Mediation and communication practices in education

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Práticas de mediação e comunicação na educação

Prácticas de mediación y comunicación en educación

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Abstract: In the sphere of education, mediation and communication practices help not only to resolve disputes and conflicts most effectively but also to protect the interests of children and minors. The study aims to explore and analyze the effectiveness of mediation and communication practices in resolving conflicts in educational organizations, as well as identify trends in the development of this institution. The importance and role of using mediation and communication practices in conflict resolution in the sphere of education are analyzed and the theoretical aspects of the effectiveness of mediation in educational organizations are studied. The reasons for the emergence of conflicts in educational organizations are identified and the need to improve the effectiveness of mediation and communication practice implementation in conflict resolution in the sphere of education is substantiated. The study results allow outlining trends in the development of the studied institution. Further research can address the effectiveness of mediation and communication practices and the feasibility of using various methods and techniques to improve the use of mediation and communication skills in educational legal relations.

Keywords: Mediation, Dispute and conflict resolution, Mediator, Communication practices.

Resumo: Na esfera da educação, as práticas de mediação e comunicação ajudam não só a resolver disputas e conflitos de forma mais eficaz, mas também a proteger os interesses de crianças e menores. O estudo tem como objetivo explorar e analisar a eficácia das práticas de mediação e comunicação na resolução de conflitos nas organizações educacionais, bem como identificar tendências no desenvolvimento desta instituição. São analisados a importância e o papel do uso de práticas de mediação e comunicação na resolução de conflitos no âmbito da educação e estudados os aspectos teóricos da eficácia da mediação nas organizações educacionais. Identificam-se as razões para o surgimento de conflitos nas organizações educacionais e fundamenta-se a necessidade de melhorar a eficácia da implementação das práticas de mediação e comunicação na resolução de conflitos na esfera da educação. Os resultados do estudo permitem traçar tendências no

desenvolvimento da instituição estudada. Pesquisas adicionais podem abordar a eficácia das práticas de mediação e comunicação e a viabilidade do uso de vários métodos e técnicas para melhorar o uso de habilidades de mediação e comunicação nas relações jurídicas educacionais.

Palavras-chave: Mediação, Disputas e resolução de conflitos, Mediador, Práticas de comunicação.

Resumen: En el ámbito de la educación, las prácticas de mediación y comunicación ayudan no solo a resolver disputas y conflictos de la manera más eficaz, sino también a proteger los intereses de los niños y los menores. El estudio tiene como objetivo explorar y analizar la efectividad de las prácticas de mediación y comunicación en la resolución de conflictos en las organizaciones educativas, así como identificar tendencias en el desarrollo de esta institución. Se analiza la importancia y papel del uso de prácticas de mediación y comunicación en la resolución de conflictos en el ámbito educativo y se estudian los aspectos teóricos de la efectividad de la mediación en las organizaciones educativas. Se identifican los motivos del surgimiento de conflictos en las organizaciones educativas y se fundamenta la necesidad de mejorar la efectividad de la implementación de prácticas de mediación y comunicación en la resolución de conflictos en el ámbito educativo. Los resultados del estudio permiten esbozar tendencias en el desarrollo de la institución estudiada. La investigación adicional puede abordar la efectividad de las prácticas de mediación y comunicación y la viabilidad de usar varios métodos y técnicas para mejorar el uso de las habilidades de mediación y comunicación en las relaciones legales educativas.

Palabras clave: Mediación, Resolución de disputas y conflictos, Mediador, Prácticas de comunicación.

INTRODUCTION

Differences of opinion and interests can often lead to conflict, and the school setting is no exception to this rule. Conflict as a phenomenon has been an integral part of human life at all times. According to F. Silva and P. Flores (2014, p. 253), "conflicts are constituent elements of human reality and, therefore, must be distinguished by their various aspects: meaning, relevance, and ways of recognition, appropriation, and resolution." Conflict, discord, and disagreement are inherent phenomena of a living society.

