

Promotion of Pedagogy Theories in Context of Plagiarism Limitation in Higher Education Establishments

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Abstract— development of plagiarism limitation documents and quality assurance procedures in higher education establishments does not always provide sufficient results, which is explained with the fast spread of ICT, the common aesthetic culture of higher education establishments and students' and faculty's attitude towards plagiarism.

In the research the pedagogy theories have been looked upon, which include the aspects of behavioural changes, knowledge formation, experience structure, cooperation, technology and learning nets: behaviourism, cognitivism, constructivism and connectivism.

The author has analyzed the integration possibilities of Skinner, Piaget, Vygotsky, Dewey and Siemens's classical pedagogy theory approaches in the model of modern plagiarism limitation in higher education establishments, emphasizing the necessity to establish a pedagogic platform for the integration of plagiarism limitation solutions in higher education establishments.

In the model there are tasks described to be implemented in higher education establishments- formation of a preventive system, which means a support to students and faculty and an innovative application of the ICT potential in plagiarism limitation, concentrating on the aspects of self-control and knowledge improvement. In the model the necessity to promote the integration of higher educational establishments' experience in the legislation and development of plagiarism research have been highlighted.

Pedagogic paradigms in the research have been interpreted as the means of efficient knowledge and behaviour formation. In the research, pedagogic solutions for plagiarism in higher education establishments have been looked for, merging them with regulative, legal and on ICT based solutions.

According to the theoretical findings, an experimental research was carried out. The results of the research coincide with the opinions that it is more efficient to learn by doing and in cooperation, linking units of information with the academic ethics, and previous knowledge with present knowledge. When the learning process was carried out as a guided process from outside, personal experience in solving problems was valued the least.

Keywords- behaviourism; cognitivism; connectivism; constructivism; pedagogy theories; plagiarism

I. INTRODUCTION

Plagiarism (*plagium* - lat. – *abduction*) is behaviour and moral pattern, concerning other person's creative activity, resulting in intellectual property. In the explanations of plagiarism activities the following keywords dominate- "another author's work," "theft," "usage without a reference," "claiming as your own idea." [3]

The base of the behaviourism pedagogic approach is the opinion that learning is passive, managed by external processes within whose limits the human being's behaviour is determined by environmental irritants. In the study process, which is directed towards problem solving, the teacher structures and forms an adaptive students' behaviour with the help of reinforcements, decreasing the non-adaptive forms of behaviour [18].

Cognitivism understands learning in connection with mental processes, emphasising the active work of brain. Learning is understood as formation of symbolic mental constructions and information processing process, in which students under the teacher's guidance, when learning actively, use the interaction between the already existing knowledge structures and experience schemes and the phenomena of the surrounding environment [9].

The existence of the established knowledge structure is acknowledged in the paradigm of constructivism and it is emphasized that individuals in the study process strive to give purpose to their experience and the acquisition of information finding skills is used for the students' harmonic and extensive development [10, 19].

From the connectivism point of view learning is a process which happens in a diffuse environment, paying attention to the principal elements and their changeable interactions, but without controlling every component separately. Learning is

directed towards the linking of information pieces, which allows us to obtain more complete, qualitatively different knowledge than the existing one [6].

The topicality of the research is linked with the necessity to form a pedagogic platform for the integration of plagiarism limitation solutions in higher education establishments.

The aim of the research – theoretically and practically analyse the integration possibilities of pedagogy theory approaches in a modern plagiarism limitation model in higher education establishments, merging them with regulative, legal and on ICT based solutions.

II. PROMOTION OF PEDAGOGY THEORIES FOR PLAGIARISM LIMITATION IN HIGHER EDUCATION ESTABLISHMENTS

Promotion of Behaviouristic Approach

Since the 20ies of the 20th century behaviourism has developed as an interdisciplinary approach whose origin is connected with the psycho-physiological experimental learning models developed by Frederic B. Skinner in the USA and by Ivan Pavlov in Russia. A fundamental behaviourism feature is the learning link with psych-physiological processes, expressing learning in an algorithm which includes stimuli, reactions and positive reinforcements (the role of a positive reinforcement has been emphasized by F.B. Skinner, indicating at the causal relationship of the behaviour and its consequences, and the necessity of various reinforcements to be used by the teacher with which behavioural changes can be achieved if used consequently). In the behaviourism paradigm learning is a passive process that is managed externally, in which the teacher's task is to structure the pupil's behaviour in compliance with the set goals [18].

Behaviourism is concentrated on the visible expressions of behaviour, focusing on its elements and not on the interaction or systemic character and gives preferences to the transformation of the present and not the future. The application potential of the theory in the modern pedagogy is connected with the cognitions that, when learning about the cognitive vector, it is possible to direct not only from ignorance to knowledge, but also transform the insufficient adaptive knowledge and behaviour to adaptive knowledge and behaviour forms. Behaviourism impugning the human being's personality as a set of features gives resistance to the morally religious idea about the "original sin," "moral wretchedness" or, for example, in the case of plagiarism performance its interpretation from the point of behaviourism as the "expression of students' laziness" is inappropriate. Plagiarism in the behaviourism paradigm can be looked upon as an insufficiently adaptive form of behaviour, which is transformable if teachers, schools, higher education establishments and education system as a whole set a clear goal to strengthen an ethical behaviour, but decrease - plagiarism activities.

Within the framework of behaviourism a suitable solution is the development of such a scientific approach which is based on:

1. operationalization of the plagiarism construct, formulating the essence of the phenomenon, characteristics and measurable indicators of the behaviour;
2. statement of plagiarism cases and/or ethical behaviour in compliance with the set indicators;
3. an appropriate positive reinforcement or punishment of the identified plagiarism case and/or ethical behaviour with the help of certain methods or procedures (Fig 1).

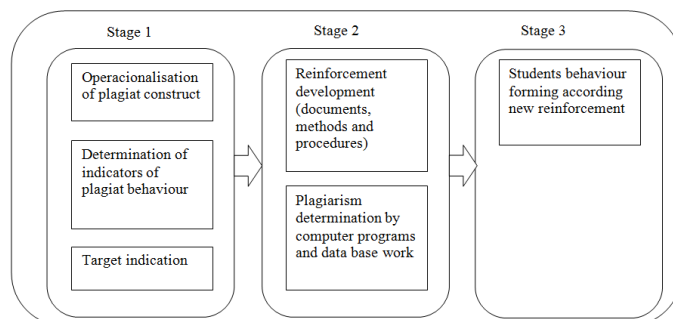


Figure 1 Reducing plagiarism according behaviourism approach

Behaviourism offers a linear view for plagiarism limitation in higher educational establishments that concentrates on plagiarism characteristics and its detection which is implemented making students' data bases and with the help of special software. The application of behaviourism pedagogic theory does not give an answer to the question why plagiarism is implemented, but without knowing the reasons, the plagiarism punishment might not have a long-term results. A significant potential of the behaviourism pedagogic paradigm is revealed in the opinion about the possibility of behavioural changes and demand for a justification of a consistent scientific action.

Promotion of Cognitive Approach

The philosophical paradigm of cognitivism theory is based on the principles of humanistic pedagogy, where an individual is considered a unique personality with their intellectual, emotional, physical peculiarities, which are expressed in the choice of a learning style and, unlike in behaviourism, the learning achievements are connected with the personality's individual abilities.

Cognitivism both in the Swiss psychologist J.Piaget's learning theory and L. Vygotsky's conceptual opinions about the child's stadial development emphasizes the operative function of the existing experience. Learning creates changes which are based on the already existing structures of experience; therefore the formation of new knowledge and skills is possible on the basis of the cognitive processes, which have been acquired before. Due to the accumulated experience, an intellectual reaction and transformation of the old experience are possible with the help of thinking process, creating new impressions about the world [11, 14].

From the theory of cognitivism the most essential cognition to be integrated in the understanding of plagiarism limitation is about the formation of a systemic and dynamic experience which is formed during the early stages of development

through active and creative studies. Cognitivism indicates the necessity to use a broader view in plagiarism limitation, in which the students' ethical writing skills are formed before entering higher educational establishments, i.e., at school and, possibly, already at preschool, when the child's as a researcher's potential develops through the experience of projects' implementation [1].

In the context of cognitivism theory plagiarism limitation should be manifested as a gradual process of experience accumulation appropriate for the development stage during which through an active learning knowledge about plagiarism, its consequences and an ethical writing from the short-term memory gets into the log-term memory storage, thus becoming the base of the skills (Fig.2).

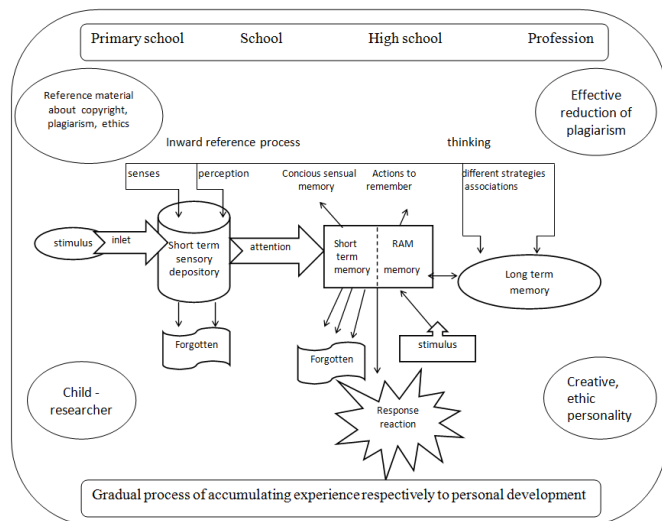


Figure 2 Model of reducing plagiarism using cognitive paradigm (modified A.Lanka, 2004 information processing model)

The cognitive paradigm does not answer two essential questions: how to manage the obtained knowledge, so that it could work as a drive of ethical motivation, and how in the learning social context to overcome the limitations of the individual knowledge formation and use maximally the experience potential in compliance with the possibilities provided by globalization and ICT development processes. Constructivism and connectivism theories have searched for the answers to these questions.

Promotion of Constructivism Approach

Starting with J. Dewey's research activity, constructivists have formulated an innovative approach to the study process pointing out that it is optimal to learn through doing and cooperation, applying experience, and mind, forming the storage of knowledge and creative abilities [10]. If in behaviourism and cognitivism knowledge is considered external, apart from the one pupils and students already have, then in constructivism the existence of the previous knowledge structures is acknowledged, and it is emphasized that in the study process individuals strive to give purpose to their experience. Therefore in order to achieve the goal of plagiarism limitation according to the constructivism paradigm, first of all, attention should be paid to the already existing students and

faculty's experience and personal purpose that everybody involved in the training or study process chooses **in favour the academic ethics or plagiarism**.

Even though the constructivism directions are mutually connected, they offer a branched and sometimes even a controversial understanding of study. Analysing the basic guidelines of the constructivism direction it can be seen that, for instance, the trivial constructivism supports J. Piaget's idea about an active formation of knowledge instead of a passive perception from the surrounding environment [13, 3]. The conception of trivial constructivism also emphasizes the significance of the former knowledge, so that the pupil could actively develop new knowledge.

The trivial constructivism paradigm in the plagiarism limitation context is used working out purposeful prevention courses or refresher training of specialized ethical writing skills which are directed towards the development of citation, reference generator, paraphrasing, etc. skills, paying a special attention to the development of students' analysis, synthesis, induction and deduction abilities and critical thinking, thus encouraging students not only to collate and compare the authors' opinions, but express their own personal opinion [4].

The next direction of constructivism that is used in the research context of plagiarism limitation is the radical constructivism which defines knowledge as a dynamic adaptation process for viable interpretations of experience, coming to a conclusion that not always **knowledge is built about the real world**, but only the one which the individual has given a personal sense [4]. The radical constructivism approach also complies with the cognition of critical constructivism that the opinion which interprets knowledge as disclosure of external truth and the teacher as the main objective source of knowledge, is a culture myth [16]. Therefore the application of the constructivism paradigm in any research means, first of all, **to find out the content of the experience structure involved in the problem to be researched and what purpose the individual has given to it or what attitude to plagiarism and academic ethics they have**.

Also, the social constructivism has to be emphasized in the constructivism paradigm, which supplements the trivial and radical constructivism with the ideas about the society's role in the human development (). The cognitions of social constructivism are promoted in the context of plagiarism limitation using collaborative learning in groups. The advantage of group work is that students feel not only responsible for their contribution in front of the group, but they also learn from each other to write ethically correctly – assess the resources, paraphrase and cite, generate references [14].

Students receive feedback from their peers collaborating in group, and they see personal limitations to which the group offers a variety of solutions. However, the group work as the means of anti-plagiarism needs a proper preparation when making the tasks and choosing cooperation forms in group. Also, when cooperating in a group, students can find the solution on the Internet or borrow it from the other students' work [2,12]. An unsuccessfully organized cooperation process in students' group, which neglects individualized achievements

and the balance of an individual and group's responsibility, can cause the lack of motivation and decrease the threshold of plagiarism tolerance.

Due to the introduction of technologies in education at the **end of the previous century the opinions of constructivism became topical which take into account the influence of the indirect social environment or broader culture, contextual** effect of traditions, religion, language, etc. factors on the study process. The symbolical means or tools, which are used when learning, influence the way of thinking. Moreover, the application of particular tools can influence the knowledge outside its direct application, developing the skills and impressions about the world. The main contribution of constructivism is the development of e-education and e-studies. Nevertheless, in the modern complicated world the constructivism theory is not able to guarantee a sufficiently flexible theoretical support to the education which is exposed to fast environmental changes.

Promotion of Connectivism Approach

In the 21st century the appearance of a new pedagogy theory- connectivism – was provoked due to the disappointment in Newton's rational paradigm, which in its turn was based on the explanation of Descartes' reductionism and mechanic systems. The previous restrictions of pedagogic approaches were related to the fact that the complexity of information, obscurity and ambiguity were not taken into account, but the provision of the system or its components' stability was used as a tool against the alarm which is created by the objective uncertainty of the situation and ignorance about the future [17].

The linear approach failed encountering complex systems, whereas the connectivism theory in addition to the simple system behaviour allows us to understand complicated, structured and controllable behaviour, as well as chaos as a special kind of behaviour which cannot be predicted with the former science methods.

In 2004 G. Siemens created the connectivism theory which looked critically at behaviourism, cognitivism and constructivism cognitions, therefore connectivism does not supplement the existing cognitions of pedagogy theory, but sets new issues in compliance with e-age [6, 18]. In the connectivism theory the cognitions from chaos and complex self-organizing systems or complexity theories are integrated, as well as the ideas of natural science area about the neural network structures are taken over, transferring the ideas to the environment where people study both with the help of technologies and social contacts [6, 8].

From the connectivism point of view learning is a process which happens in an unclear or diffuse environment paying attention to the principal elements and their changeable interactions, but without controlling each component separately. Learning is directed towards linking pieces of information, which allows us to obtain more complete, qualitatively different knowledge than the existing one.

In plagiarism limitation alongside the linear understanding about the trespass and penalty following it, within the framework of the connectivism paradigm a more profound and

extensive understanding of plagiarism is developed, because the reasons of plagiarism can be varied. As a wide range of researches confirm there is not just one reason which causes plagiarism. On an individual level they can be diametrically opposite initiations – such as the lack of knowledge, citing and writing skills, and also the expressions of a creative personality which does not always correlate with the social norms [12, 15].

