that social and emotional skills (which he labels 'emotional intelligence') are considered to be 'character development' by some, but goes on to challenge the absence of this training in schools:

'Academic intelligence offers virtually no preparation for the turmoil-or opportunity- life's vicissitudes bring. Yet even though a high IQ is no guarantee of prosperity, prestige, or happiness in life, our schools and our culture fixate on academic abilities, ignoring emotional intelligence, a set of traits – some might call it character- that also matters immensely for our personal destiny'¹⁴

The case for resistance has no doubt been diminished by changing social demographics. The Australian Bureau of Statistics reports substantial changes in the Australian family structure in the last 30 years. In 2001, lone parent families represented 15.4% of all families, a slight increase from 1996, but a significant increase from 5.7% in 1971. In 2001, 7.4% of people aged 15 years and over were divorced, compared to 6.4% in 1996 and less than 2% in 1971. There has also been a corresponding decrease in the proportion of couple families with children who represented 47.0% of all families in 2001, down from 49.6% in 1996, and 50.2% in 1971.

But it appears it has finally been overcome by the emerging body of research which details the potentially destructive and outcomes from violence and peer-conflict in schools and the impact of the litigation now being directed at government educational institutions as a result. Whilst many schools had started to experiment with peer mediation programs in response to their local conditions and individual resources the policy turning point came in 2002, when the Crime Prevention Branch of the Commonwealth Attorney-General's department commissioned a report to evaluate the methods and approaches to reducing bullying in early primary schools in Australia¹⁵.

For the purposes of this analysis, some of the most significant recommendations contained in the report included the propositions that:

- a) younger children can be more readily influenced to be less involved in bullying, therefore early intervention is most desirable;
- b) more success has been reported in helping children to protect themselves from bullies than in

- stopping those who bully; and
- c) that current evidence suggests that problem-solving approaches are at least as effective and may be more effective than punitive programs targeting bullying behaviour.¹⁶

The National Safe Schools Framework then acknowledged that promoting and providing a supportive and safe learning environment in which all students can expect to feel safe is an essential function of all schools and that:

The Australian community rightly expects authorities charged with managing our schools, both in the government and non-government sectors, to take all available measures to ensure the safety of students, to support students and to set out clearly, transparently and explicitly the policies and programmes they have in place to fulfil this important responsibility.

SCRAM

The Schools Conflict Resolution and Mediation (SCRAM) competition was pioneered by the Queensland Law Society in 1995 is an attempt to promote a greater understanding of mediation practice throughout the community and to encourage students to develop skills for resolving conflict in their educational and social relationships. It takes the form of a competition which is supported by the Queensland Law Society, the Law Society of New South Wales, the Law Institute of Victoria and the Law Society of the Australian Capital Territory and each participating state conducts the competition independently, culminating in a National final each year which features the highest scoring teams.

The competition is open to students from Years 9 and 10 (14 and 15 years of age) and the various law societies and their memberships play an important role in providing the adjudicators to visit each participating school, judge the performances and give feedback to assist in skills development. This interaction also gives the profession an opportunity to raise their public profile by addressing the students and the community on the increasingly important role of alternative dispute resolution processes within the legal system and the role of lawyers in those processes.

As it currently runs in Australia, the program is designed to draw from the Personal Development Curriculum but can also be incorporated into the English, SOSE/Social Science, Religious Education, Business Studies or Health Curricula¹⁷. Students participate in teams of six, with four playing disputants and the remaining 2 acting as co-mediators. The co-mediation model works particularly well in the formative stages of development of mediation skills, particularly with the dynamics of a multi-party dispute.

Every student's performance is graded to contribute to the final score and the adjudication criteria are soundly based in mediation theory and practice.

The SCRAM committee for each state prepares two problems which form the scenarios for the two rounds of the competition. Common facts are distributed during the month before the competition allowing both the disputants and the mediators to think through the conflicts involved in the problem and the possible confidential facts that may later be revealed. At the beginning of the competition round the disputing parties are given confidential fact sheets which they have 10 minutes to read before the mediation begins. The disputing sides and the mediators are kept separate for that period.

The mediation session takes 50 minutes with 10 minutes preparation time. The adjudication and feedback process is allocated a further 30 minutes to enable students to ask questions and maximise the learning opportunity. The assessment criteria for the mediators focuses on the skills demonstrated in a facilitative based model of mediation with specific marks being allocated for skills such as open questioning, impartiality, summarising, reality testing, reframing and a comprehensive opening statement.

The assessment guidelines for the disputing parties focus on principled negotiation skills. Marks are also allocated for characterisation, authenticity and the demonstration of a positive problem-solving approach. In an attempt to achieve authenticity, the confidential fact sheets are designed to give the scenarios a life-like quality and to give the disputants an opportunity to play their roles in a realistic way. Parties who disclose all of their confidential facts too readily deny their mediators the opportunity to demonstrate the listening and questioning skills which attract high marks. In this way many valuable characterisations emerge enabling near to 'real life' experiences for the mediators involved.

The problem scenarios are generally set in the context of a secondary school involving the school administration and the student body as well as the particular role-players identified in the problem. This enables the mediators to reality test any agreements reached in the context of their own school infrastructure which again contributes to the authenticity of the mediation task.

Whilst the competition ultimately determines only one winning team it is expected that every student who participates improves their understanding of the mediation process and will develop their personal conflict resolution skills. Many schools support the peer mediation model further and adopt a whole school approach encouraging their student bodies to utilise peer mediation in the resolution of general schoolyard conflict both in preparation for, and following, the competition.

The arguments for a whole school approach to conflict resolution are also compelling.

In considering the most effective way to implement conflict resolution education it is important to remember that learning that goes unused is not retained, and students do not internalise and perform behaviour unless their peers and role models do it as well¹⁸.