In the face of social, religious, and confessional diversity, pluralism, and multiculturalism, educational organizations strive to orient their educational mission towards reaching peace and harmony. Today's world poses new challenges for education. We live in a global society where the economic, technological, communicative, and cultural manifestations, as well as interpersonal relationships, change rapidly. The nature of conflict can be considered fundamental and constitutive for all life on earth since it is through the mechanism of conflict, struggle for limited resources, and natural selection that evolution and development occur. Conflict as a phenomenon is thus vital and inescapable. How to behave in a conflict to minimize damage is, however, a different question. At the level of states, conflicts are resolved through either force (wars and local armed conflicts) or diplomacy. At the level of public institutions, there are judicial and alternative procedures (mediation, negotiation).

The relevance of the present study is also due to the fact that situations that spark verbal conflicts are becoming increasingly common in modern

conditions while not so many answers on how to avoid such situations have been found yet. This points to the conclusion that the reasons and conditions for conflict and harmonious behavior remain unclear to this day. Interest in the problem and the need to introduce alternative ways of resolving conflicts in education is due to a significant increase in conflicts in educational relations. Against the background of the declining level of culture and moral qualities in society, the crisis of school and family education is increasingly evident, which generates contradictions due to communication, behavioral, value, and structural factors (Korotun, 2019).

It should also be noted that the development of mediation and communication practices in education stems from globalization and increasing migration flows. The emergence and development of mediation methodology and practice are directly contingent on state policies regarding migration, xenophobia, extremism, and nationalism. The use of mediation in education contributes to the prevention and peaceful resolution of conflicts and serves as a basis for upbringing in a multicultural society.

Conflicts emerging in the sphere of education often involve educational authorities, the police, and other structures. Often the relationship between the parties becomes hostile, which can have a negative impact on the process and results of the child's education and upbringing.

For the development of conciliation services in education, educators and social service professionals must have a holistic understanding of the mediation process. It is important to update theoretical knowledge and introduce new ways of solving professional tasks to prevent and peacefully resolve conflicts using mediation and communication practices taking into account the multicultural specifics of the region. Another vital element is the development of communication skills and abilities based on the proper conduct of the dialogue.

The present study aims to explore and analyze the effectiveness of mediation and communication practices in resolving conflicts in educational organizations and identify trends in the development of this institution. The object under study is mediation and communication practices in resolving conflicts in education.

Mediation as a conflict resolution method is increasing in popularity thanks to the widespread introduction of innovative technology in education. Nevertheless, there also are objective challenges to the introduction of mediation in educational institutions: the lack of normative and legal support for school mediation and the absence of tested regulations for interagency cooperation in conflict resolution raises questions about the legality of mediator intervention in cases where, for example, the Commission on Minors' Affairs is already involved. The issues of initiating mediation and the status of a mediator in a school in terms of realizing the principles of voluntariness, confidentiality, neutrality, and equality remain under debate.

LITERARURE REVIEW

Mediation is practiced in educational institutions in many countries around the world: the United States, South American countries, most Western and Eastern European countries, Australia, Canada, South Africa, and more.

The study of foreign experience of school mediation suggests that in some countries, it stems from community mediation based on the work of volunteers and community members while in others, the root causes lie in the professional psychological and conflictological spheres. Both traditions are valuable and enrich one another but have their own specificities in terms of mediation outcomes and mediator tools. European countries turn to specialists (lawyers, judges, psychologists) for conflict resolution to a greater extent, which shapes the corresponding orientation of their mediation (Shamlikashvili, 2016).

B.C. Possato, A. Rodríguez-Hidalgo, R. Ortega-Ruiz, and D.D.P. Zan indicate that over the past decade, there has been an expansion of programs and projects using conflict mediation in South American countries. Analyzing these programs, the authors note that they are just several among many other programs aimed at helping schools address violence. Nonetheless, conflict mediation is becoming a central element of educational programs (Possato et al., 2016).

The communication gaps that are present in the typical conflict resolution process only allow making decisions limited to preventing violence. Mediation in conflict resolution has to assist students in reaching a productive solution that is fair to all students and improves their relationships, especially when student conflicts may be recurring and lead to violence (Carter, 2000).