Causes of plagiarism can also be connected with the environment – competitions and the high requirements in higher education establishments, and unfairness of academic culture which is influenced by the prevailing attitude in the society. However, the increasing technological possibilities and information anonymity and its accessibility on the net are mentioned as the most common causes [4, 5, 7].

Therefore within the framework of the connectivism paradigm the possibilities of plagiarism limitation basically turns to the plagiarism risk models which are connected with knowledge building in groups, using the potential of ICT (information communication technology) and social interaction.

The social experience component states that with the intention to limit plagiarism, sharing knowledge should be encouraged with group work, which weakens the plagiarism motives based on ignorance and lack of information. Here it is worth remembering the radical constructivism approach that in the interaction of the previous and current experience the most viable interpretations of experience adapt (). If in the students' experience there will be an unnoticed plagiarism precedent in a group that has allowed them to obtain fast outcomes with little effort (for instance, a mark for a copied work, a degree for a translated or purchased work), this experience can be internalized and performed further, determining not only individual decisions, but also leaving an impact on the academic culture.

III. PEDAGOGICAL CONDITIONS OF PLAGIARISM LIMITATION IN HIGHER EDUCATION ESTABLISHMENT MODEL FORMATION

Collating and analysing approaches of pedagogy, psychology, aesthetics and management theories about the plagiarism limitation in a higher education establishment in e-education and the diversification possibilities of plagiarism management strategies, within the research framework a theoretical plagiarism limitation model was worked out, in which the **research, regulative aspects, development of clearly formulated regulations and procedures are integrated, and alongside the differentiated punishment and sanction system appropriate for the trespass it also includes prevention which is expressed through the students' training and skills development, and the awareness and development of the faculty's experience (Fig 3).**

As it can be seen in the picture the core of the plagiarism limitation model (depicted in the inner circle) is based on four tasks to be implemented in higher education establishments: formation of a preventive system, which, first of all, means accessible knowledge, helping students develop ethical writing skills, also the support to the academic staff in plagiarism limitation, promoting the transfer of the already existing

knowledge to the acquisition of new knowledge, as well as the modern plagiarism prevention should be based on an innovative ICT potential application in plagiarism limitation, mostly concentrating on the self-control and knowledge development aspects, but not on punishment after the plagiarism has been detected.

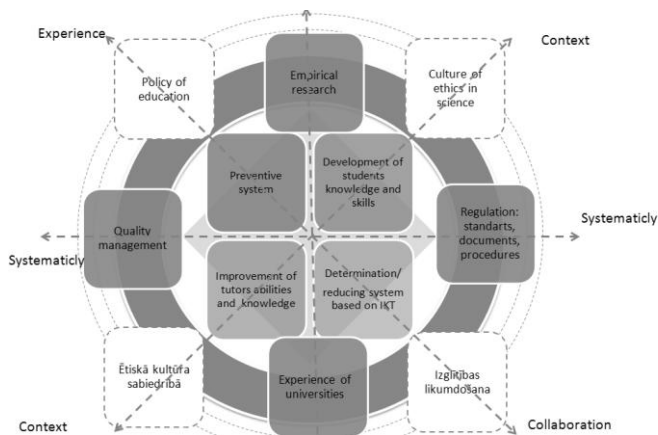


Figure 3 Model to reduce plagiarism

In the model the fact is emphasized that not only externally objective education systems or other conditions influence the possibilities of higher education establishments, but it is necessary to turn the vector to the external environment, promoting the integration of higher education establishments' experience in legislation, carry out a research which would have the internal validity, so that the newly passed laws and from them the derived higher education establishments' regulations would comply with the real situations in higher education establishments and their needs. The plagiarism limitation model conveys the link of the higher education establishments and the existing ethical culture in education and science and society as a whole, encouraging us to look at the plagiarism limitation contextually and systemically.

IV. RESULTS

Results of one – way analysis of variance (ANOVA) for average values in the question about the influence of the teacher's active assistance on writing academically ethical study papers reveal the fact that it is possible to reject sero hypothesis because the calculated F value is bigger than F critical value or $F_{calc} 8.71 > F_{crit} 3.4 (v_{btwgroups} = 2, v_{intragroups} 24)$.

Results of Post Hoc Multiple Comparisons test when using Fisher's least significant difference (LSD) show that the respondents of the first group who worked on the study paper independently in groups valued the teacher's help most ($M=2$). But the respondents of the second experimental group who worked under the guidance of the teacher valued the teacher's assistance least ($M=1.22$, Mean Difference= 0.78 , Sig. 0.05). There exist statistically significant differences also between the results of the respondents of the first experimental group who worked in groups and the control group who worked without any assistance (Mean Difference= 0.44 , Sig. 0.05). At the same time there is no statistically significant difference between the results of the second experimental group and the control group, which means that the respondents who worked individually do not consider the teacher's assistance and

support essential, while when working in a group without the teacher's active assistance there is a significant rise in a positive evaluation of this aspect.

When analyzing data with ANOVA, it was calculated that $F_{calc}=0.62$, but $F_{crit}=3.4 (v_{btw} = 2, v_{intr} 24)$, which means that $0.62 < 3.4$. It can be concluded that zero hypothesis cannot be rejected, and between the independent variable – group work – and the dependent variable – subjective evaluation of group work in the context of academically ethical writing in the groups - there cannot be seen statistically significant difference.

There do not exist statistically significant differences between evaluation of group work and individual work in the context of writing ethical study papers, $F_{calc}=0.79$, but $F_{crit} 3.4 (v_{btw} = 2, v_{intr} 24)$, which means that $0.79 < 3.4$. Consequently, zero hypothesis cannot be rejected.

After having analyzed statistically the application of students' personal experience when writing study papers in the context of academic ethics, results that rejected the zero hypothesis were obtained $F_{calc} 5.38 > F_{crit} 3.4 (v_{btwgroups} = 2, v_{intragroups} 24)$.

When examining the mean differences with the method of Fisher's least significant difference (LSD) Multiple Comparisons, results reveal the highest evaluation of experience in the first experimental group where respondents worked in groups when writing the study paper. The results obtained from the first group ($M=5.33$) are statistically significantly different from the results of the second experimental group (Mean Difference= 1.67 , Sig. 0.006) and control group (Mean Difference= 1.4 , Sig. 0.015). The second experimental group who worked under the guidance of the teacher evaluated application of personal experience in writing study papers according to the requirements of academic ethics ($M=3.67$)

It is not possible to reject zero hypothesis by analyzing statistically the aspect of group work or individual work results because there do not exist statistically significant differences between the groups under research concerning the evaluation of individual work because $F_{calc} 1.91 > F_{crit} 3.4$.

Even more, there is no statistically significant difference between the groups when evaluating the most successful results working on the study work in groups. In this case $F_{calc} 1.09 > F_{crit} 3.4$.

Thus there can be observed significant differences between the groups who worked under different experimental conditions concerning the opinion that it is easier to write an academically ethical study paper under the guidance of the teacher (Sig. $=0.001$, $p < 0.05$), as well as the opinion that the application of personal experience in solving problems helps in writing an academically ethical study paper (Sig. $=0.012$, $p < 0.05$) (Table 1).

TABLE I. RESULTS OF ONE-WAY ANALYSIS OF VARIANCE (ANOVA) THAT CHARACTERISE THE INFLUENCE OF FACTORS ROOTED IN PEDAGOGICAL THEORY ON CARRYING OUT ACADEMICALLY ETHICAL STUDY WORK FROM THE POINT OF VIEW OF RESPONDENT GROUPS

Statements based on theory of pedagogy	F criterion (F)	significance (Sig.)
It is easier to write an academically ethical study paper under the guidance of the teacher	8.71	0.001
It is easier to write an academically ethical study paper in a group.	0.62	0.546
It is easier to write an academically ethical study paper individually.	0.79	0.46
Application of personal experience in solving a problem helps to write a study paper according to academic ethics.	5.38	0.012
Better results can be reached when working individually	1.91	0.17
Results are better when working in a group because every participant gives a contribution.	1.09	0.35

V. DISCUSSION

Theories of behaviourism, cognitivism, constructivism and connectivism have been analyzed in the research relating to the possibilities of elimination of plagiarism in higher educational establishments. The research examined how such basic principles of pedagogy as learning under the supervision of the teacher when the learning process is structured according to the study aim, as well as the link between previous and present knowledge influences the work on the academically ethical study paper. In addition, the research specified aspects of academic ethics that are related to studying in a group or individually.

Significant conclusions can be drawn from the respondents' evaluation of work under the guidance of the teacher when they were given instructions on how to use sources according to academic ethics, instructions on quotations and references. The results obtained show that the second experimental group who worked individually under the guidance of the teacher receiving instructions from the teacher about the academic ethics evaluated their work as more difficult. It can be concluded that the teacher's instructions on how to use sources according to academic ethics, on quotation and references, have functioned not only as knowledge but also as requirements. At the same time the first experimental group who did their work without any help provided by the teacher considered the teacher's guidance as a help in their work. It points out the difficulties in finding unanimous academically ethical solutions in the variety of opinions that exist in the group and, as a result, a guided learning process has a higher subjective value.

The results of this research enlarges the view on the group work in the study process. Although the groups evaluate the work on the academically ethical study papers when working in groups as subjectively easy, the results obtained when working individually, are evaluated as more successful by the respondents. Therefore, when evaluating group work, it is essential to point out the contribution of each participant avoiding anonymity and devaluation of results.

The results of the research correspond to the opinion that it is better to learn by doing and in cooperation, relating information units and previously obtained knowledge with experience and present knowledge (Dewey, 1949; Siemens, 2006; Koschmann, 2002). According to the results of the present research, personal experience has been evaluated least when the learning process is guided by someone.

The small sample is a research limiting factor, which was solved by an appropriate choice of methods of statistical analysis for experimental research of small groups.

This research offers a complex approach to eliminating plagiarism in higher educational establishments. More attention should be paid to pedagogical solutions in the sphere of academic ethics, not only to solutions based on regulations, legislative and ICT solutions.

VI. CONCLUSION

In the modern world, which is exposed to changes and chaos, it is not purposeful to apply an approach which is based only on one theoretical paradigm. It is necessary to create a systemic point of view within whose framework several theories provide their contribution in the set integral plagiarism limitation model.

First of all, everybody should observe the requirement of the behaviorism paradigm for a consequent scientific justification of plagiarism limitation. Therefore a more significant contribution of the behaviorism paradigm would be the reference to the development of theoretical justification- it is necessary to form a theoretical understating of plagiarism that complies with the objective requirements of the age, firstly, working on the operationalization of the plagiarism construct (formulating the essence of the phenomena, characteristics and measurable behavioural indicators).

The normative documents and plagiarism limitation procedures of higher education establishments, including the computerized identification system, have to be worked out clearly, purposeful and have to be based on modern, scientifically justified approaches.

Supplementing the plagiarism limitation model with the theoretical approach of the constructivism paradigm – learning to apply experience and cooperation, the pedagogically preventive plagiarism limitation aspect comes in the forefront. It has to start with the experience and attitude research in the academic plagiarism area in the local situations of each country. Furthermore, the attention should be paid to both the development and improvement of students and academic staff's knowledge and skills, which in the constructivism paradigm means the prevention course or development of specialized ethical writing classes, transfer of the academic staff's knowledge and experience, organizing further-education seminars.

The constructivism approach gives a possibility to concentrate on plagiarism limitation in higher education establishments. However, it does not provide the meta-opinion about the context of plagiarism problem in education, creating an impression that the academic plagiarism is only the problem in higher education establishments, it appears there and also

disappears there. Nevertheless, as several authors point out, the causes of the academic unfairness go much further than the higher education borders [2, 5, 7].

The cognitivism paradigm gives a partial answer, within whose framework plagiarism limitation should be expressed as a gradual experience accumulation process appropriate for the development stage during which, while studying hard, the knowledge about plagiarism, its consequences and ethical writing from the short-term memory gets into the long-term memory storage, becoming the base of the skills. From the cognitivism theory in the understanding of plagiarism limitation the most essential cognition to be integrated is about the formation of a systemic and dynamic experience, which is implemented through a creative and active learning during the early years of development, but studying plagiarism in higher education establishments, apply a broader contextual view.

The cognitive paradigm does not give an answer to another issue connected with education context, how in learning social context to overcome the limitations of the individual knowledge formation and use maximally the experience potential in compliance with the possibilities provided by globalization and ICT development.

The connectivism theory does provide such an answer, in which possibilities are integrated in addition to a simple system's behaviour to understand also a complicated, structured and controllable behaviour, also chaos as a special type of behaviour, as well as borrowed ideas about the network structures, transferring them to the environment in which people study in liaison groups (and nets) with the help of both technologies and social contacts.

The experimental research carried out by the authors prove the theoretical findings and provide a new approach in eliminating plagiarism in higher educational establishments. The main emphasis should be put on the structure of previous experience, knowledge and personal understanding of academic ethics. According to tendencies in modern pedagogy elimination of plagiarism in higher educational establishments is on the way from a guided process from outside to learning in cooperative groups.

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Relationship between the effectiveness of methadone treatment and previous attempts for the treatment of persons addicted to opioids

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Abstract- Methadone treatment of addicted to opioids is the most widespread one having its effectiveness proven. There is a large number of high threshold treatment programs. In 2012, existing regulation was revised, the newly introduced being less restrictive in terms of the criteria for admission – the mandatory previous attempts to treat addicts were removed.

The aim of this study is to demonstrate the link between previous attempts for treatment and the effectiveness of the methadone treatment through monitoring and comparison of two groups of patients only differing by the criteria for admission – treatment applied before inclusion in the methadone program. Each group includes twenty people. The survey was conducted over a period of 6 months, through clinical follow-up by using three main criteria for efficiency.

In Group 1, patients with proven previous attempts for treatment-20% used heroin regularly, and 45% have never used drugs during the period of the study. Thirty-five percent of them work and are health insured, 80% remain for treatment after the sixth month. In Group 2 – patients accepted without previous attempts for treatment-75% of them regularly use heroin or other narcotic substances, 10% don't use, 5% work and are health insured and 80% drop out of the treatment as early as within the first three months.

Therefore, previous attempts to treat people addicted to opioids are largely a predictor for the effectiveness of methadone treatment and they should be included again in legislation as part of the admission criteria.

Keywords: regulation, methadone treatment, admission criteria, previous attempts for the treatment

I. INTRODUCTION

The treatment with opium agonists (methadone) of persons dependent on opioids is the most common treatment for opium addiction and is commonly used worldwide [3], [5]. Similar programs were developed and operated in Bulgarian since 1995.

Until 2012, these programs were based both on the international standards for good clinical practice [2], [4] and the requirements of Ordinance No. 24 of 2000 to Ministry of Health on the Conditions and Procedures for the Implementation of Substitution and Supporting Programs to Reduce Health Damage to Narcotic Substances Dependent Persons [6]. The Ordinance set forth the main criteria for inclusion of patients in the programs as follows:

- At least 18 years old;
- Proven dependence on opium agonists and antagonists or agonists/antagonists, according to the indicators of the ICD-10;
- Presence of at least three documented previous courses of treatment but no cessation of abuse of drug substances.

