Don't Fight, Mediate!

Teaching Guide - Secondary -







Éducaloi is an independent non-profit organization that explains the law to Quebecers in everyday language.

IMPORTANT NOTICE

The law changes. The information in this guide is up to date to June 2024.

This guide is meant as legal information, not legal advice. If you need advice on a specific situation, consult a lawyer or notary.

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Presentation of the Activity

	What You Need to Know
Description	Conflicts are a fact of life. They can arise whenever two people have different needs, interests, perspectives or goals. Conflicts can take various forms: arguments, silence, violence, separation, feeling disrespected or unfairly treated, demanding rights, going to court, etc. Conflicts are a fact of life in society.
	Mediation can be a simple way of resolving a conflict. It lets the people in conflict manage and resolve their problems . Successful mediation depends, among other things, on the willingness of the people involved in the conflict and their capacity to find their own solutions , ones that are lasting, effective and adapted to their situation.
Target audience	Secondary IV students
Summary	The students read the Scenario in which two teens and their families are in conflict.
	The students will discover with their teacher what mediation is and the role of each player in mediation.
	The students will be assigned a specific role and actively participate in a mediation session according to their character's characteristics and interests.
	In small groups, the students will work together to resolve the conflict.
	To raise awareness of the use of cooperation and dialogue to manage and resolve disputes.
Objectives	 To become familiar with the mediation process and its advantages.
	 To put into practice: cooperation, listening skills, empathy, respect for the other person in a dispute-resolution situation.



Subjects and subject- specific competencies	Culture and Citizenship in Québec Theme (Cultural realities): Justice and the law Main concept: Justice Specific concept: Types of justice (reparation) Competency 1: Studies cultural realities. • Establishes the scope of the object of study: - Collects information. • Demonstrates an enriched understanding: - Integrates different perspectives into an interpretation. - Compares interpretations. Competency 2: Reflects on ethical questions. • Engages in dialogue: - Becomes aware of own feelings, reactions and initial point of view. - Takes into account points of view, feelings and experiences of others. • Examines a variety of points of view: - Considers points of view and experiences. English Language Arts Competency 1: Uses language/talk to communicate and to learn.
	 Interacts with peers and teacher in specific contexts.
Duration	Two 75-minute periods. Possibility of a third 75-minute period to give more time to review the activity and/or to complete the optional evaluation.



Provided material	 A Student Workbook including: A scenario setting out the facts of the conflict, Questions to answer as a class to discover what mediation is all about by collecting data, A description of the Don't Fight, Mediate! activity, Questions to reflect on as a conclusion, and Additional activities. An Answer Key for the Student Workbook. Characters to be assigned to the students (Teaching Guide). Illustrations and an interactive PowerPoint presentation to show the students how the mediation activity will take place. Practical exercises to encourage participation and ensure the success of the mediation session.
Material to print	 One copy of the Student Workbook per student. One copy of the Student Workbook Answer Key for the teacher. The Character Information Sheets and Exercises to Prepare for the Mediation, pp.16 to 35 (for each student depending on their role). One copy of the Summary of the Agreement, p.37 per group, depending on your needs.



In-Class Procedure

Two 75-minute period are suggested for the mediation activity. The use of electronic devices must be planned for the first period. An optional 75-minute period is suggested to deepen the students' reflection and/or to complete the additional activities and/or to conduct an evaluation.

Period 1: Preparing for Mediation	 1.1 Presenting the activity (entire class) 1.2 Scenario and discussion (entire class) 1.3 Discovering mediation (entire class) 1.4 Online interactive quiz (optional) 1.5 Introducing the players (entire class) 1.6 The mediation process (entire class)
Period 2: Mediation Day!	2.1 Team preparation (in groups)2.2 Mediation session (in groups)2.3 Presenting the solutions (entire class)
Period 3: (optional) Evaluation	3.1 Reviewing the questions in the conclusion3.2 Completing the additional activities3.3 Evaluation



Period 1: Preparing for Mediation

A PowerPoint presentation is available for the teacher to help present the material for the first period.

1.1 Presenting the activity (5 minutes)

Tell the students that they will take part in a mediation session in class. A little like a play... but without a detailed script!

Mention that they will gather information to discover the different methods for settling conflicts, also known as Alternative Dispute Resolution (ADR) methods. In particular, they'll discover what mediation is and how it can help resolve conflicts.

Tell the students that they will follow a scenario in which people are involved in a conflict that can be resolved through mediation. At the end of the period, a role will be assigned to each student: mediator, advisor or member of one of the two families involved in the conflict.

Explain that they will have to act the way these people would act in a real-life mediation session.

1.2 Scenario and discussion (15 minutes)

Slides 1 to 3

Hand out the Student Workbook to the students and ask a student to read the scenario out loud.

Then, **lead a discussion** to make sure the students clearly understand the scenario.

1.3. Discovering ADR methods and mediation (30 minutes)

*Plan for the use of electronic devices for this step.

Slide 4 (Information gathering: ADR methods).

The students must gather information to distinguish different alternative dispute resolution methods (negotiation, mediation, conciliation and arbitration). This will be done using the Éducaloi article "Resolving a Conflict: Negotiation, Mediation, Conciliation and Arbitration". The students answer questions 1 and 2 in the Student Workbook. Corrections can be made using the **PowerPoint presentation** and the **Answer Key**.