It follows that teachers therefore need to engage in the philosophies they teach and schools need to encourage and support such engagement. Training teachers to train children in such skills should also increase the likelihood that such skills will be practiced and modelled in the whole school context, to the benefit of the whole school community.

Conclusion

As a legal educator in the area of dispute resolution, I encounter large cohorts of students each year who claim they have never been exposed to conflict resolution theory. In a simple arm-wrestling exercise¹⁹ it quickly becomes obvious how small a proportion of students understand or choose to use collaborative problem solving techniques. In the writer's view such exercises highlight the fact that by the time these students commence their tertiary education, their fundamental attitudes to conflict resolution have been embedded from an adversarial perspective. Their natural response to conflict is that for them to win, the other side must lose.

This paper has canvassed many of the arguments in support of the introduction of conflict resolution programs in Australian schools and the benefits of programs such as SCRAM which encourage collaboration between the legal profession and education professionals to meet this

important need. In an environment of ever-shrinking financial resources both educators and legislators are urged to consider this topic from a broader cost-benefit perspective. The question is no longer *whether* to invest in conflict resolution programs in our schools, but rather how to best achieve the desired outcomes. The SCRAM program is an example of a collaborative approach to the development of collaborative problem solving skills, a positive step in the achievement of this compelling goal.

Endnotes

1. *The School Shooter: A Threat Assessment Perspective*, Critical Incident Response Group (CIRG) National Centre for the Analysis of Violent Crime (NCAVC) FBI Academy, Quantico, Virginia 22135.
2. See: *The School Shooter: A Threat Assessment Perspective*, Critical Incident Response Group (CIRG) National Centre for the Analysis of Violent Crime (NCAVC) FBI Academy, Quantico, Virginia 22135, appendix C at p. 42.
3. For example see: The Ohio Commission on Dispute Management and Conflict Management Schools Program at <http://www.state.oh.us/cdr/> and Peacebuilders(America) at <http://www.peacebuilders.com>
4. <http://www.mceetya.edu.au/pdf/natsafeschools.pdf>
5. See for example: Bowman, D.H. (2001) - *At School, a Cruel Culture*, Education Week, March 21, 2001 at <http://www.edweek.org/ew/ewstory.cfm?slug=27taunts.h20&keywords=Bowman>; and, Natvig, Albretsken & Qvarnstrom (Oct 2001) - School Related Stress Experience as a risk factor for bullying behaviour. *Journal of Youth and Adolescence*, New York; Vol. 30: 561 – 575.
6. For Norway see Olweus, D. (1992) Victimization by peers: Antecedents and long term outcomes, (pp. 315-341) in K.H.Rubin & J.B.Asendorf (Eds), *Social withdrawal, inhibition and shyness in children*. Hillsdale, NJ: Erlbaum.; For England see: Boulton, M.J., & Underwood,K. (1992) Bully/victim problems among middle school children. *British Journal of Educational Psychology*, 62, 73-87; and for Australia see: Rigby, K. (1996) *Bullying in Australian Schools – and what to do about it*. Australian Council for Educational Research, Melbourne, Australia.
7. Rigby, K & Slee, P.(1999) *Suicidal ideation among adolescent school children, involvement in bully-victim problems, and perceived social support*. Suicide & Life-Threatening Behaviour; New York.
8. See – Robins, L.N. (1978) Sturdy childhood predictors of adult antisocial behaviour: replications from longitudinal studies. *Psychology and Medicine*. Vol. 8: 611-622, Lerner, J.V. & Vicary, J.R. (1984) Difficult Temperament and Drug Use: Analyses from the New York Longitudinal Study. *Journal of Drug Education*, Vol. 14: 1-8.
9. See - *Warren v Haines* (1986) Aus Torts rep. 80-014; *Barker v SA* (1978) 19 SASR 83; *Mullin v Richards* [1998] 1 WLR 1304.
10. Australian Bureau of Statistics, Report 4119.0; Children, Australia: A Social Report (25/02/99) at <http://www.abs.gov.au/ausstats/abs@.nsf/0/CBD45B0FB6994F7BCA25699000240513?Open>
11. Goleman, D. (1995) *Emotional Intelligence: Why it can matter more than IQ*. Bantam, New York.
12. Sandy, Sandra V. (2001), Conflict Resolution Education in the schools. *Conflict Resolution Quarterly*, Vol. 19(2), 237 – 250 at p. 238.
13. McGaugh,J.L. (1995) *Plasticity in the Central Nervous System: Learning and Memory*. Hillsdale, N.J. Erlbaum.
14. Goleman, D. (1995) *Emotional Intelligence: Why it can matter more than IQ*. New York: Bantam, at p. 36.
15. <http://www.mceetya.edu.au/pdf/natsafeschools.pdf>
16. <http://www.mceetya.edu.au/pdf/natsafeschools.pdf>
17. Rigby, K – How Successful are Anti-Bullying Programs for Schools? A paper presented at The Role of Schools in Crime Prevention Conference convened by the Australian Institute of Criminology in conjunction with the Department of Education, Employment and Training, Victoria, and the Crime Prevention Victoria held in Melbourne, 30 September – 1 October 2002 at p. 5.

18. Schools Conflict Resolution and Mediation Handbook, a publication of the Queensland Law Society, Law Society of New South Wales, Law Institute of Victoria and the Law Society of the Australian Capital Territory.
19. Sandy, Sandra V. (2001), Conflict Resolution Education in the schools. *Conflict Resolution Quarterly*, Vol. 19(2), 237 – 250 at p. 240.
20. Students are asked to form pairs and take up positions as if they were ‘arm-wrestling’. Each time the back of a player’s hand touches the desk their partner is awarded a point. The objective of the game is to score the maximum number of points in 2 minutes.