When dealing with interpersonal relationships in the school context, it is vital to take into account the family situation of each student, since interpersonal relations in the family are strongly connected to school conflicts. Prominent authors state that school conflict situations often originate from the level of the family (Burguet, 1999).

The priority of the use of mediation and restorative technologies in the educational environment as the most effective and popular tool for conflict resolution and prevention of offenses in the educational environment was established in the Presidential Decree No. 761 of June 1, 2012. The decree "On the National Strategy for Action on Children for 2012-2017" enshrines the development of restorative justice in responding to juvenile delinquency, at the core of which is the mediation of the offender and the victim, as well as the development of school conciliation services. In accordance with the Strategy, it was recommended for educational institutions to create "school conciliation services" aimed at resolving conflicts in these institutions, preventing delinquency among children and adolescents, and improving relations in the educational institution. Two forms of organization of mediation in education were considered: a) within schools (educational institutions) – "school conciliation services"; b) on the territory (based on the Centers of

Education) – territorial conciliation services. School conciliation services (with the participation of students) carry out programs of restorative mediation for intra-school situations. The affiliation of such services with the education system is not accidental, since such programs are currently the most effective educational measures in relation to minors. In Russia, school mediation has been developing since 2001 in the form of School Mediation (Conciliation) Services.

An updated Concept for the Development of a Network of Mediation Services for the Implementation of Restorative Justice for Children, including those who have committed socially dangerous acts but are under the age of criminal responsibility in the Russian Federation, until 2025 was approved in 2019.

Continuous theoretical and practical training in conflict mediation functions as an additional qualification for educators who, in turn, evaluate it positively and utilize the acquired skills and abilities in their professional practice. It is noted, however, that the mediation and communication skills acquired during the training are applicable not only as a method of work but also as a culture of interaction in an educational organization (Costa & Costa, 2020).

METHODS

Materials for the present study are composed of data from Russian and foreign periodicals, Internet portals, legal documents, and legislation reflecting mediative and communicative practices in education, as well as other data published in open Internet sources. The collected data are processed by means of descriptive, analytical, logical, systematic, and comparative methods.

The study of the peculiarities of mediation and communication practices in education is carried out via the dialectical method with the application of special scientific methods. The study deploys general scientific methods, as well as historical legal, comparative-legal, formal-legal, theoretical and prognostic, and other methods. The method of historical legal analysis allows tracing the history of the development of mediation practices in education in Russia. The comparative legal method provides for determining the specificities in the development of mediation and communication practices in education. The use of general scientific methods (analysis, synthesis, induction, deduction, etc.) is critical for the analysis of legislative acts and opinions of researchers, as well as in the formulation of conclusions and suggestions. The use of the theoretical and prognostic method allows identifying the main trends in the improvement of the effectiveness of mediation and communication practices in education.

RESULTS

Interpersonal conflicts in any sphere involve different interests inherent in human relations and are present in various social organizations, educational organizations being among them. As a microcosm of society, an educational institution at any level brings together diverse views of the world, ways of being, thinking, and living, thereby becoming a space reflecting social differences and a place where all sorts of everyday conflicts take place. Given that an educational institution is an organization that brings together different social strata, interpersonal conflicts are an integral part of it (Valente et al., 2020).

Analyzing mediation and communication practices in education, we have to note that what lies at their basis is the effective resolution of a conflict situation. Moreover, the classification of conflict situations is highly important as it provides support in recognizing their specific manifestations and choosing the communication behavior algorithm appropriately.

There are several classifications of conflicts. Conflicts can be distinguished by a particular parameter, for instance, by the composition of its participants, the duration of the conflict, the forms of conflict, its manifestation, the causes, the nature of causes, the organizational structure, the level of visibility, values, openness, the spheres of manifestation, the degree of duration and tension, the subject matter, the parties to the conflict, the results, or the social consequences.