Slide 5 (Review of the ADR methods)



Slide 6 (Information gathering: Mediation)

The students continue to gather information, focusing their research on learning about mediation. They use Educaloi's website (https://educaloi.gc.ca/en/capsules/solvingproblems-without-going-to-court/ and https://educaloi.gc.ca/en/capsules/mediationgetting-help-to-avoid-a-trial/), their playlist ("Mediation: Resolve Conflicts Without Going to Court") on YouTube and the LegalYou video on mediation and arbitration ("Mediation and Arbitration: What You Need To Know"). The students answer questions 3 to 7 in the Student Workbook. Corrections can be made using the PowerPoint presentation and the **Answer Key.**

Summary of mediation

Slides 7 to 10 (Review on mediation) Answers to **questions 3 and 4** in the **Student Workbook**.

Mediation is a method used to resolve conflicts. It helps people in conflict discuss and **negotiate to find solutions that work for everyone. It is a confidential process**. To achieve this, the discussions are led by a mediator.

The mediator is a neutral person who is not part of the conflict. They must be impartial, which means not favouring one person over the other.

In mediation, it's important to take into account the needs and opinions of others. What may be important or a priority for one person may not necessarily be so for the others. Several solutions are possible during mediation as long as everyone agrees! So don't hesitate to be **creative** – sometimes a simple idea leads to a great solution!

Identify situations where mediation could be useful

Slide 11

Answer to Question 5 in the Student Workbook.

Invite the students to talk about conflicts they've had or heard about.

Discussion points

Mediation can be useful in many situations where at least two people are in conflict.

Examples:

- When students have a conflict at school.
- When two people have different beliefs, values, opinions or cultures.
- When parents separate.
- When two companies disagree about what a contract means.
- When two people want to avoid a long, expensive court case.



Think of situations that are not mediation.

Slide 12

Answer to question 6 in the Student Workbook.

Ask the students to differentiate what is and is not mediation.

Characteristics of mediation

Characteristics of mediation	Characteristics of what IS NOT mediation
The mediator is neutral and impartial.	One person influences the discussions or solutions or favours one person's opinions or solutions.
The people in conflict find their own solution together.	One person imposes a solution (e.g., arbitrator or judge).
The outcome is usually win-win.	The outcome is usually win-lose or lose-lose.
Any solution is possible as long as it satisfies the people in conflict.	Only one solution is possible (e.g., applying a law or regulation).

Example of a situation that IS NOT mediation

A Tale of Two Brothers...

Slide 12

Two brothers want to watch different TV shows at the same time and are arguing over who gets control of the remote. They ask their father to settle the argument.

Outcome: Their father turns off the TV and tells them to go outside and play. The father made the decision for the brothers.

Reflection on the story: Rather than talking and trying to agree on a show they would both enjoy, the brothers can't watch TV. Resolving a conflict does not necessarily lead to a happy ending...



Advantages of resolving conflicts through mediation

Slide 13

Answer to Question 7 in the Student Workbook.

Ask the students to identify the advantages.

Mediation allows the parties in a conflict to:

- find a solution for themselves,
- find a solution that satisfies everyone,
- resolve the conflict quickly (instead of dragging it out in court, for example),
- keep discussions and agreements confidential.

Online interactive quiz (optional)

An online quiz is available to review the mediation concepts learned. Ideally, each student would have an electronic device or the students could be paired up. This guiz could also be completed as a class. The teacher will need to create a free account.

> Link to the quiz

1.4 In-class mediation session (15 minutes)

Introducing the players

Now, it's time to explain to the students the different roles for the simulated mediation.

Slides 14 to 19

Complete the diagram of the roles in mediation and answer Question 8 in the Student Workbook.

The Players in Mediation







People involved in the conflict

Role: Talk to one another to find a solution to their conflict.

Conduct:

- Stay calm.
- Listen carefully to the other players.
- Be open to suggested compromises.



Advisor

Role: Advise one family during the mediation to help them reach their goals and feel satisfied.

- Help their side prepare and negotiate during the session in order to avoid an outcome that is not in their interests.
- Analyze the situation without letting emotions get in the way.

Conduct:

- Be attentive.
- Be objective.
- Act professionally.



Mediator

Role: Help the sides talk to one another to find a solution.

- Help identify the conflict and what is important to each side.
- Suggest ideas.
- Ensure the mediation runs smoothly.

Conduct:

- Be neutral.
- Be positive and respectful.
- Be calm.



Expert*

Role: Give useful information that helps the discussions move forward.

Settle an issue and give useful information.

Examples of useful information:

- The value of an object.
- The number of sales in one week.
- An employee's salary.

^{*}The teacher plays this role during the simulated mediation.



Identify the issues involved in the conflict

Slide 20

Before establishing each student's role in the simulated mediation, ask the students to go back to the scenario and identify the issues by answering questions 9 to 12 in the Student Workbook:

- 1. Who is involved in the conflict?
- 2. What problems must they solve?
- 3. In your opinion, what does each side want?
- 4. In your opinion, what do you think would satisfy everyone?



Assigning roles

Slide 22

Divide the class into groups of 7 to 10 students. Each group will conduct its own mediation session. They'll find lots of different solutions! Depending on the number of students, you can leave out mediator 2 and the advisors. In this instance, the simulated mediation will only be done with the members of the family involved and the mediator.

Briefly introduce each of the characters that the students will be asked to play. Once all the students have been assigned a role, distribute the character information sheets to each student according to their role.

Characters	Team 1	Team 2	Team 3
Simon Goodeats			
A Maeva Goodeats			
Yvan Goodeats			
Advisor for the Goodeats family			
Christine Clark			
Chloe Clark			
Albert Clark			
Advisor for the Clark family			
Mediator 1			
Mediator 2 (optional)			

Simon Goodeats

Your role:

Take part in discussions and find a solution to the conflict.