In 2012, the legal framework was revised and the activities of the programs are now regulated by Ministry of Health Ordinance No. 2 of 20 June 2012 on the Conditions and

Procedures for the Implementation of Programs for the Treatment with Agonists and Agonists-Antagonists, Opioids Dependent Person [7]. This Ordinance does not refer to the criteria for admission of patients. In the same year, an Ordinance was adopted that amends Ordinance No. 24 of 2004 on the Approval of a Psychiatry medical standard [8]. The Ordinance states that the healing programs may involve individuals who meet at least the following conditions:

- Proven dependence on agonists and/or agonist-antagonists in accordance with the criteria of the International Classification of Diseases-10;
- Completed 18 years of age and for treatment with Buprenorphine hydrochloride and Buprenorphine/Naloxone (Suboxone) – completed 16 years of age;
- History of the regular use of opioids of minimum one year. Upon inclusion to supportive treatment, it is recommended for the person to have passed a treatment oriented to abstinence from drug use.

Current legislation eliminates the condition for previous attempts to treat. The presumption is to enable more dependent persons to engage in the treatment programs. If even ignoring the opinion that methadone treatment must not be the first choice for overcoming the addiction, the practice shows that the persons included in the programs without any prior attempts remain within the treatment for much shorter time, they get stabilized slowly or fail to arrive at stabilization at all.

Each program contain indicators to evaluate the effectiveness [1],[9],[10] divided into the following categories:

1. Health condition of the patients in the program
 - The level of abuse of illegal/non-prescribed drugs: number of urine tests made, number of positive results and number of negative results
 - The health condition of the patients: number of patients with parallel psychiatric disorders
 - Level of blood transmitted diseases – number of patients with HIV/AIDS, hepatitis B and C
2. Level of social functioning of patients included in the program
 - Percentage of working people
 - Percentage of pupils and students
 - Percentage of health insured people
 - The number of patients detained for offences committed during the calendar year
3. Success of the program
 - Number and percentage of patients remained in the therapy at the end of the year
 - Level of adverse events/number of deaths and number of serious incidents
 - Number and percentage of patients discharged according to the schedule during the calendar year.

The aim of this study was to demonstrate the relationship between the previous attempts for treatment and the effectiveness of methadone treatment by monitoring and comparing the two groups of patients, differing only by one criteria for admission –treatment implemented before their inclusion in the methadone program.

II. MATERIAL AND METHODS

The study included two groups of 20 patients of the Methadone Treatment Program of the Mental Health Center-Varna. The first group of patients was accepted against presentation of documents for at least three previous treatments of addiction. The second group patients were included in the program without such a requirement. The survey was conducted for a period of 6 months, through clinical follow-up according to the following criteria:

- In category 1- Level of abuse of illegal/non prescribed drugs as verified by urine tests;
- In category 2- employment agreements presented;
- In category 3- Rate of patients having remained in the therapy for the duration of the study and of patients dropped out of treatment (for any reasons).

III. RESULTS AND DISCUSSION

On the criterion “Level of abuse of illegal/non prescribed drugs” the results are as follows:

- In Group 1 - patients with proven previous attempts for treatment: 20% (relative share) regularly use heroin and/or other drugs. This use has led to their disciplinary (administrative) removal from the Program.
- Thirty-five percent use heroin and/or other substances from time to time (no more than once a month or once the last two or three months).

-Forty-five percent don't use heroin or other drugs at all.

-In Group 2–patients accepted without previous attempts for treatment-75% regularly used heroin and/or other drugs, 15% used heroin and/or other drugs from time to time and only 10% have not used any drugs during the period of the study. (Fig. 1).

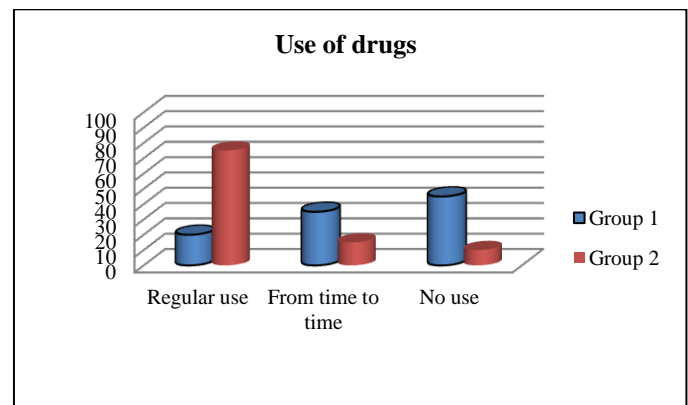


Figure 1. Use of drugs

On the criterion “Rate of workers and percent of health insured individuals”: Within Group 1, 35% work and are health insured and within Group 2, 5% work and are health insured. The remaining members, 65% of Group 1 and 95% of Group 2, respectively, do not work and are not insured.

The main reasons for dropping out of treatment are the regular use of narcotic substances, verified by urine tests, the loss of contact (considered as failure to attend the Program for three consecutive days without information from the patient or his relatives) and detention in prisons. On the criterion “Rate of patients having remained in the therapy for the duration of the study and of patients dropped out of treatment (for any reasons)”, the distribution is as follows:

In Group 1, 20% have dropped out of treatment, all due to the regular use of narcotic substances. There were no individuals dropped out due to loss of contact or retention. The remaining 80% continue their treatment after the six-month period of follow-up. Out of them, 44% meet the criteria for stability – they don't use drugs and have started work.

In Group 2, the ratio is the opposite – 80% have dropped out of the treatment and only 20% continued after the 6th month. Dropouts for any reasons are as follows:

- Regular use of drugs – 50% ;
- Loss of contact – 44%;
- Detention/prison – 6% (Fig. 2)

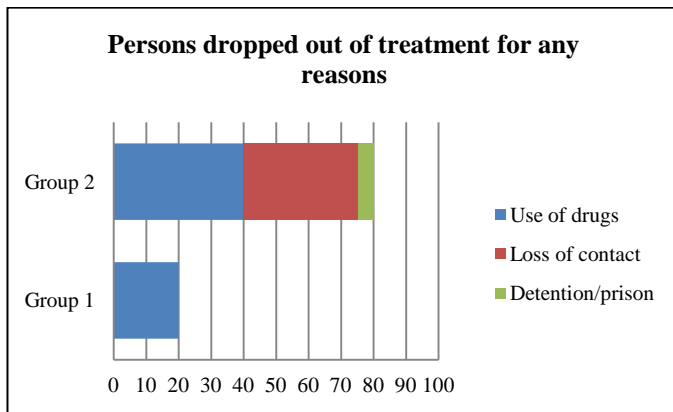


Figure 2. Persons dropped out of treatment, for any reasons

Out of the remaining 20% of the Group 2 that continued the treatment, only 1 patient covers the criteria for stability. All the others use drug substances from time to time and have not started work.

To summarize, in Group 1 - patients with documented previous attempts for treatment, 4 of them use heroin regularly and 16 remain for treatment after the sixth month.

In Group 2 - patients admitted with no previous attempts for treatment - 16 dropped out of treatment and only 4 continued their treatment after the 6th month. Their reasons for leaving are as follows:

- regular use of drugs - 8;
- loss of contact - 7;
- arrest / imprisonment - 1.

If we accept as a baseline hypothesis the hypothesis that the previous attempts for treatment are not relevant to the outcome of current treatment, the check with respect to current data shows the following distribution (Table 1).

TABLE 1 DISTRIBUTION- CURRENT DATA

Outcome of current treatment	Patients remaining for treatment	Patients taking heroin	Patients dropped out for other reasons	Total
With previous attempts	16	4	0	20
Without previous attempts	4	8	8	20
	20	12	8	40

If the baseline hypothesis is true, then the theoretical table has the following form (Table 2):

TABLE 2 THEORETICAL DISTRIBUTION

Outcome of current treatment	Patients remaining for treatment	Patients taking heroin	Patients dropped out for other reasons	Total
With previous attempts	10	6	4	20

With previous attempts	10	6	4	20
	20	12	8	40

The table with the values of the χ^2 criterion shows that its critical value at $p=0.001$ and $K=2$ is 13.82, i.e., the empirical value of χ^2 is greater than the theoretical value ($16.54 > 13.82$), hence, the baseline hypothesis is rejected.

The conclusion is that the patients remaining for treatment are reliably more in the first group and the success of treatment is therefore higher for those that have had any previous attempts for treatment.

The six-month clinical follow-up of the two groups of patients shows that those who have been admitted with the requirement of previous attempts to be treated remain longer in the program, they achieve sustained stability more easily, comply with the rules and achieve progress in treatment. They exhibit positive dynamics in the three selected criteria for efficiency.

A large part of patients admitted without the requirement for previous attempts for treatment drop out of the program within the first three months for various reasons. They have difficulties to achieve or fail to achieve stability at all. They fail to adapt to the rules of the treatment program, they demonstrate unstable motivation and they ultimately cease treatment.

These results are very indicative for the regulation of precise criteria for admission in the methadone treatment programs. It turns out that previous attempts to treat people addicted to opioids are largely a predictor for the effectiveness of methadone treatment. These patients are probably more motivated, are experienced in compliance with therapeutic setting that results in more rapid stability and social reintegration. They sustainably leave off the drug use; they start work, thus improving their family functioning. They remain in the program long enough their anti-social acts are also left off. The objectives of methadone treatment are met with them as a whole. This is why the legislation must clearly set forth the criteria for inclusion in the methadone treatment programs, including the mandatory requirement for documentarily proven previous attempts to treat.

There is also another group of addicts who have used drugs for years and have never made any attempt to overcome the addiction. Usually these are persons of Roma origin, persons in difficult social situation, comorbid persons and others. They are generally difficult to fit into a treatment setting and the low threshold programs to reduce the damage are more suitable to them. There is no Bulgarian legislation for such programs. By the end of this year, a similar type of programs are only implemented in a few larger cities under the HIV/AIDS Prevention and Control program, funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria.

IV. CONCLUSIONS

The methadone treatment in Bulgarian is implemented in high threshold treatment programs covered by existing legislation. In order to facilitate the access to treatment, the updated Ordinance No. 2 of 20 June 2012 of MH on the Conditions and Procedures for Implementation of Programs for Treatment with Agonists and Agonists/Antagonists of Opioids Dependent Persons removed the criteria for admission of patients in the programs (in addition to the mandatory age over 18 years and proven dependence on opioids). However, in practice, the reduction of the starting threshold correlates with the effectiveness of treatment. Patients without prior attempts to deal with the addiction remain in the programs for a very short time.

The survey shows that nearly 80% of the patients drop out as early as within the first months of treatment that means in practice that they never reach the stage of stabilisation. Three-fourths of the remaining 20% cannot meet the stability criteria, i.e., they keep using drugs and they do not start work. Contrariwise, patients with any previous attempts for treatment remain in the methadone program, successfully pass the treatment stages and achieve stability. The presumptions of the inclusion criteria as described in the previous regulations are that the methadone therapy should not be the first choice for treatment. For this reason, previous unsuccessful attempts to treat addiction to opiates were required. This practice proved to be more successful than the subsequent change in the Ordinance that aimed to facilitate the access to treatment under the programs.

It is true that there are individuals with a long-standing addiction to opioids, usually extremely marginalized and without any attempts for treatment, but they are generally suitable for another type of methadone programs – the so-called low threshold programs oriented to reduce the damage. There is no legislation for the implementation. Therefore, it would be appropriate to have specific legislation issued that will regulate the operation of low threshold methadone programs in the country.

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CONSTRUCTION OF REFERENCE OF PUBLIC POLICY FOR THE DEFENSE OF TERRITORY FROM INDIGENOUS COMMUNITIES IN THE SUBREGION OF URABÁ, COLOMBIA

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Abstract— The reality of indigenous communities in Colombia remains a concern in state and government spheres, as well as NGOs and some sectors of civil society. Historical consolidated keep poverty, lack of education and health, public services, and the effects of armed conflict, as the main issues that define the lifestyle of these communities. In the case of the department of Antioquia, an investigation aimed at building the benchmark of public policy for the defense of territory from the approach of Pierre Muller, who at the time was consolidated in public construction problems that may be taken it is proposed an official agenda, as the first component cycle approach to the analysis of public policies. To this, the article presents some of the results of field work with indigenous communities in El Volao, La Playa and Las Palmas, in the subregion of Urabá, in the westernmost part of the Caribbean coast of Colombia, with which various instruments of oral history as a medium of gathering the input of the referential of public policy for the defense of their territories were applied ¹.

Keywords- public policy, cycle approach, benchmark policy, public issue, indigenous voices.

I. INTRODUCTION

The complex social reality and politics lived by Colombia in the second half of the twentieth century, represented in the growth of drug trafficking activity, polarization and control of political activity at the hands of the traditional parties and the rise of guerrilla groups, it sought to find in the promulgation of the 1991 Constitution a new nation pact, by which the failure of the legal effectiveness would result in a material justice in which citizens were recognized and their most basic rights were guaranteed.

The adoption of the 1991 Constitution promoted in Colombia conditions for implementing changes in all arenas of social life, recognizing the new Constitution not only as a guideline regulations deriving from the sovereign covenant, but also as a new paradigm in structuring and functioning of the state for the attainment of the objectives assigned to it. The adoption of the rule of law, the definition of a new compendium of rights expanded and inclusive of new types such as social, economic, cultural, collective and environmental rights, including participating democracy, equality and the related materials development through affirmative action and the creation of new state institutions,

join a regenerated conception of the exercise of the functions of government in a model of State administratively decentralized, participatory, pluralistic and multicultural.

This object is fulfilled by a State which, under the law with the new Constitution as the supreme law, added to its social component model with the promotion of judicial activism and the conviction that "state action must go to the partners and ensure them decent living conditions. (...) The will of the Constituent around the state can not be reduced to require that it does not interfere or cut the freedoms of individuals, but also requires that it be set in motion to counter existing social inequalities and to offer all the necessary opportunities to develop their skills and materials to overcome constraints "(Constitutional Court, 1998: SU - 747).

A few years after the twentieth anniversary of the Constitution of 1991, seen as many of the pressing realities in Colombian history have changed, some have been overcome, but others on the contrary have been maintained and even intensified. Of these, the internal armed conflict found since the late eighties until the early twenty-first century its main heyday and devastation to the country, triggering an increase in casualties as a result of the multiple criminal behavior displayed by all actors immersed in armed conflict.

In this broad group of indigenous peoples victims have not been immune to the consequences of conflict, armed and unarmed, because during its development have been forcibly displaced from their territories by groups outside the law, state forces or multinationals. Among the consequences experienced

¹ Result of the research project "Voices of indigenous peoples of the department of Antioquia as a reference of public policy for the defense of the territories", attached to Orbis Iuris Research Group of the Faculty of Law at the Autonomous University of the Americas Foundation in the line of research "law, conflict and internationalization".

by these people, the loss of territory leads to their rites, beliefs, traditions, safety, worldview, self-determination, in addition to the thread that weaves its culture, they are abandoned by the implicit taxation of assimilating policies and projects State and civil society, in a scenario where their participation and political action held more ineffective for the recognition and protection of their rights symbolic thresholds.