Pineda Miguel, Serrano María Paz and Altarejos Alberto identify six types of conflict in educational institutions: destructive behavior, students' inappropriate or aggressive behavior toward teachers, teachers' inappropriate behavior toward students, vandalism, truancy, and abuse among students. In the sphere of education, conflict is not limited to students; it can also be found among other members of the educational community (Pineda et al., 2019).

Practice shows that the main reasons for the high conflict proneness in modern educational institutions are:

- insufficient attention to the problems of creating a comfortable psychological climate in the educational environment;
- insufficient attention to the problems associated with the causes and consequences of conflicts in school on the part of the administration of educational organizations;
- the objective state of psychological health of interpersonal interaction participants;
- low conflictological competence of the subjects of the educational environment (Nozhichkina, 2014).

S.V. Banykina discloses general and specific reasons for conflict in education. The general reasons for the emergence of conflict include adverse economic and socio-political situations in the country and the region, low material support of the educational process, insufficient equipment of schools, the inconsistency between the material base and

the needs of the modern world, and the low wages of teachers (Banykina, 2001).

Other indicated causes of conflict in educational institutions are problems with communication and personal, political or ideological, and organizational reasons. X.R. Jares (2002) adheres to a similar viewpoint, describing four main reasons of conflict: ideological, scientific, associated with various pedagogical, ideological, and organizational scenarios, and the type of school culture; violent causes related to organizational control, professional advancement, and access to resources and decisions; causes associated with the ambiguity of purpose and function, organizational instability, and personal and interpersonal causes tied to self-esteem, safety, professional dissatisfaction, and communication. Moreover, Burguet (1999) refers to conflict in the organizational structure of a school as a possible reason. An educator often perceives conflict as a lack of discipline, disrespect for the teacher, and a threat to their authority, and therefore conflict between the teacher and the student is a common case in educational collectives.

Regarding the rise in school conflicts, L. Ibarra believes one of the reasons to be the widespread introduction of compulsory school education (Ibarra, 2002). The researcher argues that compulsory schooling results in a greater number of unmotivated and undisciplined students, which entails an increase of conflict in educational institutions. Similarly, expansion of the number of students without improvement of the learning environment amplifies the likelihood of conflict due to lack of space for practical and collaborative activities (Valente et al., 2020).

Portuguese scientists Sabina Valente, Abílio Lourenço, and Zsolt Németh (2020) note that one of the causes of conflict in educational institutions lies in family relationships. Family is the main source of emotional support for a student and their behavior to a great extent reproduces the life model of family relationships. For this reason, students from disadvantaged families require additional support from educational organizations to learn and develop interpersonal skills.

It is important to note that the choice between various ways of managing conflicts and the strategies of their resolution depends on the level of conflict and the situation that has to be effectively resolved (Rahim, 2002), that is, to manage a conflict effectively, it is vital to recognize that some strategies can be more appropriate than others depending on the conflict situation at hand.

Following this approach, Rahim and Bonoma (1979) developed five strategies for conflict management:

- avoidance, when the conflicting parties demonstrate a low level of concern for the interests of others. The strategy is characterized by low degrees of assertiveness and cooperation with the interests of all parties not being fully satisfied;

- dominance, a reflection of an attempt to satisfy one's interests without considering the interests of others. Dominance is characterized by high assertiveness and lack of cooperation, reaching a goal is viewed

as superiority over the interests of the other side. This strategy is often considered aggressive;

- integration, when individuals manage conflict directly and together seeking to reach cooperation in solving problems. This involves openness, exchange of information, search for alternatives, and studying problems to find an effective solution for all sides;

- cooperation, when the conflicting sides try to reduce and smooth out contradictions and emphasize commonalities to satisfy the interests of the other party;

- compromise, the strategy that presents an attempt to satisfy, at least in part, the interests of all parties to the conflict. It is a strategy that requires certain concessions from all conflicting parties.

The emotional intelligence of teachers is also mentioned among the reasons affecting the choice of different strategies. Valente and Lourenço (2020) conclude that teachers with higher emotional intelligence use the strategies of integration and cooperation to manage conflicts more often and less so – the strategies of avoidance and dominance.