Your position:

- You didn't mean for Christine to get so angry. It was just a practical joke!
- You think Christine is exaggerating when she says she felt humiliated by the sharing of the video and that it invaded her privacy and damaged her reputation.
- You wanted to apologize to Christine, but she has refused to speak with you since the incident.
- You don't want to compensate Christine financially for the alleged invasion of her privacy or damage to her reputation.
- You want Christine to stop talking behind your back to the other employees before your boss hears comments and changes his opinion of your work.
- You want the false rumours about your parents' fast-food place to stop because you'd like to own it one day.
- You refuse to delete the video as long as the false rumours about the fast-food restaurant remain online.



GOALS

To reach an agreement at work with Christine.

To stop the false rumours about my parents' fast-food restaurant.

Important information:

- Compensation that Christine is demanding for the invasion of her privacy and damage to her reputation: \$500.
- Lost revenue by the Goodeats since the false rumours: \$600.
- Christine has to make a large payment for her school trip in 2 months, and she doesn't want to lose her job.
- Simon and Christine will have the same work shifts and tasks to share at the grocery store in the following months.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

2. Prepare with vour team

- Do the exercices to prepare.
- Share your ideas with your family and your advisor.

3. At the beginning of the mediation

- Explain what happened.
- Explain what you want to get from the mediation.

4. During the mediation

- Listen and stay calm.
- **Be open** to solutions that others suggest.
- Suggest your own solutions.



Goodeats and Clark families

our role:	
What problems must be solved?	
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What do you want to obtain from the nediation?	List your requests in order of importance.
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	5)
What are you prepared to compromise on?	
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What do you and the other family agree on?	What do you disagree on?
Agree:	Disagree:
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Maeya Goodeats

Your role:

Take part in the discussions and find a solution to the conflict.

Your position:

- Your son is an angel at home. It's impossible that he deliberately caused this incident so that he could film it.
- You don't think he should have to compensate Christine financially for invading of her privacy and damaging her reputation. She's exaggerating how upset she feels.
- Christine's comments on the Internet are unacceptable.
- Simon must preserve his reputation with his boss as an excellent employee at the grocery store.
- Since the dispute between Christine and Simon, your fastfood restaurant has lost \$600 in profit. It's terrible!



GOALS

To stop the false rumours about your restaurant.

To stop the negative comments about vour model son.

Important information:

- Compensation that Christine is demanding for the invasion of her privacy and damage to her reputation: \$500.
- Lost revenue by the Goodeats since the false rumours: \$600.
- Christine has to make a large payment for her school trip in 2 months, and she doesn't want to lose her job.
- Simon and Christine will have the same work shifts and tasks to share at the grocery store in the following months.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

2. Prepare with vour team

- Do the exercices to prepare.
- Share your ideas with your family and your advisor.

3. At the beginning of the mediation

- Explain what happened.
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- Listen and stay calm.
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Goodeats and Clark families

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What problems must be solved?	
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What do you want to obtain from the nediation?	List your requests in order of importance.
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What are you prepared to compromise on?	
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Yvan Goodeats

Your role:

Take part in the discussions and find a solution to the conflict.

Your position:

- You know your son likes to play practical jokes on people.
- You think your son should have to assume the consequences for his actions by finding a way to repair the harm he caused Christine.
- Christine's comments on the Internet are unacceptable and have had an impact on your restaurant's sales.
- Christine must find a way to help the fast-food restaurant restore its good reputation.
- You'd like to find a solution during the mediation to prevent your son's boss from finding out about this incident.



GOALS

To restore your fast-food restaurant's enviable reputation among students.

To get Christine and Simon to think about the consequences of their actions.

Important information:

- Compensation that Christine is demanding for the invasion of her privacy and damage to her reputation: \$500.
- Lost revenue by the Goodeats since the false rumours: \$600.
- Christine has to make a large payment for her school trip in 2 months, and she doesn't want to lose her job.
- Simon and Christine will have the same work shifts and tasks to share at the grocery store in the following months.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

2. Prepare with your team

- Do the exercices to prepare.
- Share your ideas with your family and your advisor.

3. At the beginning of the mediation

- Explain what happened.
- Explain what you want to get from the mediation.

4. During the mediation

- Listen and stay calm.
- **Be open** to solutions that others suggest.
- Suggest your own solutions.



Goodeats and Clark families

Your role:	
What problems must be solved?	
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What do you want to obtain from the nediation?	List your requests in order of importance.
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What are you prepared to compromise on?	
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What do you and the other family agree on?	'What do you disagree on?
Agree:	Disagree:
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Christine Clark

Your role:

Take part in the discussions and find a solution to the conflict.

Your position:

- Simon is responsible for invading your privacy and damaging your reputation by posting the video of the practical joke he played on you without your consent.
- He must immediately take the video off the Internet and sincerely apologize.
- This situation humiliated you among your friends and classmates who you see every day.
- He should compensate you financially for the stress and pain you experienced due to the sharing of the video online.
- You did him a favour by not reporting his actions to the boss.
- The school trip is really important to you and you must absolutely hang on to your job at the grocery store.
- A solution must be found before the boss finds out about this situation.

GOALS

To receive compensation for the tarnishing of your reputation.

To resolve the conflict before the boss finds out about this situation.

Important information:

- Compensation that Christine is demanding for the invasion of her privacy and damage to her reputation: \$500.
- Lost revenue by the Goodeats since the false rumours: \$600.
- Christine has to make a large payment for her school trip in 2 months, and she doesn't want to lose her job.
- Simon and Christine will have the same work shifts and tasks to share at the grocery store in the following months.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

- 2. Prepare with your team
- Do the exercices to prepare.
- Share your ideas with your family and your advisor.