The reality of indigenous peoples is received in the research project "Voices of indigenous peoples of the department of Antioquia as a reference of public policy for the defense of territories", in which the height of the anniversary of the Constitution is rescued with the struggles of these communities in the framework of the Second International decade of the World's Indigenous People, which falls between 2005 and 2014² UN declaration, after completing a first decade between 1995 and 2004, and declared 1993 as the International Year of the world's Indigenous People (United Nations, 2013).

The picture of indigenous peoples reveals that what happens in Colombia remains complex, it is likely that the various manifestations of the internal armed conflict continue attacking not directly against the majority of this population as a result of changes in state policies and efforts to maintain and advance the peace talks in Cuba, but their historical and current sequels are still there, remain in a vulnerable condition a population that represents an irretrievable wealth for the nation.

According to UNHCR (2012) 18 indigenous peoples of Colombia are in danger of disappearing of only 87 that have survived the vicissitudes of colonization. From the National Indigenous Organization of Colombia (ONIC) are 102 existing indigenous people, of which 32 have a special situation because they have less than 500 employees. But according to the Constitutional Court are at least 35 indigenous groups that are endangered by armed conflict and displacement (004, 2009 and 2010 Auto 382).

To unravel this reality and build from there the initial components of a public policy for the defense of indigenous territories as an essential heritage of the worldview of indigenous peoples, has defined the jurisdiction of Antioquia, territorial entity for which it is proposed the question: In what ways the voices of indigenous peoples of the department of Antioquia are a benchmark of public policy for the defense of the territory?

Since the research problem working in the description of the socio-legal realities that exclude and victimize the voices of indigenous peoples of Antioquia in efforts for public defense of the territory; in the interpretation of the representations from the senses expressing the voices of indigenous peoples, and evidence of forms from which the relationship between indigenous and territory taking their voices as the source is given.

² The promotion of non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of legislation, policies, resources, programs and projects at all levels; Promoting full and effective participation of indigenous peoples in decisions that directly or indirectly affect their lifestyles, their traditional lands, their cultural integrity or any other aspect of their lives; Redefining development policies that depart from a vision of equity and hope of cultural and linguistic diversity of indigenous peoples;

To this end the jurisdiction of the department of Antioquia was received from the integrated sub - Bajo Cauca, Magdalena Medio, North East, North, West, East, South West, Urabá and Valle de Aburrá - working with several of those in which is located the largest indigenous population concentration, specifically subregions of Urabá, Southwest, Northeast and Valle de Aburrá.

The population sample was drawn from a department in which there are approximately 28,000 indigenous people from three families: the Embera, the Tule and Zenú (Educational Portal Medellin, 2014) almost matched the figure dropped by the Government of Antioquia, in the it census of 2010, not counting the indigenous population living in the metropolitan area of the Aburrá Valley, set in six subregions indigenous communities representing the following number of people: Urabá (11,908), West (7106), Southwest (4,266) Bajo Cauca (6,295), Northeast (567) and Magdalena Medio (68) (Government of Antioquia, 2010).

Since the population universe described, the progress of the investigation is based on field work completed in the subregion of Urabá, where most of the indigenous population of the department is concentrated. In that area the construction of the reference to public policy articulated cycle approach was undertaken, which resulted in the description of the problematic realities and interpreting them from the narratives, testimonies and oral history obtained by applying focus groups, interviews and participant observation in the reservations of the Volao in the municipality of Necoclí, and communities as Las Playas and Las Palmas distributed in the municipalities of Turbo and Apartadó.

For the presentation of the results the construction of public policy framework is resumed, the benchmark approach proposed by Pierre Muller, and cycle approach from authors like Laswell and Roth; then, to reflect on the language, voice raw material that emerge in the course of recovery of indigenous subject feel both individual subject and collective subject is leads; in other words, the working language as the medium that expresses the direction from which the referential public policy is built. With the theoretical construct is based leads to the voices of indigenous peoples, from which the description of the socio-legal realities that exclude and in efforts to victimize the public defense of its territory are working; the interpretation of the representations of the territory in the way they express their voices is undertaken, and evidence of forms from which the relationship with the territory in the reserves of the subregion of Urabá in Antioquia department is given.

II. PUBLIC POLICY, THE BENCHMARK APPROACH OF PIERRE MULLER, AND CYCLE APPROACH

In previous theoretical advances it has been argued that conceptualizing public policy is a semantic difficulty in matching various authors, such as Isabel Cristina Uribe Martinez (2004: p.5), Gustavo Hernandez (1999: p. 81) and Guillermo Mendoza Ejea (2006). Martinez Uribe assures that politics can be understood as the government of human societies, a term that is associated with polity in English, which Ejea Mendoza said alluding to the notion of the state as a legal

setting - policy in a given territory, and Hernandez defined as public decisional political sphere.

Explains Uribe Martinez that also policy is understood as the organized struggle for control of power, which in English is politics, term that Ejea Mendoza defined as negotiation and exercises of power, and Hernandez explains as the political activity of governance. Finally, policy is identified as purpose and program of public authorities, a term which refers to public policy, which in English is policy.

The terminological complexity of public policy is also explained by Juliana Jimenez Mejia (2012: p.145) who divides the words to facilitate conceptual understanding. Going to Muller (1994) stated that politics is a polysemic term that refers to political activity, political sphere and political action. A political activity associated relations between political parties and obtaining political positions; It relates to the political sphere the need to differentiate civil society and the political arena, and political action links "political and administrative arrangements coordinated around common goals."

In the ambiguity and breadth of the term coincides André - Noel Roth Deubel (2008: p.70) arguing that "given the complexity of the subject matter, public policy, is bound to consider, one theory is not in condition to give a satisfactory explanation ", so go to the different theoretical approaches will be a task to be undertaken from the conceptual development given by the doctrine.

III. THE BENCHMARK OF MULLER: AN UNDERSTANDING OF PUBLIC POLICY

Among the theoretical approaches and conceptual developments on public policy, the proposal by Muller (2010 cited in Cuervo Restrepo, 2007: p. 78) acquires special relevance for our case, therefore compatibility and emphatic sense to participatory component, for progressive organization for proper operation.

Muller explains that public policy "is a process of social mediation, to the extent that the purpose of every public policy is taking charge of the imbalances that may occur from one sector to another, or even between one sector and the global society." Muller (2010 cited in Cuervo Restrepo, 2007: p. 78) notes that the approach to them is a construction of social representations of public action and the relations between the state and society and adds the concept of benchmark a policy, through which refers to the set of rules, images and expectations that enable or restrict the functioning of the political system to solve social problems.

The position of Muller (2007: p.78) is considered by Roth (2008: p.85) as a framework for analysis, which estimated an initial focus on the rationality of the actors, to locate there the complexity and uncertainty characterized the decision making. Then turns its attention to the role played by the Public Administration, where locates what he calls the central decision-making environment, since it is the representation of the political system, which is comprised of four circles: the first is along which decisions , exemplifying with the organic aspect of public administration, as decisions passed by officials and administrators. The second circle is made up of sectoral authorities, defined by the function they have been assigned or

subject; external partners involved then the state, to close with a final cycle in which government authorities with political ability to formally decide are located. The last aspect which is Muller focuses on networks of actors, which emerge and are consolidated at the interfaces of the decision-making circles

In this approach of sequential nature explained by concatenated circles is necessary to clarify that public policy is not equal to its benchmark, and that the latter constitutes a key component of the first, that is, a species of the genus. While public policies are mainly administrative means used by the authorities, the State, for carrying out the functional perspective or material to be exerted from the Public Administration, mainstreamed by the active participation of society as a political plaintiff must reflect consensus building leading both to solving problems of public nature, as proper forecasting and assessment, the benchmark is the platform from which it is established that the exercise of governance around a social problem stems from an active participation scenario in which the efforts needed to support both public quality problem and the alternative solutions are exhausted.

Benchmark of Pierre Muller is an essential component from which it is built and founded the public nature of reality that is delimited and defined as a problem, and therefore, should be welcomed by public policy. Be essential for the active participation of the community to define public typology of the problem, the reference is not limited to being a compilation regulations or legal provisions related to the subject to be treated, as political tradition still reflects this. The benchmark is extended to collective constructions of social representations through which democratization leads to consultations on common realities that redefine the relationships between state and society, and society through the many groups that comprise it.

In this scenario it is possible to suggest that the public policy benchmark of Muller, from which you can restrict or allow the functioning of the political system, would constitute the first phase of the model described by Manuel Tamayo Saenz for the development of public policy (1997: p. 2-5) who is supported by the theoretical support of David Easton on the political system, to which we are proposing here some components in its structure, which can facilitate its implementation in the Colombian experience.

In his explanation of the political system, Easton part of society as a complex system in which there is a set of elements that compose it, as groups and individuals interact on behavioral patterns, including the political system, and of course in our case, indigenous groups. The political system is critical, it must be remembered that it is the figure that spends Muller referential public policy as a set of rules, images and expectations derived from the groups that make up society as a complex system, which enables or restricts the operation of the political system, and this, fixes the destination of public policy.

At this point to the model proposed by Easton it is proposed that patterns of behavior is mainly synthesized in the legal provisions governing social life, but not limited to, any time they enter other generated rules and legitimized from the relationships that groups and individuals have within the framework of institutions other than the State as formalized

regulatory authority (Church University Quarter); patterns of behavior for society, powers for the political system, social relations, and institutional roles: so many components of referential public policy meet here.

Easton then argues that values among actors that relate are distributed in the system described, that is, between social groups within the system, which are necessary, such as security, health, housing, education, locomotion, or recreation. This second component of the public policy benchmark propose that the timely identification of securities promotes the effectuation of the patterns of behavior in society, since Easton added that the distribution of such securities operates under social interactions, through entry requirements and supports the political system by interacting groups in society. Subsequently the political system generates an output or demand response, as decisions without revealing the reason for his sense or his foundation, promoting actions in society.

It is this last point that the reference depth resizes the form of politics and demands that it has the elements proving that it is public, to the extent required the construction of the benchmark, the output that promotes political system to social demand should not be an unfounded deprivation or merely "institutional" or "regulations" but open and socialized, in which the principles and guiding values are evident administrative action, meet the goals, procedures and explanations decision possible to meet the demand, but above all, the applicant's chances of making a proactive actor when the solution requires the sense of its application, their expectation and desire are understandable.

For these reasons, the construction of the reference must be a verified early component when working with a public policy manner that accredits reason efforts with indigenous communities in the sub regions of Antioquia for the defense of their territories. The benchmark constitutes the policy credential to distinguish a type of state or government, to the extent that the subject takes on the role of political actor within a democratic framework through which the material justice is on the pressing realities that affect their intended community.

In this perspective the elements that characterize a public policy are met, provided that the decision flow acts as the manifestation of the democratic principle, for our case represented, enclosed and respected voices of indigenous peoples through exercises of oral history. Their voices are the decisional referential that builds the benchmark of public policy, a participatory flow of indigenous groups as members of society as a complex system, which defines the public interest from problems that must be included in government policy agenda of the Public Administration. With their voices are generated in consensus the own benchmarks for the implementation of the policy without the implementation and evaluation of it was limited to a mere exercise or state government.

IV. CYCLE APPROACH

Cycle approach, sequential framework or approach textbooks, as quoted by Roth (2008: p. 76), is the most traditional and common frames of analysis of public policies. Proposed by Laswell, public policy is conceived in this

framework as an object of analysis or fragmenting nature divisible in stages, on which it is possible to make an independent and particularized study. Since Laswell (1956 cited by Hernández, 1999: p. 4) cycle approach to the analysis of public policy with the same general stages or moments that define its emergence, implementation and closure assimilated.

Laswell divided into seven stages this process: intelligence, promotion, prescription, innovation, implementation, completion and evaluation; in the case of Roth (2008: p. 77) said steps are the definition of a problem and the construction of the agenda, policy formulation, decision, implementation and evaluation, while under Howlett, Ramesh and Perl (1995) recognition of the problem is identified, a proposal for a solution, the selection of the solution, its implementation and assess or evaluate results.

The process of cyclical analysis of public policies can be understood as a policy cycle as proposed by Jones, which distinguishes five phases: identification of a problem, formulating solutions, decision making, implementation and evaluation (Cuervo Restrepo, 2007: p. 78-79). In that sense first identifying a problematic situation occurs, the inclusion of the same in the political agenda; for this, and according to the same author, it is necessary that the "situation is perceived as problematic by political and social actors. (...) Then it requests a public action and seeks that the problem is inscribed on the agenda of the political system" (Roth, 2004: p. 59).

From the described cycle approach, it is possible to derive matching those general stages that form a cycle process that allows more than a public policy analysis, establish their existence, evolution and effects: 1. Identify and define the problem 2. Inclusion of the public issue on the agenda, at which the tone and direction is given to the performance of the authority, 3. Presentation of alternatives or options that are part of the implementation program for the objective and counter public issue. 4. Selection decision of the relevant and necessary alternative, 5. Implementation of the policy program, 6. Evaluation of the effects produced and the achievement of the objectives.

Within this framework, or also known approach, Aguilar sees that public policy should focus on "the conditions of consensus, correctness and feasibility, in their training, implementation, and impact assessment" (1996, p.22); to determine how certain social groups or problems become public and enter into government agendas, the way it collects and classifies information on that, theories on possible causes and solutions, the reliability of cost estimates, benefits and consequences; unforeseen during implementation, subsequent evaluation criteria of the implemented policy, and public opinion to judge its effectiveness and proposes various possible solutions (Aguilar, 1996: p.22).

Following the cycle approach, and as a starting point for the construction of referential public policy issues are public in nature issue that requires careful time and contextual information allowing a proper reading of it. Such knowledge does not result solely from the documents, but requires a process of empirical research to define at least "the nature, causes, duration, dynamics, those affected and the possible consequences of the problem (...) " (Roth, 2004: p 60).. Since

public problems the success of the process is defined, either from the approach or referential cycle.

V. LANGUAGE AS A MEANS OF EXPRESSION OF THE SENSE OF INDIGENOUS COMMUNITIES

On February 21 indigenous peoples of the world celebrate the International Day of mother languages, the same day that section 25 of Act 1381 of 2010 in Colombia declared as the National Day of native languages. According to Luis Fernando Arias, Senior Advisor of the ONIC, 65 indigenous languages in Colombia (El País, 2015), a figure that coincides with the one offered by Landaburu (1999) and almost with that from Colombia learns, the Ministry of National Education preserved that based on studies of the Colombian Center for the Study of Aboriginal languages (CCELA) says there are 66 languages, which can be grouped into twelve languages and ten languages isolated or independent families.