A conflict situation often becomes the ground for personal rivalry. Unfortunately, modern society still offers no skills of harmonizing communication while rudeness and disrespect for the other person very often lead to conflict. It can be added that preventing a conflict is much easier than settling an argument that has already developed. However, every conflict situation typically involves only two individuals, one trying to prevent conflict and the other, on the contrary, contributing to its further aggravation.

Communication practices (referring to the forms of human interaction in the course of life that take into account the reality of existing inequalities, including inequalities of domination and subordination within communities) (Perov, 2004) present, firstly, the conditions in which a person themselves is developing, and secondly, the way in which they reproduce the world and themselves in it. A specific feature of modern life is that a person spends the vast majority of their conscious life in a collective, communicating with other people. Any community to successfully exist and meet its goals has to have some universality of communication practices, a substantial element of which is the commonality of ideas about the ways of communication and norms of behavior. In other words, any organized structure generates somewhat developed and regulated ethical rules that, in general terms, can be called corporate ethics, which have recently become increasingly important both in Russia and the world.

Communication in conflict situations can be effectively subjected to algorithmization, that is, the search and implementation of the most optimal models of behavior and interaction in the conflict aiming to reduce the damage to the parties and to solve the conflict with maximum benefit.

The outcome of a conflict very often depends on how a person speaks. If a person shouts using profanity and insulting the person they are talking to, most likely, they will not be listened to, the conflict will

remain unresolved, and the relationship will be tense. And vice versa, if an interlocutor speaks clearly, understandably, and without getting personal, they will be listened to more closely and most likely understood. Calm and friendly language always contributes to an effective resolution of the conflict, helping to explain one's view of the situation to the interlocutor. Of importance are also the manner and intonation with which a person speaks. However, it has to be considered that such a technique is only effective if a conflict has not yet transitioned into the stage of open verbal aggression. Otherwise, such tactics will no longer be of any assistance. Either the relationship will be permanently damaged, or it will be necessary to try to find a way out of the situation later. In any case, our speech has a tremendous impact on resolving a conflict situation, and the harmonization of speech behavior should be an obligatory component of communicative interaction. Of no less significance is trying to listen to the other person and understand them. Thus, such communication practices as active listening and feedback are highly valuable. Active listening (through paraphrasing, rephrasing, requesting clarification, contextualizing) provides additional information and reassurance that a person understands that they are being listened to and heard. The ability to listen, assess, and rethink the position with all parties to the conflict leads to a habit of dialogue. When the conflicting parties themselves participate in constructing possible scenarios of behavior for solving the problem, the relationship can be restored and the conflict can be resolved constructively.

Effective communication is necessary to resolve conflicts in educational organizations as it alleviates students' fears of being rejected and anxiety due to struggle for acceptance and recognition, improves their self-esteem, and reduces defensive behavior.

Conflict resolution has great potential since the further study of this sphere and problem area contributes to meeting one of the primary objectives – managing human behavior. Thus, proper mastery of the tactics and strategies of verbal behavior provides a person with wide opportunities.

In the Russian Federation, the creation of school mediation services is the key to large-scale preventive work aimed at creating favorable, humane, and safe conditions for the comprehensive development and socialization of children of all ages and groups, including those who find themselves in difficult life situations. Addressing these challenges by integrating mediation into the activities of educational organizations through the creation of school mediation services, thus providing access to mediation and restorative approaches for every family and child, will create the basis for a system of comprehensive prevention, rehabilitation, and correction work with children (Federal State Budgetary Institution "Federal Institute of Mediation", 2015).

The work of mediation services has reached a mass scale in recent years and is preventive as it focuses on preventing conflicts, predominantly in the education sphere. For instance, the number of mediation services in the educational institutions of the Volga Federal District has reached

2,991 in 2019/2020, and the number of conciliation services has grown to 2,113. Comparing the subjects of the Volga Federal District, the largest number of mediation (conciliation) services in educational institutions operate in the Orenburg region with 826 mediation (conciliation) services in 2019/2020, the Nizhny Novgorod region with 821 such services, and Mordovia with 349 services (Federal State Budgetary Institution "Federal Institute of Mediation", n.d.).