3. At the beginning of the mediation

- Explain what happened.
- Explain what you want to get from the mediation.

4. During the mediation

- Listen and stay calm.
- **Be open** to solutions that others suggest.
- Suggest your own solutions.



Goodeats and Clark families

Your role:	
What problems must be solved?	
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What do you want to obtain from the mediation?	List your requests in order of importance.
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What are you prepared to compromise on?	
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Agree:	Disagree:
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Chloe Clark

Your role:

Take part in the discussions and find a solution to the conflict.

Your position:

- Simon was thoughtless in rolling the can of peas near Christine and filming her.
- He must recognize the harm he caused your daughter and pay compensation for invading her privacy and damaging her reputation.
- Your family income is not enough to pay for your daughter's school trip, so her job is very important.
- Christine is a responsible and motivated young woman who is working hard to pay for her trip.
- Christine's comments on the Internet are unacceptable. She should apologize and remove them.
- Christine's comments may have had little impact on sales since other people may have given the restaurants bad reviews.

GOAL

To make sure that Christine keeps her job despite the conflict, so she can pay for her upcoming school trip.

Important information:

- Compensation that Christine is demanding for the invasion of her privacy and damage to her reputation: \$500.
- Lost revenue by the Goodeats since the false rumours: \$600.
- Christine has to make a large payment for her school trip in 2 months, and she doesn't want to lose her job.
- Simon and Christine will have the same work shifts and tasks to share at the grocery store in the following months.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

2. Prepare with vour team

- Do the exercices to prepare.
- Share your ideas with your family and your advisor.

3. At the beginning of the mediation

- Explain what happened.
- Explain what you want to get from the mediation.

4. During the mediation

- Listen and stay calm.
- **Be open** to solutions that others suggest.
- Suggest your own solutions.



Goodeats and Clark families

Your role:	
What problems must be solved?	
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What do you want to obtain from the nediation?	List your requests in order of importance.
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What are you prepared to compromise on?	
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What do you and the other family agree on?	'What do you disagree on?
Agree:	Disagree:
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Albert Clark

Your role:

Take part in the discussions and find a solution to the conflict

Your position:

- Simon was being a little prankster by rolling the can of peas near Christine, but he should never have posted his video.
- He must recognize the harm he caused your daughter and pay compensation for invading her privacy and damaging her reputation.
- Your family income is not enough to pay for your daughter's school trip, so her job is very important.
- Christine is a responsible and motivated young woman who is working hard to pay for her trip.
- Christine's comments on the Internet are unacceptable and must have had an impact on sales at the Goodeats' restaurant.
- Your daughter must remove her comments from the Internet and find a way to help the restaurant restore its good reputation.

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GOAL

To make sure that Christine keeps her job despite the conflict, so she can pay for her upcoming school trip.

Important information:

- Compensation that Christine is demanding for the invasion of her privacy and damage to her reputation: \$500.
- Lost revenue by the Goodeats since the false rumours: \$600.
- Christine has to make a large payment for her school trip in 2 months, and she doesn't want to lose her job.
- Simon and Christine will have the same work shifts and tasks to share at the grocery store in the following months.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

2. Prepare with your team

- Do the exercices to prepare.
- Share your ideas with your family and your advisor.

3. At the beginning of the mediation

- Explain what happened.
- Explain what you want to get from the mediation.

4. During the mediation

- Listen and stay calm.
- **Be open** to solutions that others suggest.
- Suggest your own solutions.



Goodeats and Clark families

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What do you want to obtain from the nediation?	List your requests in order of importance.
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What are you prepared to compromise on?	
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Agree:	Disagree:
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Advisor for the Goodeats family

Your role:

Give advice to the Goodeats family to help them reach their goals and feel satisfied with the outcome. You will have to help them prepare for the mediation and negotiate effectively so that they don't drop the requests that are important to them. Since you're not directly involved in the conflict, you can more easily be objective. You can analyze the situation without letting your feelings get in the way. In real-life mediation, the advisor is often a lawyer or a notary.



GOAL

To guide your clients to find a solution that meets their goals and that they feel satisfied with.

Your clients' main goals:

- Simon wants to reach a good agreement at work with Christine.
- Mrs. Goodeats wants to stop the negative comments about her model son.
- Mr. Goodeats wants to restore the enviable reputation of his fast-food restaurant among students.

Important information:

- Compensation that Christine is demanding for the invasion of her privacy and damage to her reputation: \$500.
- Lost revenue by the Goodeats since the false rumours: \$600.
- Christine has to make a large payment for her school trip in 2 months, and she doesn't want to lose her job.
- Simon and Christine will have the same work shifts and tasks to share at the grocery store in the following months.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

2. Prepare with your team

- Do the **exercices** to prepare.
- Share your ideas with the Rotini family.

3. During the mediation

- Pay attention to what's going on!
- Don't let the family you're representing make too many compromises or drop their goals.
- Ask to speak to your clients in private if you think the discussions are not helping them or if you have ideas to suggest.



Advisors

1. What will you do if the family you are representing wants to accept a solution that is not to their advantage?	2. What will you do if the family you are representing refuses to discuss with the others or listen to them?
3. What do you think the other family will ask for?	4. What solutions can you suggest to the family you are representing?

Advisor for the Clark family

Your role:

Give advice to the Clark family to help them reach their goals and feel satisfied with the outcome. You will have to help them prepare for the mediation and negotiate effectively so that they don't drop the requests that are important to them. Since you're not directly involved in the conflict, you can more easily be objective. You can analyze the situation without letting your feelings get in the way. In real-life mediation, the advisor is often a lawyer or a notary.