The danger to which they are confronted indigenous languages in Colombia is classified by the Bank of the Republic into five groups based on the demographic scale in that language, including speakers from the territories of countries bordering Colombia remains:

- 3 languages have more than 50,000 speakers: Wayuu, Paez, Embera (Group A).
- 8 languages have between 10,000 and 50,000 speakers: Guahibo or Sikuani, guambiano, Arhuaco or ika, Inga, ticuna counting the speakers of Peru and Brazil, counting Tucano Brazilian speakers, home speakers Panama counting, counting Piaroa speakers Venezuela (Group B).
- 9 languages have between 5,000 and 10,000 speakers: Cuaiquer or Awa, Kogi, Waunana, puinave, wuitoto, curripaco counting Venezuela speakers, speakers piapoco counting Venezuela, Yaruro mostly present in Venezuela, yuco counting Venezuela speakers (Group C).
- 11 languages have between 1,000 and 5,000 speakers: Tunebo or U'wa Cubeo Camsá, Wiwa, Bari, Cofan, Cuiba, Coreguaje, Saliba guayabero, Yagua counting the speakers of Peru (Group D).
- 34 languages have fewer than 1,000 speakers: it Totoro, Barasano, Desano, wanano, Piratapuyo, achagua, Andoke, bara, bora, cabiyarí, Carapana, Carijona, chimila, cocama, Hitnu, macuna, Cacua, Nukak, Hüpdá, Yuhup, Mirana muinane, Nonuya, Ocaina, Pisamira, Siona, Sirian, Tanimuka, Tariano, Tatuyo, Tinigua, Tuyuca, Yucuna, Yurutí (Group E).

The language of each tribe becomes a component of its own territory, is linked to it in a vital and necessary link to the extent that the language explains and transmitted continuously and chronologically thinking about existence, the world and the comprehension. It follows that the indigenous language is the permanent channel to keep the construction of the cultural thread of indigenous collective subject, is permanent promoter

of identity, becoming source of the facts constituting the way of life of indigenous communities in their territories.

It is therefore necessary to advance the configuration of the framework on the language as a medium of expression of vital sense in indigenous communities, and construction of the reference source of public policy. For such progress it should be noted that from different linguistic approaches has insisted on the preponderant role of language in shaping the triad language, culture and thought. For example, from the Sapir-Whorf thesis it is conceived that the structural differences between languages contribute to each group of speakers set a particular view and a unique symbolic universe, since that universe is linked to the form of linguistic appropriation. Thus, languages would experience particular forms, which is why it is said that at death a language dies with it the cultural, intellectual, emotional heritage of the human group that supports it.

Language is a distinct world view from the world in which the subject lives in. (Daniels-Fiss, 2008) marks the source and origin of the individual, relationship to place, in connection with the territory of living assessment with the environment, so it is defining source of the identity of a person (Woodbury, 1997), as explained Karla Berenice del Carpio Ovando (2014) quoting Romaine (2000) "each language is a living museum, a monument for every culture".

To Schaff and Humboldt (cited by Moreno, 1998) thinking is strongly shaped by the language, since this is a product of social practices that determine the worldview. The language would be a reflection of the reality that has been transmitted in the teaching process, hence determines, besides the thought of a group, the practical management of all their experience, that is, cultural diversity that humanity is capable of express.

In this vein, in languages different modes of thought, knowledge, social organization, value systems and identity elements of people, so that would condense the lost or weakened acquisition and practice so affected Direct this web of constituent forces. In this reflection it must be added the fact that the role of transmission of languages is feminine nature, hence the name "mother language", as it is considered to be the mother who teaches, transmits and encourages the use of a language.

On the other hand, it is necessary to point out the crucial relationship between biodiversity and linguistic diversity, as traditionally has insisted that degrade the wealth of a country, its culture is degraded; However, many anthropologists, sociolinguistics and ethnobotanical begin to insist that the relationship is much more critical if you think inversely, for several reasons: first because in traditional languages and its denominations a deep understanding of the deposits taxonomy and uses of the species, which is crucial for preservation. On the other hand, the loss of speakers and people of the ancestral lands leaves them devoid of legitimate and knowledgeable guardians, finally, because in accordance with the supported by Glorénfo, Romaine, Mittermeier (2012) there is a similarity between the geographical arrangement biodiversity and the provision of linguistic diversity, as stated by the authors "Results Indicate That These regions (the most biodiverse

regions on the planet) Often Contain significant linguistic diversity, accounting for 70% of all languages on Earth." (p.1).

From the above it follows that preserve ancestral lands depend largely on the specific voices with identity from indigenous languages, which is not only a matter of attention to human groups or specific knowledge; it is also a tool for preservation planet. The co-occurrence of linguistic, biological and cultural phenomena notes the political nature of a look at the relationship between culture and territory, especially when you want to focus that indigenous vision.

VI. - VOICES OF INDIGENOUS PEOPLES OF URABÁ, ANTIOQUIA: CONSTRUCTION OF REFERENCE AND BASES CYCLE APPROACH TO PUBLIC DEFENSE OF THEIR TERRITORIES

The description of the socio-legal realities that exclude and victimize indigenous peoples of Antioquia in efforts by the public defense of the territory; the interpretation of this express representations about indigenous peoples, and the forms that show the relationship between them and the territory, are the purposes of the research from which the benchmark of public policy is built, and thus while, participatory and democratic construction of problems for cycle approach is results, all based on their voices, those that rescue the subject, the political actor, the person, without stand or impose the voice of the official institutions, the investor, or the settler.

Despite exhausting all efforts to make the space for expression of indigenous voices a place for the faithful exercise of their wills, respectful of their time, their feel, their organization and its dynamics, before the dialogue was intense the distrust of Volao community to visiting researchers, one understood and shared by outsiders to the explanation and feeling strong stance of the governor and several of the men of the guard. One of them explained as a "theft" of their information at practice for some years by several external organizations:

Exactly, I mean, not returns again. And another thing is that when you have come here several students and some universities or corporations, then the permit is requested by 8 or 15 days ago, and because of that, authority, well, good Cacique is the legal representative on its Board and all those things, but there are other things that have another instance, the highest authority is the Assembly if the Assembly makes a decision, is that the only decision, okay? we say, comply with and enforce. Sometimes one, we have done things here with some universities and that, how do you say? with good faith, because you believe that things will come back, I mean, you're going to bring one, it will return that information and some have not arrived, but other if, that is, the community has benefited, i mean , let one or two people or a family, but do not let the community, because that serves the institution, (...)

In sustained dialogues it was evident before the formal exercise with focus groups, that one of the problems that concentrate the attention of men leaders of The Volao community is the respect to the use that is provided on the information that collectively offer those approaching in acts of exchange. The territorial remoteness, dependence on a single

official authority identified in the department of Antioquia, relationships with other communities in the sub region and the aftermath of the armed conflict, subsequently complement the view from which realities that exclude and to victimize identified The Indians of El Volao.

Opening their lives, individually and collectively, has been a repeated act of "good faith", as expressed by the aforementioned leader, an act which has been exhibited, offered and shared a lot, but has not returned to the same basis a contribution to the community. To this we add the pressures that existed of armed groups and government forces in the worst years of the conflict, a phenomenon that led to the forced displacement of this community to another territory, and then his return in a scenario where the conflict expelled it was not over.

The proximity and approaches with universities, organizations and corporations seem to have become at times in interference. Initiated dialogues seem to be extracting information sources whose effects are still expected in their jurisdictions. State assistance, widely evidenced from spatial interventions in the Volao, seems to mark the changing dynamics of the relationship with the Government, but in turn, result in a latent dispute over resources and projects ready for the communities of the sub region.

Similarly, and as a constant in the three indigenous communities in the sub region of Urabá where oral history exercises were implemented, any individual except the Governor of the guard spoke alone or personally. Groups of women were accompanied by men of the community, and men by the presence of women, and finally converge in a mixed focus group in which the constant was empowering some spokesmen who established dialogues with clusters before offering answers to who visited its territory, and as spokespeople constantly through their gestures requested approval and support indigenous group that accompanied it.

Participant observation of this rich dynamic recalls, blithely accept and understand the premise of the Indian as a collective subject. We cannot speak of appreciation, meaning, feeling and imagination of every individual from his subjectivity, as an independent and detached from the other. By contrast, the vision of the social world of the types of questions exemplify with excellence the communities firm and strong existence of the Community loop from which their culture is woven a relationship marked by solidarity, a sense of sociability, natural survival, hierarchical organization to order and education of its members, all of which justify the desired autonomy of these communities.

A. Representations - Relations with the territory in the indigenous peoples of Urabá

The construction of referential public policy initiated by investigating the appreciations, meanings, imagery and feelings that ultimately construct representations that individuals and communities have on the territory, an object that transcends the material and opens the door to the symbolic loads that define the basis for a reality in which the dynamics of life are built, and on these, the problems that could be incorporated in an

official agenda formalized public policy to defend the territory are presented.

With the Volao community of the Zenú ethnicity in the municipality of Necoclí, a first focus group was conducted with women's shelter, who initially wondered what represents for you today the territory? The group of women took the question with a sense of obviousness, which seemed redundant to investigate, since the territory is the component that represents life itself, something that is clear from the answers given by Angela, and then Gloria.

Angela: Well, I would start here. To me it means something very significant, very important, why? Because thanks to the territory we have as indigenous community, thanks to the territory then gives us a good quality of life because it received at least crops, gives us also, at least, housing, I mean, as have products as well, develop housing, we ceiling, right? (...) Little or a lot but also gives us, occasionally money, at least of natural tree plantations, these we cut them. We also give a source of work; it gives us a bit of everything.

In the case of men's of the Volao, representations on the territory were more defined, but turn away from what is expressed by female voices, emphasizing the territory as a permanent part of Indian life, from which it is fixed maternal relationship with the land as a provider:

Marco: For us the land is the main stem of us the Indians because, why we call it the main mother? Because that produces food for us humans, animals, support and weight of our homes and that; a relationship that we have very good (...) because we grew up we here with the strength of the territory, because we, when we stop our mom, three months beyond us lie on the floor, we began to gather strength from there, I mean, is one thing that is valuable to me, we already started to have a relationship with our Mother Earth. It keeps us in unity, here in the territory it comes our family grows, form, maintain sacred sites and medicinal plants we get them here in our shelter.

Ramón: The territory for us means the relationship of nature and man and the family, that is, because we live of nature, live from the ground, of what is on earth, wide what keeps the earth in the environment, therefore, I say that, the relationship is the nature with the family first, and secondly, the family we live of that that the land gives to us, keep giving us the land on meaning foods that inhabit within forests, mountains, and water stubble we keep fresh water here, because we have two waters, freshwater and saltwater. So we live in what lives there in the forest, with flora and fauna that lived there, but also lived on food subsistence food product safety we sow, that product we sow, say, the variety of seeds that we have, because we always sow so here is corn, rice and cassava, yam, sesame, bananas, other products that are native to us and this is part of strengthening the culture.

Similar findings were working with the Beach community, the Embera ethnic group. Although there was little participation of women, their voices were clear sense that defines the territory today: Life and fear.

What is for you the land? How do you define and explain it in your community?

Ana: The land, the territory is a very important part of life to survive as a community, why? Because the land is life.

Rosa: The territory is for production, to the need of the community.

Julia: It represents life, is all, is our mother. The territory taught classes to children, we are taught to citizens.

The men nodded in agreement; approval to assimilate the territory to life was a constant, specific word that gave the Governor and closed the space for dialogue: "The territory is much, is it, is life" - Life? - "Yes, because there's, I mean because it is the mother of us all, because there we have all the resources, water, minerals, plant, everything is there, production, where food security is. So because of that, for us, life, our mother. "The trend on the findings of the territory was repeated in the community of Las Palmas, near the town of Apartadó.

Abelardo: Earth is for us, Mother Earth, is how you raise a child, must be fed, right? If you do not plant cassava, banana planting, no medicinal plants, has nothing; we are not Indians, right? What are we talking about that? Mother Earth, we, now 20 years, we have worked in the banana zone, why are we tired? We took advantage, we had to organize ourselves to reach win our rights.

Amanda: I want to say something, I want to contribute. What Mr Abelardo says is true, the relationship with the land we have is what we call "Mother Earth", because through them we buy food, because if we did not have territory, either we had the food, because it is what gives us food every day, if we plant cassava that if we sow corn, if we sow banana, if also sow the rice, she produces all. Another thing is that, you know, that without water, no life, water is the greatest wealth in the world because if we do not have water, then, what would be us; then it is also important what he said, we do not have it, watersheds because the top, as farmers or ranchers have been doing destruction, I mean, do not handle what is the environment, which is the destruction of the environment.

Problems with the territory surfaced with an explanation of their meaning and relationship types as indigenous peoples had with him. Hardly it is sticking the importance that the territory has in the model of life of indigenous communities in Urabá, evidenced in studies of social sciences not only in the sub-region of Antioquia, but throughout Colombia. His sense of productive source is not limited to inputs to food security, housing and regional jurisdictional exercise, but also the producer of human life, mother, link is maintained and replicated in communities it seems to sense, reason prompting the question: How is the relationship that the community wish to maintain with the territory? In the community of El Volao, the spokesman for the answer was Ramon:

How do we live together? We live in the two parts, in the educational environment and the atmosphere of the traditional education of us, the relationship between the parties, that lived well, because there is an environmental education that teaches us how to have a management for the environment which lives on the territory, but the management plan we also propose is about how we should keep that

management plan on earth and is why we are here today. We, at ground level, how we relate to the earth, we give plots to families to work, there's the work plan, and begin the work plan, we give plots to families to work, As the land is collective, so we are also in a process of collective community organization on a social level. Then the relation of the land has much to do. What are the basics? In the basic part, fundamental to the family that lived on it.

Marco later in the group conversation, complemented:

(...) And right now you also said, the land within the territory, and most of us, so when Marcos tells us, is our mother earth, in concept and in the cosmological part, not sold, because if you sell, you're selling your mom.

Of female voices a more detailed perspective is derived, from which it was possible to visualize such roles women play in the community. In them, who they think relations with the territory taken up education, and thus its culture:

Gloria: What is the relationship we desire to keep with the territory? Teaching culture. The culture here, for us as zenus, is the cañaflacha as a tradition and that, in itself, as in works like elaborate hats, work in the twisted, finally; would be teaching kids to learn with what the earth gives.

Nidia: Well, for my part, with respect to the customs, there are pagan customs, I am a Christian and I am a fervent and introduce them to the people what is the word of the Lord and that so also the people to be organized because it helps us to be organized and have a different mentality than it is spiritual, because not only is the earthly, look for the direction to the guidance of God above all things because it is that it also takes us to see the house that God has to give us their knowledge and as a human being who also mentioned us help each other, then God rather today, has helped us to unity, makes the force for all.

With the community of Las Playas trend has no significant changes. It is not part of the relationship they would like to keep with the territory, but securing the relationship you have with it, reaching the education and training as the figure by which the territory is to maintain the sense that it represents from the voices of men and women in the community. So said the Governor in front of the group:

(...) In the area of natural sciences with transverse lines, why? Because students always have to talk about the environment, the territory, right? On careful, because if one person does not start from there to look at the territory then we are not doing anything. Because we look from here to another city, say in summer day to another municipality the streams are already dry, however not here, this is where most water remains, so, I mean, we talk about caring.

In the community, who is the one that teaches children the meaning of the territory? Do women as mothers or fathers you like?

Governor: Well, that comes from both from home and here at school and the teacher is coming and what we do here at the meetings, then the children go from there acquiring that knowledge.

Anyone else want to say something?