On September 24, 2020, the Ministry of Education of the Russian Federation together with the Federal State Budgetary Institution "Center for the Protection of Children's Rights and Interests" with the support of the Kutafin Moscow State Law University organized and held the All-Russian Meeting of School Conciliation and Mediation Services. The participants of the Meeting were offered to study the experience of integration of mediation and restorative technologies in the educational space presented by representatives from the Altai Krai, Voronezh, Irkutsk, Lipetsk, Moscow, and Omsk Oblasts. Participants in the event noted the great importance of openness in protecting the rights and interests of children, as well as the need to ensure the accountability of these activities to institutions of civil society. According to the participants, mediation is already making a substantial contribution to reducing the number and degree of conflicts involving children, the number and severity of offenses, including repeated offenses, and their consequences for others and society as a whole, as well as to reducing asocial behavior among children and adolescents.

Despite the presence of legal gaps and unregulated relations associated with the implementation of mediation activities in the educational environment, as well as thanks to coordinated interagency cooperation between the key ministries and agencies involved in it, significant success has been achieved in the implementation of the Concept. This was one of the main reasons for its prolongation. The novelty and unconventionality of the conflict prevention method resonated with the parental community, which manifested through increased involvement of this category of participants in educational relations in the work of mediation and conciliation services.

Particular emphasis should be placed on the tremendous interest of students in mediation as an innovative technology for safe spaces in the educational environment, as well as on the steady growth in the number of volunteers for mediation and conciliation services.

Dealing with a conflict situation requires training, which is why educators, teachers, and volunteers require conflict management training to be able to resolve conflicts effectively.

Foreign researchers reveal that 73.9% of teacher-mediators believe that mediation skill training has helped them to study and improve communication at the personal level. Moreover, 56.5% report practicing the skills obtained in mediation in other areas of activity. The process of mediation training helps to become aware of the consequences of one's actions or behavior and makes a person think about the primary

intent behind their behavior and attitudes and whether such behavior can indeed help achieve this goal (Ibarrola-García & Iriarte, 2013).

To create a violence-free climate and develop the culture of constructive conflict resolution, each educational organization requires a system that comprises work with the pedagogical community and other members of the school community to familiarize them with the mediation approach, a school mediation service, the work of a school psychologist, communication competence training, as well as the use of the mediation approach primarily as an instrument of organizing communication between the members of the school community and only secondarily as a means of addressing conflict situations.

Noting the positive experience of the integration of mediation and communication practices into the sphere of school education, it is necessary to compile a list of organizations that provide training and retraining of specialists in the field of mediation for the education system, as well as to develop a unified special comprehensive professional training and professional development program for training mediation specialists for the education system necessarily including both mediation and communication practices. When developing normative acts aimed at protecting the rights of children and ensuring legal information and education of minors and their parents, it is advisable to consider the possibility of online activities to develop mediation and communication practices available to all interested parties, including minors, young volunteer mediators, and school mediation and conciliation services.

CONCLUSION

In modern society, conflict is a natural phenomenon that results from people's differences. An educational institution is a place where people with different characteristics, backgrounds, experiences, and life attitudes come together daily. Amid this diversity in the educational community, there will certainly be disagreements and contradictions. Violence, however, should not be accepted as the norm. There is a need for effective work on its prevention and the restoration of the damage caused. Such work will allow improving the school psychological climate, enhancing the level of the constructiveness of relationships and ways of resolving conflicts, better the quality of life of both students and teachers, and make the educational process more efficient (Pentin, 2017). Collaborative conflict resolution by means of mediation and communication practices can help participants in a conflict assess their actions and rethink their attitudes, discover ways to solve problems, and try to maintain respect and balance of interests. Although conflicts are undoubtedly negative overall, the constructive and destructive consequences of a conflict are contingent on people's mediation and communication skills, which should assist conflict management in educational organizations, thus minimizing the negative consequences.

Acknowledgments

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Información adicional

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