GOAL

To guide your clients to find a solution that meets their needs and that they feel satisfied with.

Your clients' main goals:

- Christine wants to receive compensation and a sincere apology from Simon for invading her privacy and damaging her reputation. She also wants the video to immediately be taken off the Internet.
- Mr. Clark wants his daughter to keep her job to pay for her upcoming school trip.
- Mr. Clark wants Simon and his daughter to find a way to repair the damage caused by their actions.

Important information:

- **Compensation** that Christine is demanding for the invasion of her privacy and damage to her reputation: \$500.
- Lost revenue by the Goodeats since the false rumours: \$600.
- Christine has to make a large payment for her school trip in 2 months, and she doesn't want to lose her job.
- Simon and Christine will have the same work shifts and tasks to share at the grocery store in the following months.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

2. Prepare with your team

- Do the **exercices** to prepare.
- Share your ideas with the Smith family.

3. During the mediation

- Pay attention to what's going on!
- Don't let the family you're representing make too many compromises or drop their goals.
- Ask to speak to your clients in private if you think the discussions are not helping them or if you have ideas to suggest.



Advisors

1. What will you do if the family you are representing wants to accept a solution that is not to their advantage?	2. What will you do if the family you are representing refuses to discuss with the others or listen to them?
3. What do you think the other family will ask for?	4. What solutions can you suggest to the family you are representing?

Mediator

Your role:

Help the players talk to one another and find solutions.

You can do this by helping them describe the problem(s) and to identify what is important for them, and encouraging them to suggest ideas.

Your job is to make sure that the mediation runs smoothly.

GOOD TO KNOW!

All players have an interest in resolving the conflict. They all have something to win.

They can find solutions that everyone is satisfied with. But they must talk to one another and be creative!

How should you conduct yourself? Professionally!

BAD	GOOD
Giving advice.	Remaining neutral.
Solving the problems for the players.	Reminding the players that their roles are important and encouraging them to suggest solutions.
Losing patience if the players cannot find a solution.	Staying positive and speaking to the players calmly and respectfully.
Letting the players interrupt when someone else is talking and allowing them to be disrespectful.	Making sure everyone gets a chance to speak and listens to one another.

Tips for the mediation session!

1. Prepare on your own

Read the Character Information Sheet and the Scenario.

2. Prepare with your team

Do the exercices to prepare with the other students playing the mediator.

3. At the beginning of mediation

- Welcome the players.
- Present the rules they must follow.

4. During mediation

- Let each person **express** themselves while the others listen.
- Note down what is important for each person and the ideas they like.
- Ask each person to find solutions that will satisfy everyone.



Mediator

What are the problems the players must solve?

a person accepts a solution that is not to their advantage?	Possible action(s) by the mediator:
a person refuses to take part in the discussion?	Possible action(s) by the mediator:
the people involved in the conflict can't agree on a solution?	Possible action(s) by the mediator:

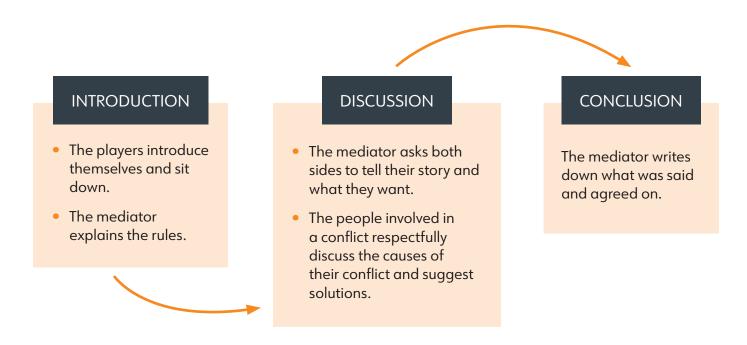


1.5 The mediation process (5 minutes)

Slide 23

Read "The simulated mediation process" in the Student Workbook.

Present the mediation process to the students and explain the steps: who speaks when, who says what, etc. During the mediation, the mediator acts like an orchestra conductor.



Slide 24

The mediator can interrupt the discussion in these situations:

- People are being **disrespectful** or are not following the rules.
- People want to quickly **consult** their advisor.
- The expert (the teacher) gives important facts so discussions can continue (e.g., the value of an object, the date of an event, a person's salary, etc.).



Golden rules of a successful mediation

Slide 25

Answer Question 5 in "The simulated mediation process" section in the Student Workbook.

With the students, identify at least 3 golden rules to follow during the mediation session. These rules are necessary to create an atmosphere that encourages discussion and respect for all players.

Examples:

- 1) The players must follow the mediator's instructions.
- 2) The players must listen to the others, without interrupting.
- 3) The players must discuss calmly and respectfully.
- 4) The players must be open to new solutions.

Prepare for the simulated mediation

Follow these steps in the **Student Workbook**.

- 1) Hand out the appropriate Character Information Sheets to each students according to their character.
- 2) Ask them to read the description of their character on their own, then complete the Exercise to Prepare for the Mediation.
- 3) Ask the students playing the same role to form a group to compare and improve their answers in the preparation exercise.

At the end of Period 1:

- Make sure the students have a clear understanding of mediation as a method for resolving conflict. They must also understand the scenario and the various characters involved in the story.
- Explain that nobody knows in advance what solution will be reached. There is more than one solution to any conflict. It is up to them to decide how the story ends. The mediator is there to encourage discussion but not to impose a solution.
- Encourage the students to review their Character Information Sheet to prepare for the mediation. They must understand that they will be playing a role based on the sheet they received.



Period 2: Mediation Day!