Luis: Well looking at those parts as the teacher says, for us, the important thing we have in our homes, is also taught from small is that he also has knowledge of how we live as indigenous and how we will sustain as indigenous, that's what we always have also told us, rather, there are our grandparents, of which we have knowledge of how to live, then we must teach our children experience also.

The representations that indigenous communities in the sub region of Urabá have on the territory defined specific meanings associated to life, survival, culture and identity, representations highly linked with problem situations described by the voices of communities, many of them outside the traditionally recorded in reports and official investigations, such as education or health problems.

B. Realities that exclude and victimize the natives of Antioquia in the public defense of the territory

Common territorial scenarios identified in the repeated prior to the execution of fieldwork in the sub region of Urabá tracing bibliography, agreed broadly to estimate the main problems of indigenous peoples poverty, the absence of the state, lack of domiciliary public services, health services and education:

(...) Based on DANE figures, 63% of the indigenous population lives below the poverty line and 47.6% do not have the income to purchase a food basket which covers minimum daily food requirements (line misery). The 34,53% have no access to health. The illiteracy rate between 15 and 49 years is 24.1%, while that of the mestizo population is six times less, and only 50% between 5 and 25 years attend an educational institution. Moreover, 3 out of 5 Indians have no access to water supply, 4 out of 5 do not have access to sewerage and 2 in 5 lack access to energy. The indigenous population has coverage in aqueduct 4 times less than the mestizos, 3.2 times lower in sewer and 9.3 times lower energy service. (Global Justice and Human Rights of the University of the Andes, 2009 cited by Konrad Adenauer Stiftung, 2012).

No demerit or pretend to deny the scourges described, since the on-site visit to the communities from the empirical apprehension confirmed the generality of the problems evidenced by external agents, it was necessary to postulate two previous methodological questions with the task of cleaning up the construction of referential and public construction problems in the cycle approach: are they or are still these problems of indigenous communities in this area of Antioquia? ¿Do you see identified the indigenous peoples of Urabá with these issues as priority issues to be tapped?

Recognizing that in education and health are still difficulties, the land was the most stressed and emphasized in all three focus groups indigenous problem. The threat from neighboring farmers contrasts with the difficulties seen in official procedures and backups entities such as the Colombian Institute for Rural Development (INCODER) for enlargement, purchase and sale of land, without neglecting the

contamination of resources, management as they have been doing that on public and private exercises of exclusion of communities. The problem is exemplified with amplitude by Avelardo in the community of Las Palmas:

Well, this need to have the shelter is already recognized by INCODER, and also its title says: "Enlargement", okay? Now, what he just said, hopefully, much better, as we like to take a tissue together, what is a tissue? What is called the local council, the Minister, the leaders sit down and look at why we took 20 years, and the shelter already built, and therefore settled the indigenous people, but there we are saying is who will accompany to mark out the expansion, right? We have currently 80 hectares in the process, and quite apart, no help (...)

Are mayors, yes or no? We're talking about mayors; if we say: "We need enlargement", or politics say: "We will buy as much land" (for Indians) and we do not believe, never political buy land, is a lie, because we know and you know also about, then what we believe? Those who are giving that cover, give us that, as you are here needs many want to see.

The scarcity of land, the impossibility of enlargement, and the difficulties in processes with state authorities to get these tasks, were replicated in the communities of La Playa, through the voice of the Governor, and also in the community of El Volao, as consensus of the men who participated in the group:

Governor (La Playa): Look, when you speak to us of the problem, I mean we see as problems of the territory is the scarcity of land that has the family because in this, I mean for example the receipt of us is legalized with 176 hectares, legalized at the ministry level, within about 6 lands that have not legalized. So for us this is a problem in that, within the community, no community, I mean, peasant person, then that problem because we like that we want to apply the rules on animal care (...) the water, then farmers are felling trees on the riverbank, then that we feel like that, I mean the problem, okay?

VII. CONCLUSION

The benchmark is a first cluster of imaginary, representations and values through which not only projected a possible public policy from the legal underpinnings in place for indigenous peoples to their territories, but the ability to specify public problems for the development and prioritization an agenda that must be mainstreamed by the participation and defense of autonomy.

The territory from indigenous representations of Urabá is life, survival, the mother and future; a collective project that is threatened by the interference of third parties which have not seen the same level responses to the contributions they have offered when outsiders who are coming. Third parties have not provided the extension of the safeguards that have introduced indigenous hopes in election campaigns without effective results, reporting figures purchases of properties that are not articulated to the increasingly populous jurisdictions and isolated by the boundaries of the neighboring farmers.

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The Human Capital Impact Model

Result of an Empirical Research by Gender

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Abstract. The purpose of this paper is to investigate the impact of human capital development on the occupation of top level business positions by women. Human capital is seen in a broader sense and includes also leadership skills besides fundamental academic knowledge, interpersonal, conceptual and practical training skills. The human capital impact model has been developed and was statistically tested based on an empirical research including 200 female and 142 male leaders and top managers. It was found out that interpersonal skills have a high importance for men and women to occupy top level business positions. Further it can be confirmed that the educational level, change management skills, the participation in mentoring programs and leadership trainings play an important role for women besides people management and taking on a challenging job. In respect to the leadership skills it can be summarized that women occupy a top job if they don't possess laissez-faire leadership skills, men occupy a top job if they possess transformational leadership skills. The definition of human capital, the geographical restriction of findings to Western and Eastern Europe and the inhomogeneous group size of male and female research participants can be seen as limitations of the research result.

Key words: human capital, gender, top job, leadership skills

I. INTRODUCTION

In the following paper it will be evaluated if a relationship between the building of human capital and the occupation of top level business positions exists with specific focus on gender. To answer this question a research model has been developed based on an extensive literature review. The research model assumes that the increase of human capital increases the occupation of top level business positions by women. In the model human capital is distinguished into five dimensions: fundamental academic knowledge and skills like mathematical skills, computer skills or project management skills, interpersonal skills like communication or team work skills, conceptual skills like change management or strategic planning skills and practical training like mentoring and coaching. These four dimensions used in the research model rely on the 'multi stage leadership educational model' of Elmuti, Minnis and Abebe [1]. The component leadership skill has been added to the model as the fifth dimension. Leadership skills can be seen as human capital in a broader sense which can be acquired and developed. This statement has been substantiated by several researchers [2, 3].

The selection of the five categories of human capital has been conducted by the author its operationalization was derived from the literature. Fundamental academic knowledge and skills for example were divided into computer skills, math and financial analysis skills and project management skills. This operationalization of fundamental academic knowledge and skills is no subjective definition of the author but a fundamental outcome of the literature review. All five categories of human capital have been operationalized based on the literature review and represent the independent variables of the research model. A different approach has been used for the definition of top level business positions. The term top level business positions has been operationalized by the author based on commonly used indicators within multinationals for defining top level business positions. The indicators for top level business positions were verified by two experts.

II. THEORETICAL BACKGROUND AND RESEARCH QUESTIONS

Human Capital was first defined and conceptualized by Schultz. Human Capital to Schultz was the acquisition of all useful skills and knowledge that is part of deliberate investment. Rather than offering formal definitions, Schultz defined human capital by example e.g. consumption constitutes investment in human capital. Direct expenditures on education, health, and internal migration to take advantage of better job opportunities are clear examples. Earnings foregone by mature students attending school and by workers acquiring on the job training are equally clear examples [4].

The human capital perspective on education is that it raises the skills of the person receiving the education. As a first order effect, education raises the person's productivity in the market place. Mincer, Becker and Schultz, the early adherents of human capital pioneered ways of measuring the rate of return to investments in human capital. Competitive economies should exploit profit opportunities, so the rate of return for investments in human capital should be the same as investments in physical capital. Education also improves the productivity in the household [4, 5, 6].

Based on the human capital definitions of Schultz, Becker and Mincer various definitions have been derived by different authors. Human capital is defined as the stock of competencies, knowledge, habits, social and personality attributes, including creativity, cognitive abilities, embodied in the ability to perform labour so as to produce economic value. Human capital in a broader sense also includes leadership skills.

In the following human capital is brought into relationship with leadership. One of the most debated questions in the field of leadership studies and education is if leaders are born or made (educated). Most scholars active in the field believe that leaders are both 'born' and 'made'. Many leaders are born with qualities and attributes that assist them in leadership effectiveness. While at the same time early childhood

development, education, and on the job experiences encourage leadership abilities [2].

Although most management educators have similar perspectives on the idea that leadership can be taught, they differ significantly on the issue that leadership education is the comprehensive solution for developing a well-rounded leader. In fact, several of them argue that some aspects of leadership are part of innate qualities and hence cannot be effectively acquired through formal teaching. For instance, there are some tacit dimensions of leadership that involve different processes required to gain commitment to a strategy and vision. There are also other components of empowering employees like building relationships and demonstrating confidence with humility that can never be effectively addressed by formal classroom training. Such components of leadership education can be acquired only through practical experiences like case studies and on the job learning [3, 7].

Elmuti, Minnis and Abebe have developed a multi stage leadership education model which classifies education and the importance for leadership skills development into three dimensions: fundamental knowledge and skills, conceptual and interpersonal skills and practical business skills [1].

Fundamental knowledge and skills can be considered as the base on which other more relevant leadership skills can be developed. In essence, it includes basic mathematics, financial, computer and similar 'hard' skills that often are given in almost all business and other disciplines. It also incorporates other basic multi-disciplinary knowledge. It should be noted that this stage does not necessarily represent leadership skills but rather serves as a stepping stone for further leadership skills development [1].

The second stage in the model of Elmuti, Minnis and Abebe highlights the important conceptual and interpersonal skills that need to be developed for effective leadership education. This stage can often be referred as the principal element of leadership education. It focuses on developing the major conceptual skills such as strategic planning, quality issues and change management across the organization. It also stresses on global orientation in leadership. Nowadays global expansion and diverse environment demands globally literate managers and leader. Leaders have to be trained in the areas of cross-cultural analysis and language requirement, global economic landscape and political/legal environments of different markets. Managers need to focus on and integrate international management training and leadership development topics in their curricula in order to be seen a globally literate leader. Effective leaders often exhibit such attributes as inquisitiveness, emotional connection with employees and stakeholders, integrity and capacity for managing uncertainty [3].

Along with the conceptual skills discussed above, tomorrow's leaders need to develop strong interpersonal skills. Such skills range from written and oral communication and team work to conflict management and cultural sensitivity. The leader's ability to communicate the vision and overall strategies of the organization to followers is of paramount importance. Moreover, the rapidly changing nature of global business creates the necessity of working effectively in cross cultural

teams. Similarly, successful conflict management skills are emerging as important leadership qualities [8].

The last and perhaps most important stage of the model relates to the development of practical skills. This stage determines the effectiveness of leaders in the market place since it indicates the level of integration of conceptual and theoretical knowledge with real world application. Leadership programs need to embrace practical aspects of learning that tend to involve practical training and coaching from industry practitioners. Often, students in business schools are exposed to the foundational theoretical work in formal lectures and books fairly well. However, many training programs fall short of realistic experiential exercises like case studies and action learning that develops conceptual, technical, interpersonal and strategic thinking [7]. One other important tool to improve practical business skills is mentoring which can be realized within organizations. In addition on the job training can provide invaluable practical experience for leadership skills development.

Based on the literature review one basic hypothesis (H0) has been has been formulated as following: 'The building of human capital by women increases the number of women in top level business positions'.

The basic hypothesis has been divided in five sub-hypothesis to allow a better analysis of the primary data conducted in the research and a better verification and interpretation of the results. The five subdivided hypotheses are listed below using for example H1 as the synonym for hypothesis one and x1 as the synonym for the independent variable 'fundamental knowledge and skills'.

Hypothesis 1 (H1): The increase of fundamental knowledge and skills (x1) by women raises the number of women in top level business positions.

Hypothesis 2 (H2): The increase of interpersonal skills (x2) by women raises the number of women in top level business positions.

Hypothesis 3 (H3): The increase of conceptual skills (x3) by women raises the number of women in top level business positions.

Hypothesis 4 (H4): The increase of practical training (x4) by women raises the number of women in top level business positions.

Hypothesis 5 (H5): The increase of leadership skills (x5) by women raises the number of women in top level business positions.

III. THE HUMAN CAPITAL IMPACT MODEL

Figure I display the derived human capital impact model visualizing the five hypotheses and its operationalized variables. The five hypotheses and its exogenous variables are displayed as well as the number of women in top level business positions which demonstrates the endogenous variable y. The research project tries to find out the influence of human capital on the number of women in top level business positions. The research model is the basic theoretical framework for further evaluation of the empirical data. Each hypothesis will be verified by

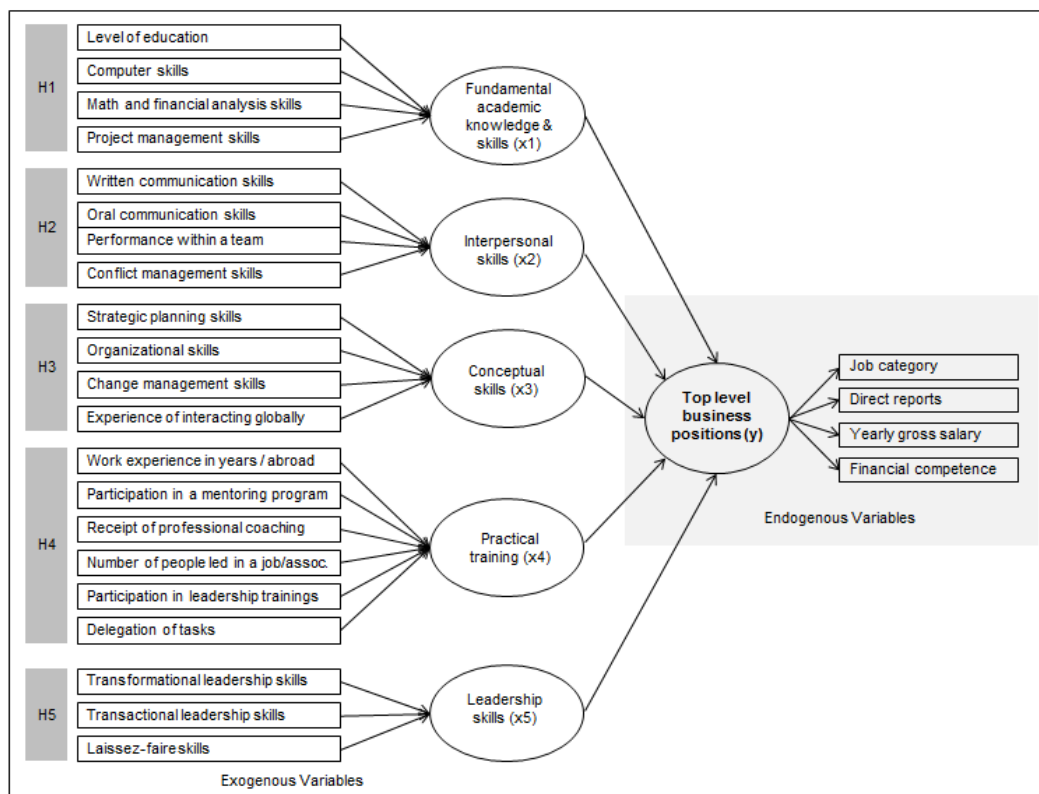


Figure 1. THE HUMAN CAPITAL IMPACT MODEL

finding out if a high occurrence of the distinctive human capital skill category influences the number of women in top level business positions.