- Set up the **classroom** so that it is conducive to mediation. For example, move the desks and chairs to form discussion tables, provide markers and easel pads for each group (or stick large sheets of paper to the wall). The students can use these materials to take notes during the discussions.
- Make sure that all students have a Character Information Sheet and understand their roles.
- Use the Additional Activities if some groups finish quickly or are twiddling their thumbs.

2.1 Team preparation (15 minutes)

First take a few minutes to review the main facts of the situation and the characters involved in the conflict.

With the class, read the steps involved in "Mediation day!" in the Student Workbook.

Allow a few minutes for the advisors to discuss strategy with their clients (the Goodeats and the Clarks). While the advisors are doing this, the other students can help you set up the classroom for the mediation.

2.2 Mediation session (30 minutes)

- Create spaces where the different groups can conduct their mediation with the necessary material.
- Ask the students, other than those playing the mediators, to leave the classroom. Have the mediators welcome their group as they re-enter.
- During the mediation, ensure that the discussions are respectful. If necessary, intervene to bring the students to order or, as an expert, to keep the discussions moving forward.
- Give a specific timeframe for the mediation and, 10 minutes before the end, remind the students that they must try to reach an agreement that is acceptable to both sides.
- Ask the students to fill out the Summary of the Agreement and sign it (on the next page). Save some time for the students to share their solutions and wrap up the activity.

Additional activities

Several additional activities are available at the end of the Student Workbook. We encourage you to do them at the end of the second period or during the optional third period.



Summary of the Agreement

A mediation took place on _		in	
·	(date)		(location)
oetween		and	
(na	mes of the people	involved in th	ne conflict)
	Solutions agre	eed upon	
ignatures of all of the peopl	e involved in the c	onflict and tl	ne mediator
(Simon Goodeats)	(Christine C	Clark)	(Mediator)
(Mrs. Goodeats)	(Mrs. Cla		(Mediator - optional)
(Mis. Goodedis)	(IVII 3. CIU	un)	(Mediator optionar)
(Mr. Goodeats)	(Mr. Clai	rk)	



2.3 Conclusion and presentation of the solutions

(10 minutes)

Ask the students to complete the self-evaluation of their participation and answer the guestions in the conclusion on pages 12 to 14 of the Student Workbook.

As a class, present the solutions that were agreed upon during the mediation session. Since all groups used the same scenario, it will be interesting to see the different solutions they reached.

Encourage the students to share their impressions of the activity. For example, which outcomes were they happy with and what compromises did they have to make.

Invite students to share their answers to the reflection questions in the conclusion. The solutions can also be presented in the next class or as an oral or written assignment!

2.4 Real case of invasion of privacy and injury to reputation

Read to the students the real situation below that ended up in court. This will get them to reflect on the potential impact of certain actions that may seem inconsequential.

Relevant legal concepts: Invasion of privacy, damage to reputation, compensation for damage (injury), punitive/exemplary damages (money) in the case of an unlawful and intentional violation of rights.

Mr. A fell asleep in a bar and his friends used makeup to make him look like a buffoon and took photos of him. Mr. A told the bar owner not to post or put the photos up. The owner decided to put the photos up in his bar for a few weeks anyway. He kept the photos up on the wall out of revenge, because Mr. A behaved badly towards him in the past. At trial, the bar owner stated that he had no malicious intent. He just wanted to play a joke on Mr. A, with his friends.

Damage: Mr. A felt humiliated because he felt that people were laughing at him.

It's worth noting that very few people, about forty regular customers, had a chance to see the photos during the 4 to 5 weeks they were up. Because the photos were only shown in the bar and over a short period of time, the court concluded that Mr. A cannot claim to have suffered great moral damage. Aside from his feelings of humiliation due to the fact he was the laughingstock of the customers at the bar, the evidence did not reveal any other moral damage.

The damage to Mr. A, although real, was quite minimal. The court found that \$500 was appropriate as compensation.

¹ 1999 CanLII 10709 (QC CQ) | Pilon c. St-Pierre | CanLII (French only)



In this case, the evidence clearly demonstrated that the bar owner knew the consequences of his actions: Mr. A's humiliation. In addition, despite Mr. A's pleas, the owner left the photos up out of revenge. The owner's actions were unlawful and intentional.

Punitive damages for the intentional unlawful violation of Mr. A's rights: The court ordered the bar owner to pay Mr. A another \$500.

Evaluation (optional)

In the following pages, we propose an evaluation in the form of a test as well as an observation grid. The results can be used to evaluate the Culture and Citizenship in Québec competency Reflects critically on cultural realities. We recommend the use of notes during the evaluation since we are more interested in the students' ability to interpret and develop their answers. An observation grid for student participation is also recommended.

Have a fun and successful mediation!

Mediation Evaluation

Culture and Citizenship in Québec

Name: Group:	25
1) To resolve a complex conflict, why choose mediation over a trial?	
	2
2) Compare mediation to another ADR method (negotiation, conciliation or arbitration Describe the similarities and/or differences between these methods.	ı).
	3
3) Give two examples of situations where mediation can be useful.1	
2	
4) Two sisters are arguing about who gets to use the family car on the weekend. The father steps in as a mediator. Give two solutions that the sisters could come up with during this mediation.	
1	2
5) Give two advantages for people involved in a conflict to resolve their conflict through mediation.	jh
1	



1	
2.	
) Describe the ste	eps of a mediation session.
ropose. What car	on, the players maintain their position and have no other solutions to be done at this point of the mediation to try to reach an agreement? uggestions.
propose. What car	be done at this point of the mediation to try to reach an agreement?
propose. What car Give at least two so 9) In the conflict b you think is the bes	be done at this point of the mediation to try to reach an agreement?
Oropose. What car Give at least two so On the conflict be You think is the best	be done at this point of the mediation to try to reach an agreement? uggestions. etween the Goodeats family and the Clark family, which solution do st in terms of reaching an agreement that satisfies everyone? You can

Mediation Evaluation

Culture and Citizenship in Québec

Name:	Group:	25
1) To resolve a complex conflict,	, why choose mediation over a trial?	
Mediation is quicker, confidentia	l and less expensive than a trial.	
		2
· ·	er ADR method (negotiation, conciliation or arbitrati differences between these methods.	on).
Example: During mediation, the p	people involved in the conflict find and choose their o	wn
solutions to their conflict. Howeve	er, during arbitration, an arbitrator settles the conflict	and
decides who is entitled to what.		3
1. Example: A conflict between	ons where mediation can be useful. en two students at school. ours. When parents separate. Etc.	2
•	t who gets to use the family car on the weekend. The ve two solutions that the sisters could come up with	
1. Example: They each get the	e car for one day.	
2. One sister uses the car mor	re often, but must give her sister a lift when needed.	2
1. Example: They find the solu	ple involved in a conflict to resolve their conflict through	
	isfy everyone. The process if confidential.	
2. They find solutions that sat	isry everyone. The process if confidential.	



6) Provide and describe two roles during a mediation process. Mediator: Helps the players discuss their conflict and find solutions. People involved in the conflict: Take part in the discussions to find a satisfactory solution to their conflict. Advisor: Objectively supports one of the players so that they reach their goals. Expert: Provides useful information to the players and answers their questions. 7) Describe the steps of a mediation session. Example: The mediator welcomes the players, then explains their role and the rules that must be followed. The players discuss the events. They state their interests and needs. 4 Everyone works together to find a solution that is fair and satisfies all the players. They can ask their advisor for support or ask the expert questions. The mediation is successful if an agreement is reached. 8) During mediation, the players maintain their position and have no other solutions to propose. What can be done at this point of the mediation to try to reach an agreement? Give at least two suggestions. Examples: The players could consult their advisor to get a different point of view of the situation. The mediator could summarize the different situations and steer the discussions towards a compromise. The mediator could also propose that the players take a break to recharge their batteries before resuming. 9) In the conflict between the Goodeats family and the Clark family, which solution do you think is the best in terms of reaching an agreement that satisfies everyone? You can draw on solutions from the simulated mediation or from a personal situation. Explain your answer. Example: Christine and Simon will work for a few hours at the Goodeats' restaurant. Christine will earn some money while showing that she trusts the food. Simon must remove

the video and post an apology. Christine must remove her messages from the Internet.

3



Mediation Observation Grid

CCQ: Reflects critically on cultural realities

DON'T FIGHT, MEDIATE!					
Student's name:	Team:				
Evaluation criteria (The student)	А	В	С	D	E
Demonstrates behaviour that fosters interaction.					
Expresses ideas and points of view					
Makes connections with the ideas or points of view of others.					
Contributes to achieving a common solution.					

DON'T FIGHT, MEDIATE!					
Student's name:	Team:				
Evaluation criteria (The student)	А	В	С	D	E
Demonstrates behaviour that fosters interaction.					
Expresses ideas and points of view					
Makes connections with the ideas or points of view of others.					
Contributes to achieving a common solution.					



Additional Resources on Mediation

- The articles Five Reasons to Try to Reach an Agreement and Avoid Going to Court¹ and Resolving a Conflict: Negotiation, Mediation, Conciliation and Arbitration² on Éducaloi's website.
- The **Équijustice**³ website that focuses on restorative justice and citizen mediation.
- The Institut Pacifique⁴ website, particularly the Vers le Pacifique program designed to prevent violence among children by promoting pacifist attitudes (French only).
- Le Your Conflict Your Solutions With Another Person⁵ [available in PDF] on the Barreau du Québec website.
- The article What is the purpose of family mediation? 6 on the Chambre des notaires du Québec website.
- The Mediation⁷ section on the Ministère de la Justice du Québec website.
- The Dispute Resolution Reference Guide⁸ on the Justice Canada website.
- The website Vers une identité positive à l'ère du numérique⁹, in particular, the activity Les limites de la liberté (French only).

¹ https://educaloi.gc.ca/en/capsules/choosing-the-best-way-to-solve-a-conflict/

² https://educaloi.gc.ca/en/capsules/solving-problems-without-going-to-court/

³ https://equijustice.ca/en

⁴ http://institutpacifique.com/

⁵ https://fondationdubarreau.gc.ca/assets/documents/GUIDE_Your-conflict-your-solutions-with-another-individual-EN. pdf

⁶ https://www.cnq.org/en/the-chambre-and-your-protection/fag/what-is-the-purpose-of-family-mediation/

⁷ https://www.quebec.ca/en/justice-and-civil-status/dispute-prevention-resolution-processes/mediation

⁸ https://www.justice.gc.ca/eng/rp-pr/csj-sjc/dprs-sprd/res/drrg-mrrc/04.html

⁹ https://www.identitenumerique.org/les-limites-de-la-liberte



Your Opinion

To better support you and create tools adapted to your needs, we want to hear your experience and opinions.

Take this short survey by scanning the the QR code or click on the link.

It will take you less than 5 minutes.

Thank you for your participation!



Link to the survey

Other Tools for You!

Did you like this tool? We have more! Here's a list of the workshops and teaching guides we offer to help you teach key legal concepts. We hope you'll find what you're looking for!

Workshops Given by Legal Experts

Our free, interactive and fun legal education workshops are run by volunteer legal experts all over Quebec and can be implemented in a regular class period. They prompt youth to reflect, to challenge their ideas and to take a stance on legal questions that are a part of their daily lives.