In the following it will be examined if the five hypotheses of the research model can be verified or falsified. Each hypothesis will be verified based on the data set of the empirical data of an online questionnaire. The testing of the hypotheses is based on 342 leaders' and managers' survey responses in Western and Eastern European countries. Out of the 342 cases, 200 female leaders and 142 male leaders answered the questionnaire.

A. Fundamental Knowledge and Skills

The single questions or variables of the category fundamental knowledge indicated in the human capital impact model cannot be summarized based on the calculation of Cronbachs Alpha [9]. For this reason all sub-variables of the category 'fundamental knowledge and skills' need to be examined separately. To verify the hypothesis H1 which says that the increase of fundamental knowledge and skills (x1) by women raises the number of women in top level business positions, the Mann-Whitney test or u-test was taken into consideration. The pre-requisite for this test is that variables are ordinal and that two groups are compared. In concrete the top-level group is compared with the not top level business position group. The Mann-Whitney test examines if the medians form two or more samples are identical. If this is the case the hypothesis can be verified.

The Mann-Whitney test which is often named as u-test does not analyze the original data but data from both groups will be

ranked from 1 to n. The mean rank stands for the average rank within the respective group [10].

Table I shows the outcome of the Mann-Whitney test. It indicates which one of the two business position groups has a higher average rank. It may already indicate a significant difference between the two groups if one group shows a significant higher rank than the other group. The p-value displayed in the last column helps to find out if the difference of the mean ranks is statistically verifiable. A statistically significant difference is assigned if the p-value shows a value below 0.05.

It can be summarized that for men as well as for women a significant difference exists in respect of 'highest education' and 'computer skills'. It can be stated that top-level people are significantly better educated but have significantly worse computer skills.

Hypothesis H1 can partly be verified. It can be verified that the higher the education level, the higher the possibility to occupy a top level business position for men as well as for women. It can be falsified that good computer skills, math and financial analysis skills and project management skills lead to the occupation of a top level business position. It can be summarized that the increase of fundamental academic knowledge and skills (x1) by women doesn't raise the number of women in top level business positions. Only the increase of the educational level increases the number of women in top level business positions.

TABLE I. MANN-WHITNEY U-TEST TO VERIFY HYPOTHESIS FUNDAMENTAL KNOWLEDGE

Gender	Question / sub-variable	Business position	Survey participants	Mean rank	P-value
male	What is the highest level of education you have completed?	not top level	94	65.4	0.007
		top level	48	83.4	
	Do you have computer skills?	not top level	94	76.2	0.027
		top level	48	62.3	
	Do you have math and financial analysis skills?	not top level	94	68.2	0.165
		top level	48	77.9	
female	Do you have project management skills?	not top level	94	70.2	0.588
		top level	48	74.0	
	What is the highest level of education you have completed?	not top level	146	95.1	0.017
		top level	54	115.1	
	Do you have computer skills?	not top level	146	106.0	0.008
		top level	54	85.7	
	Do you have math and financial analysis skills?	not top level	146	96.8	0.111
		top level	54	110.5	
	Do you have project management skills?	not top level	146	101.7	0.607
		top level	54	97.3	

TABLE II. WELCH TEST T-TEST TO VERIFY HYPOTHESIS INTERPERSONAL SKILLS

Gender	Skill group	Business position	Survey participants	Mean	Standard deviation	P-value
male	Interpersonal skills	not top level	94	3.74	0.628	0.000
		top level	48	4.07	0.443	
female	Interpersonal skills	not top level	146	3.89	0.583	0.000
		top level	54	4.18	0.422	

B. Interpersonal Skills

It was found out that the single questions or variables of the category interpersonal skill can be summarized based on the calculation of Cronbachs Alpha [9]. For this reason all sub-variables of the category 'interpersonal skills' can be summarized to one variable for further analysis. To verify the hypothesis H2 which says that the increase of interpersonal skills (x2) by women raises the number of women in top level business positions, a mean score was calculated which is examined in detail. The newly build variable is a metric value therefor a t-test or Welch test can be used for data examination. The Welch test is very similar to the t-test but it has the advantage that it delivers reliable results even though the group size is very diverse. In this research project the group sizes are very diverse with 200 female responses and 142 male responses [11].

Table II displays the outcome of the Welch test. The mean and standard deviation indicate a difference between the two groups of top level and not top level. Men and women who occupy top level business positions possess higher interpersonal skills than men and women who don't occupy a top level business positions.

Hypothesis H2 can fully be verified. It can be summarized that a significant difference of group size exists and the homogeneity of variance is not given. For this reason the t-test or Welch test was used for interpretation. The outcome of the Welch test is statistically highly significant with a p-value of 0.000. Interpersonal skills have a significant influence on the level of business positions. Top level persons have higher interpersonal skills. The difference between top level and not top level persons is statistically highly significant and can be verified. It can be summarized that the increase of interpersonal skills (x2) by women raises the number of women in top level business positions.

TABLE III. MANN-WHITNEY U-TEST TO VERIFY HYPOTHESIS CONCEPTUAL SKILLS

Gender	Question / sub-variable	Business position	Survey participants	Mean rank	P-value
male	Do you have experience of interacting globally?	not top level	94	65.2	0.007
		top level	48	83.8	
	Do you have strategic planning skills?	not top level	94	67.0	0.047
		top level	48	80.3	
	Do you have organizational skills?	not top level	94	65.9	0.009
		top level	48	82.6	
female	Do you have change management skills?	not top level	94	65.0	0.005
		top level	48	84.3	
	Do you have experience of interacting globally?	not top level	146	98.0	0.302
		top level	54	107.2	
	Do you have strategic planning skills?	not top level	146	98.5	0.379
		top level	54	106.1	
	Do you have organizational skills?	not top level	146	100.1	0.843
		top level	54	101.7	
	Do you have change management skills?	not top level	146	94.2	0.007
		top level	54	117.6	

C. Conceptual Skills

It was found out that the summary of conceptual variables doesn't make sense based on the calculation of Cronbachs Alpha [9]. For this reason all sub-variables of the category 'conceptual skills' need to be examined separately. To verify the hypothesis H3 which says that the increase of conceptual skills (x3) by women raises the number of women in top level business positions, the same approach is taken into consideration as for fundamental knowledge and skills. The Mann-Whitney test is used to compare the mean rank of the two groups of top level and not top level people.

In table III significant differences between man and women can be recognized. Men show differences between top level and not top level for all conceptual skills variables as the p-value is smaller than 0.05. Women show only differences between top level and not top level for change management skills with a p-value of 0.007. All other items or sub-variables of the conceptual skill group have no influence on occupying top level business positions by women as the p value is higher than 0.05.

Hypothesis H3 can partly be verified. It can be verified that the higher the conceptual skills of men the more top level business positions they occupy. It can be summarized that the increase of conceptual skills (x3) by women doesn't raise the number of women in top level business positions. Only the increase of change management skills by women increases the number of women in top level business positions.

D. Practical Training

It was found out that the aggregation of the sub-variables of the practical training category doesn't make sense based on the calculation of Cronbachs Alpha [9]. For this reason all sub-variables of the category 'practical training' need to be examined separately. To verify the hypothesis H4 which says that the increase of practical training (x4) by women raises the number of women in top level business positions, the same approach is taken into consideration as for fundamental knowledge and skills and conceptual skills. Table IV displays

TABLE IV. MANN-WHITNEY U-TEST TO VERIFY HYPOTHESIS PRACTICAL SKILLS

Gender	Question / sub-variable	Business position	Survey participants	Mean rank	P-value
Male	Have you ever participated in a mentoring program (mentor or mentee)?	not top level	94	65.3	0.008
		top level	48	83.7	
	Have you ever received professional coaching?	not top level	94	66.5	0.031
		top level	48	81.3	
	Did you ever take over a challenging job?	not top level	94	67.0	0.032
		top level	48	80.3	
	How many people have you ever led in a job?	not top level	94	58.0	0.000
		top level	48	98.0	
	How many people have you ever led in other associations (charity, community, sports club...)?	not top level	94	68.1	0.148
		top level	48	78.2	
Female	Have you ever participated in a leadership training?	not top level	94	61.2	0.000
		top level	48	91.6	
	Have you ever participated in a mentoring program (mentor or mentee)?	not top level	146	93.3	0.002
		top level	54	119.9	
	Have you ever received professional coaching?	not top level	146	97.1	0.151
		top level	54	109.6	
	Did you ever take over a challenging job?	not top level	146	96.2	0.045
		top level	54	112.2	
	How many people have you ever led in a job?	not top level	146	83.9	0.000
		top level	54	145.4	
	How many people have you ever led in other associations (charity, community, sports club...)?	not top level	146	102.2	0.492
		top level	54	96.0	
	Have you ever participated in a leadership training?	not top level	146	88.3	0.000
		top level	54	133.5	

the outcome of the Mann-Whitney test which compares the mean rank of the top level and not top level group.

Table IV shows that in several cases significant differences of the top level and not top level groups could be verified. It is always the case that top level persons have significantly better skills than not top level except for women for the item 'how many people have you ever led in other associations'. Women in top level business positions have led less people in other associations than women who occupy not top level positions.

For men all sub-variables of practical training skills play a significant role to occupy a top level business position except the item 'how many people have you ever led in other associations'. This sub-variable doesn't play an important role for men who occupy a top level business position.

When looking at the female scores the variable of how many people you have ever led in a job and the participation in leadership trainings are also very significant and can be interpreted similar to men. The more women participate in leadership trainings and in mentoring programs and the more people women lead, the more women are part of the top level group. It can be summarized that women should participate in leadership trainings and in mentoring programs as these trainings and programs help women to occupy top level positions.

Hypothesis H4 can partly be verified. It can be verified that the sub-variables of the practical training category play a role to occupy top level business positions with two exceptions: leading people in other associations doesn't help to occupy top level business position neither for men nor for women. The

TABLE V. WELCH T-TEST VERIFY HYPOTHESIS LEADERSHIP SKILLS

Gender	Leadership skills	Business position	Survey participants	Mean	Standard deviation	P-value
male	Transformational	not top level	94	3.49	0.75	0.000
		top level	48	3.90	0.51	
	Transactional	not top level	94	3.19	0.90	0.083
		top level	48	3.41	0.62	
	Laissez-faire	not top level	94	1.50	0.56	0.448
		top level	48	1.42	0.57	
female	Transformational	not top level	146	3.76	0.71	0.077
		top level	54	3.93	0.55	
	Transactional	not top level	146	3.45	0.96	0.754
		top level	54	3.48	0.56	
	Laissez-faire	not top level	146	1.53	0.86	0.000
		top level	54	1.22	0.37	

other exception is that receiving professional coaching has no statistically relevant influence for women to occupy top level business positions. It can be summarized that the increase of practical training skills (x4) by women raises the number of women in top level business positions except of receiving professional coaching and leading people in other associations. It can be interpreted that receiving professional coaching by women doesn't have a significant statistical influence to occupy top level positions. It can also be interpreted that women who occupy a not top level job receive professional coaching but it doesn't help them to move to the top job group.

E. Leadership Skills

It was found out that the single questions or variables of the three leadership skill categories transformational, transactional and laissez-faire leadership skills can be summarized based on the calculation of Cronbachs Alpha [4]. For this reason all sub-variables of the category transformational leadership skills can be aggregated as well as for transactional leadership skills and laissez-faire leadership skills. For the verification of the hypothesis H5 which says that the increase of leadership skills (x5) by women raises the number of women in top level business positions, three mean scores were calculated which are examined in detail and displayed in the table V. The three newly build variables are metric values therefor a t-test or Welch test could be used for verifying if a difference exists between the top level and not top level group when looking at the different leadership skills. The approach for verifying the leadership skill hypothesis is the same as used for the verification of interpersonal skills (H2).

Table V shows that for transformational and laissez-faire leadership skills, differences could be found for top level and not top level groups. Top level people have high transformational leadership skills and low laissez-faire skills. This interpretation is based on a high mean of transformational leadership skills and a low mean of laissez-faire leadership skills for the top level group. Top level men have more transactional leadership skills than not top level men. No significant difference could be found between top level and not top level women in respect to transactional leadership skills.

Table V demonstrates differences between men and women. For men only the transformational leadership skill is statistically highly significant with a p-value of 0.000. The more transformational leadership skills men have the more they are part of the top level business position group. For women only the laissez-faire leadership skill is statistically highly significant showing a p-value of 0.000. The lower the laissez-faire leadership skills of women, the more women are part of the top level business position group.

Hypothesis H5 can partly be verified and partly be falsified. It can be verified that the increase of transformational leadership skills by women raises the number of women in top level business positions. However, this influence shows a p-value of 0.077 which is not highly statistically significant. It can be falsified that the increase of laissez-faire leadership skills by women increases the number of women in top level business positions. It is statistically verified with a p-value of 0.000 that the lower the laissez-faire leadership skills by women, the more women are part of the top level business positions group. The sub-variable transformational leadership skills can be verified with a low statistical substantiation. The sub-variable laissez-faire leadership skill can be falsified with a high statistical substantiation.

IV. LIMITATIONS

The definition of human capital can be seen as a research limitation. A lot of interpretations of human capital are found in the literature. For example intelligence, work pleasantness, motivation, creativity and the ability to collaborate can also be seen as human capital of a person in a broader sense besides fundamental academic knowledge, interpersonal, conceptual, practical training and leadership skills. These factors also influence the potential of human capital of a person. However these components cannot be increased by investing into education or learning [12].

The human capital of a company can comprise the potential of a single employee as well as a group of employees or even all employees. Human capital can be seen as the professional and social potential of employees and managers of a company. This potential can be increased by investing in education and learning. Schütte presents a broader definition of human capital. It consists of the intellectual, motivational and integrative potential of one or more employees. This definition is complemented by two external factors: processes and structures within the company. Both external factors are an important extension of the term human capital as both factors are relevant to enable the employee to develop the full potential [13]. The research project doesn't comprise external factors like processes and structures within an organization. This fact can be seen as a limitation of the research project.

In addition the geographical dimension of the empirical study can be seen as a limitation for the research project. Research and the empirical study were conducted within Western and Eastern European countries. Only 5% of all 342 survey participants which represent 16 cases live outside of

Western and Eastern European countries, all other survey participants are living in Western and Eastern European countries. The investigations and results of the research project are valid for Western and Eastern European countries only. Results may differ very much when investigating in Asia, Africa or America. This fact can be seen as a limitation of the quantitative research study and the research project.

Finally primary research has been conducted using an online questionnaire. The survey has been distributed to 1200 email addresses of managers and leaders, 342 cases could be used for statistical analysis, constituting a response rate of 29%. The achieved sample size can be considered as substantial and allowed data processing. Out of the 342 cases realized, only 142 men took part of the questionnaire. It could be seen as a limitation of the quantitative research that men are underrepresented in the empirical study and that the sample size of men varies too much from the sample size of women.

V. SUMMARY OF KEY FINDINGS

The purpose of this paper is to investigate the impact of human capital development on the occupation of top level business positions by women. The basic hypothesis (H0) of the research model has been formulated as following: The building of human capital by women increases the number of women in top level business positions.