Register or login to our website to request a workshop. It's free!

READY, SET, INVEST!

Students step into the shoes of an investor to reflect on legal and ethical business practices before making investment decisions.

PICK YOUR SIDE!

Students take a position on issues that stimulate debate. They learn that the concept of justice evolves constantly.

BULLYING: WHAT'S YOUR OPINION?

In this activity, students take a position on some of the legal aspects of bullying in schools.

BEAT THE BUZZER!

In this game, teams square off to answer questions about legal issues in the lives of 12-to-17-year-olds.



THE SMALL CLAIMS COURT IS IN SESSION!

Students stage a mock civil trial. They discover the various players involved and experience what a trial is like.

THE LAW: IT'S NOT LIKE IN THE MOVIES!

By staging a mock criminal trial, students discover the roles of various players in the Quebec justice system and the steps in a trial.

THE RULES OF THE GAME!

In this game show activity, students debate legal issues in the lives of young adults: work, housing, consumer rights and more.

OUR CONFLICT, OUR SOLUTION!

Conflicts don't always end up in court with lawyers battling it out! In this scenario, groups of high school students who have a disagreement arrive at a win-win solution. This activity introduces students to mediation as an alternative method to prevent and resolve disputes.

WORKING: NOT AT ALL COSTS!

Students become aware of harassment in the workplace through a quiz and scenarios.

Teaching Guides: Ready-To-Use LES!

Designed to help teachers bring law into the classroom, the teaching guides were created by educators for educators, together with legal professionals. Turnkey, these learning and evaluation situations (LES) can be led by the teacher and are specifically adapted to elementary and high school students.

Make your selection below and download them free of charge.

Secondary - Cycle 1

ARE YOU OLD ENOUGH?

Students learn which responsibilities and freedoms the law gives them according to their age.

THE INTERNET AND THE LAW

This activity provides an overview of prohibited online activities and recommends solutions if a child is being harassed online.

STATE AND JUSTICE THROUGHOUT **HISTORY**

The History and Citizenship Education program is packed with legal concepts, many of which relate to laws, personal rights and freedoms.



THE CRIMINAL LEGAL SYSTEM FOR **TEENAGERS**

This activity explains how the criminal legal system often treats teenagers differently than adults.

A RIGHT TO PRIVACY

This teaching tool gets students thinking about why privacy rights are protected. Activities include discussion questions and a writing exercise.

Secondary - Cycle 2

BIOETHICS: SAVIOUR BABIES

In this activity, students have an inclass debate and draft a bill on saviour babies (children conceived to save their older sibling).

DISCRIMINATION AT SCHOOL?

This teaching tool lets students explore the themes of justice, tolerance and the accommodation of differences.

THE EVOLUTION OF ABORTION RIGHTS

Students will learn about pro-life and pro-choice interest groups. Students work in teams to prepare an oral presentation based on the position of an interest group that intervened in the 1989 case of Tremblay v. Daigle. Students also write a personal reflection on a position argued before the Supreme Court.

INTELLECTUAL PROPERTY

Clear explanations about trademarks, copyrights, patents, and more!

LEGAL CAREERS

This activity introduces students to a variety of jobs that involve the law.

LEGAL CAREERS IN THE INDIGENOUS CONTEXT

In this activity, students learn about the variety of law-related jobs. It was designed with the realities of Indigenous people in mind.

THE RIGHTS OF YOUTH HERE AND **AROUND THE WORLD**

Students step into the shoes of a judge, lawyer or social worker to write a persuasive or explanatory text on the rights of youth.

DON'T FIGHT, MEDIATE!

Students participate in a mediation session. They must work together to find a satisfactory solution for both parties.

CRIMINAL TRIALS: ACTORS AND STEPS

This activity explains the roles of people who play a part in a criminal trial, and the steps in the process.

SCHOOL SEARCHES AND YOU

This activity prompts students to reflect on invasions of their privacy and to learn about their rights regarding school searches.



MOCK TRIAL: EXAMINATION OF WITNESSES

This activity recreates a key part of every criminal trial: the questioning of the witnesses. Students will learn the basics of the criminal justice system, the steps involved in questioning witnesses and the role of each actor in a criminal trial. Students then act out this part of a trial.

CCQ: Resources for Teachers

TRAINING 101: CULTURE AND CITIZENSHIP IN QUÉBEC, THE LEGAL CONCEPTS

Follow our training session, which covers the legal concepts found in the new CCQ course, improve your understanding of general legal concepts, and increase your confidence to teach them!

TEACHING LEGAL CONCEPTS IN THE CCQ PROGRAM: ELEMENTARY SCHOOL LEVEL

Videos: Legal Education

You can use these videos and tutorials when discussing legal concepts with your students:

- LE DROIT EN CLASSE : AGIR EN LIGNE (Being online, French with English subtitles)
- LE DROIT EN CLASSE : PROCÈS SIMULÉ (Mock criminal trial, French with English subtitles)
- LE DROIT EN CLASSE : LE CONSENTEMENT SEXUEL (Sexual consent, French with English subtitles)



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- **CYBERBULLYING... IT CAN BE A CRIME!**
- **WORKING: NOT AT ALL COSTS!**
- **AGE OF CONSENT TO SEXUAL ACTIVITIES**

To Learn More

To learn more, visit legallifeskills.ca for complete information about our workshops and teaching guides.

For more information, join the Éducation juridique au Québec Facebook group to share your experiences and questions.

If you have any questions or wish to share your suggestions with us, please contact us at scolaire@educaloi.gc.ca.