Human capital is seen in a broader sense and includes also leadership skills besides fundamental academic knowledge, interpersonal skills, conceptual skills and practical training.

In order to answer the research question a quantitative research method has been applied. Various hypotheses have been tested with different statistical tests to find out if the defined hypotheses can be verified. In concrete five main hypotheses were formulated based on the human capital impact model developed by the author and have been statistically tested and verified.

Table VI summarizes the key findings of the empirical research. It can be confirmed that the increase of interpersonal and conceptual skills increases the number of men in top level business positions. All sub-variables or characteristics of interpersonal and conceptual skills have a statistically significant influence for men occupying top level business positions. All other hypothesis can partly be confirmed which means that some sub-variables of the category fundamental academic knowledge, practical training and leadership skills can be confirmed and some cannot be confirmed. In concrete the educational level, the participation in mentoring and professional coaching programs, leadership training, people management and the willingness of taking over a challenging job have a high influence for men occupying top level business positions. In respect to the hypothesis 5 it can be verified that men who occupy top level business positions possess a transformational leadership skills. The more transformational leadership skills possessed by men the higher the possibility to occupy a top level job.

TABLE VI. OUTCOME OF TESTED HYPOTHESES

Hypothesis	Human Capital Variable	Male	Female
H1	Fundamental academic knowledge & skills	Partly confirmed	Partly confirmed
	What is the highest level of education you have completed?	Confirmed	Confirmed
	Do you have computer skills?	Not confirmed	Not confirmed
	Do you have math and financial analysis skills?	Not confirmed	Not confirmed
	Do you have project management skills?	Not confirmed	Not confirmed
H2	Interpersonal skills	Confirmed	Confirmed
H3	Conceptual Skills	Confirmed	Partly confirmed
	Do you have experience of interacting globally?	Confirmed	Not confirmed
	Do you have strategic planning skills?	Confirmed	Not confirmed
	Do you have organizational skills?	Confirmed	Not confirmed
	Do you have change management skills?	Confirmed	Confirmed
H4	Practical Training	Partly confirmed	Partly confirmed
	Have you ever participated in a mentoring program (mentor or mentee)?	Confirmed	Confirmed
	Have you ever received professional coaching?	Confirmed	Not confirmed
	Did you ever take over a challenging job?	Confirmed	Confirmed
	How many people have you ever led in a job	Confirmed	Confirmed
	How many people have you ever led in other associations (charity, community, sports club.....)?	Not confirmed	Not confirmed
	Have you ever participated in a leadership training?	Confirmed	Confirmed
H5	Leadership skills	Partly confirmed	Not confirmed and falsified
	Transformational leadership skills	Confirmed	Not confirmed
	Transactional leadership skills	Not confirmed	Not confirmed
	Laissez-faire leadership skills	Not confirmed	Falsified

For women the results are in some cases different to men and in some cases similar to the results of men. It can be confirmed that interpersonal skills have the same importance for women as for men to reach a top level business position. Hypothesis 2 is the only hypothesis that can be fully confirmed which means that the increase of interpersonal skills has a high influence for women occupying top level business positions. Sub-variables of all other hypotheses can be partly confirmed or were even falsified. In concrete the educational level, change management skills, the participation in mentoring programs and leadership trainings play an important role besides people management and taking on a challenging job. It is very surprising that the experience of interacting globally, strategic planning and organizational skills as well as the receiving of professional coaching doesn't positively influence the female occupation of top level jobs in contrast to men. It can either be interpreted that the increase of interacting globally, strategic planning and organizational skills and the receiving of professional coaching doesn't increase the number of women in top level business positions. It can also be interpreted that women who have strategic planning and organizational skills, interact globally and receive professional coaching still have a job which is not categorized top level and that the increase into these dedicated human capital variables doesn't help them for their career development and for their move to a top level business position. This can be interpreted as a barrier for the career development of women. In respect to the leadership skills

it can be summarized that women occupy a top job if they don't have laissez-faire leadership skills. In this case the sub-hypotheses must be falsified. The higher the laissez-faire leadership skills developed by women the fewer women are found in top level business positions. When verifying the hypothesis 5 it was also found out that the existence and increase of transformational leadership skills increases the number of women in top level business positions. This tendency can be confirmed even though it doesn't show a highly statistical correlation. For this reason the sub-hypothesis of transformational leadership skills has not been confirmed.

Findings have been critically reflected on previous experience in the field as well as on existing literature.

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ANALYTICAL DIMENSIONS OF MEDIATION

REFLEXIVE CONTRIBUTIONS ON SCHOOL MEDIATION IN PORTUGAL

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Abstract - This article aims to highlight some central ideas in the design plan of mediation nowadays, as well as some analytical dimensions underlying the necessary reflection on the specificity of School Mediation. It presents analytical dimensions to specific different ways to understand the panorama of mediation in societies, balanced between the conceptual complexity *versus* procedure identity, the pulverization of fields *versus* disclosure/discovery potential and the methodological diversity *versus* search for specificities inside fields of mediation. The articulation among these three dimensions, promotes reflections in the analysis plan both regarding the visibility of the mediation practices as of their contributions and limits. The article contextualizes the school mediation in Portugal and supports a critical analysis of limitations in this field of knowledge and practice, arguing for training and research.

Keywords: *mediation; conflict resolution; social regulation; school mediation*

I. INTRODUCTION

In a first approach, mediation seems to be a paradox in today's society: the scientific and technological findings provide solutions to most problems, the multiplication of laws in all areas seems to address all disputes, without forgetting the communication networks which promote connections and diverse solutions. While the modern world was being built, establishing contacts and connections of all kinds, federations, monetary unions, conventions, there was also the emergence of catalysts. As Paule Paillet mentions [1] "when the citizen protection entities, when the regulation of their relations with the law with the norm and the institution are disturbed or perverted, it is necessary to find a way of connection. Political, associative, union, legal or social, it will always aim to establish the necessary connections. Therefore, mediation represents finding an imperfection in our world and an opening to hope".

The deepening of the democratic system, the economic globalization and the development of information and communication technologies have provided a new impulse to the social and economic relations, highlighting the increase in the relations between citizens and between them and the services and companies. But, although it is true that the democratization of access to credit and other services, whose consumption is anticipated to payment, the diversification of the rights associated to a better knowledge and greater will and ability to exercise them by its owners, have provided the increased demand for a justice that should be fast and efficient, also in the social field mediation has been claiming to be an alternative way of solving conflicts. The growing institutionalization of social relations, whose visibility relies on the increasing access to public and private services particularly in the areas of education, social work and health, which are associated with a change in the family structure and function and a decrease in the influence of church and community, as instances for the regulation of conflicts, contribute to the fact

that family, school, social and community mediation constitute a reference paradigm of the professional practices that occur in these areas.

The practice of mediation has expanded by several fields of intervention and takes different roles in everyday life. Nowadays, we witness the proliferation of the diversity of mediators and mediation practices, as a creative response to conflicts that result from inter-personal relationships or from social change. The mediation process is advocated when the conflict takes a leading role in the relationships between people, between them and the organizations and between the organizations in a given territory, and every time that the search for alternatives requires the intervention of a third party that values the communication between the parties and the decision-making ability of the litigants, in order to establish a mutual agreement, without the intervention of the judge or a negotiator. The conflict, the balance and the change are referential poles (centers) of the expansion of the mediating practices; mediation is used in conflict situations, so as to control or prevent conflict, establish or re-establish social bonds, and thus to regulate social relations to promote changes on a personal, inter-individual and social level.

After the adoption of a recommendation by the Council of Europe on 15 May 1981 about amicable conflict resolution, the panorama of mediation practices in different socio-economic and political contexts, allows us to refer, in general, two conceptions of mediation: one connected to the American culture that sees it as an alternative means of dispute resolution, and another more universal, European, inheritor of the Declaration of Human and Citizen Rights of 1789. Bonafé-Schmitt [2] believes that "the forms and the development of mediation in the different countries are directly influenced by the social regulatory systems". A comparative analysis developed by the author and his collaborators on the existing restorative mediation in France and in the United States, reveals different models of social integration underlying the mediation models: The American model is differential or

communitarian, and the French model is universal and republican. These model differences explain why in the United States there is a focus on “community mediation”¹, based on the cult of negotiation, and in France, on “the neighborhood mediation, social or intercultural” in which “the other” is a different being but equal, which is focused on the constant regulation of social relations. It creatively establishes new ties, renewing cut bonds by managing their break.

Pioneers in the field of alternative modes of dispute resolution (ADR), the Anglo-Saxon countries gave a recognized contribution to the expansion of mediation in European Union countries. However, the synthesis of the mediation contours in several continents, conducted by Marta Carrasco [3] highlights the special features that the process has been taking, directly linked to the diversity of the contexts and its legal framework. In Europe, for instance in England there are two mediation types (the public sector and the voluntary sector), in Italy there is a particular emphasis on family school and criminal mediation, in France mediation is essentially developed in the family domain (criminal and civil), in the Scandinavian countries (Denmark, Finland, Sweden and Norway) the most referenced is the mediation of consumption. The study favors a targeted approach to dispute resolution, within an essentially healing perspective, neglecting its preventive and restorative dimension, also promotional of social ties, from a more sociological reading.

The main purpose of mediation lies in the establishment or restoration of the communication between the parties, helping the dialogue between them. Even when the agreement is not possible, and each party takes a radical position, the failure of mediation is relative, as it has been established or initiated a partial communication process that introduces changes. As mentioned by François Six “there is no perfect mediation; all mediation is a moment of catalysis [...]; the most successful mediation, is the one that produces a true communication between the parties, a communication that will really achieve results in the lives of each of the two people or each of the two groups” [4]. Mediation should produce, not a communication simulation, but a real exchange; even when it is not achieved, it should result in each party the awareness that his/her truth is not the only one, and that the other also has a part of it.

In fact, one of the benefits of mediation is to communicate² to each party that the isolation/exclusion is harmful to the construction of a solution and the opening towards the other, only values his position. Mediation allows changing the

¹ The first example is the Community Board of San Francisco created in 1975.

² In mediation, the production of communication comprises three stages: listening, time and conclusion. Listening allows to understand the situation, the arguments, and the meanings assigned by each party to the matter in hand; Time allows to manage the disputes and favors taking a stand in freedom, without rushes and consciously by the parties involved; the conclusion is the product of the work done so far, in an effort of respect for the identity of the agents involved. “All mediation is different and requires a specific time, different from mediation to mediation, with its own pace. It is up to the mediator to make the mediation to be successful over time; the extension or reduction of the breaks between mediation meetings results from a continuous adaptation; all this to conduct the mediation to an end” Six, J.F (1991). *Le temps des médiateurs*, Paris : Éditions du Seuil, pag. 144.

arguments of each litigant, making it more rational and far from the personal experience. And this detachment involves a new way of looking at reality, of overcoming constraints and finding alternative ways regarding the conflict.

But this is not it. Mediation enhances the construction of social bonds, and is even a new approach in the process of supporting social inclusion, when operationalized in the social and cultural fields. For example, professionals working with groups of Gypsies, Luso-African and African immigrants in Portugal, are faced with people marked by multiple cultural differences towards the host society, such as differences in ethnic identity, culture, patterns of behavior and social organization. As mentioned by Santos Silva [5] “Given the unequal structure of the distribution of resources, opportunities and powers, these differences tend to be reconfigured as inequalities, tend to induce or to justify, asymmetries, deprivation and marginalization that the members of these groups are subject to. What hinders or even prevents the achievement of their personal rights, the development of feelings of self-esteem and respect, their social, family, labor, professional and civic integration and their relationship with the institutions, the norms and routines of the global society”. Mediation and the culture associated with it, characterized by the respect towards the other, focusing on dialogue, the enhancement of citizenship, the importance given to the individuals and to the development of their skills in the process of change, the hope for a solution that exceeds the binomial “win-lose”, and which is transversal to the whole relational process, constitute an added value in the “re-sewing” process of social ties under rupture. The mediator as a catalyst is devoid of coercive, decision-making and legislative power. He does not take the place of the protagonists, does not take part in their disputes, does not promote their merger through the action. Instead, the mediator gathers the conflicting parties, asks them to engage in the course of their lives, their projects, and that they undertake a new path by adopting a new dynamic between them.

II. ANALYTICAL DIMENSIONS OF MEDIATION.

The conceptual specification allows us to specify analytical dimensions, as if it were a web whose essence falls within the logic of (de)construction of a matrix on mediation, useful to understand the design of school mediation, their contributions and limitations. Which dimensions do we refer to and what are their characteristics?

Regardless of the area of its expression, mediation is built around three binomials, paradoxical by the apparent contradiction they present (see Figure 1), namely: 1 - Conceptual complexity *versus* procedure identity; 2 - Pulverization of fields *versus* disclosure/discovery potential; and 3 - Diversity of methodological perspectives *versus* search for specificities.

The articulation among these three dimensions, promotes reflections in the analysis plan both regarding the visibility of the mediation practices as of their contributions and limits. We shall further briefly analyze some aspects of each axis:

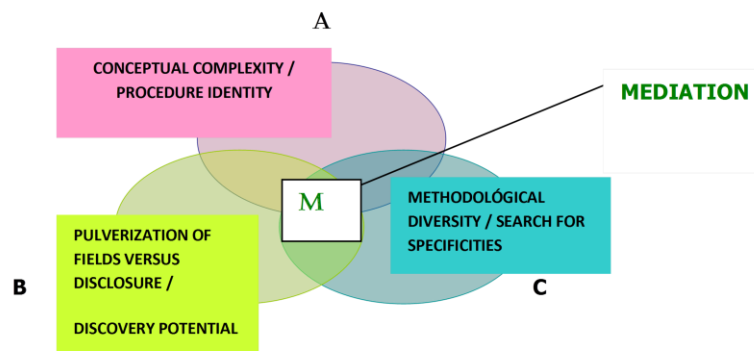


Figure 1. Figurative analytical dimensions of mediation

A. Conceptual complexity versus Procedural Identity

Mediation is usually recognized as an extrajudicial way, alternative for the resolution of conflicts, distinct from other processes such as arbitration, conciliation or negotiation. The sociological approach of the term, which emerged after the decade of the 90s in the 20th century, defines mediation as a way of social regulation, a mechanism associated with the creation, transformation and disappearing of rules that includes a societal dimension aiming to create or renew social bonds. Thus, it is specified its instrumental and expressive character in the intervention process, particularly in contexts of fight against social exclusion [6] [7] [8].

Mediation occurs in conflict situations (present or latent) between two or more individuals, two or more beings, whose outcome originates rupture processes and translates into a voluntary movement of the litigants aiming to find a solution, either implicitly (on the initiative of professionals and organizations) or explicitly (on the initiative of the individuals involved). This is a process that involves, at least³, the existence of a third person, impartial, whose action is guided by principles of non-intervention or minimal intervention; mediation puts the power of decision in the hands of the litigants, and creates communication opportunities among themselves which help the emergence of rational arguments and the construction of feasible and responsible commitments/conciliations. Through the construction of a relational environment of confidentiality and equality between the parties, mediation represents a “Sweet Justice” [4], which enables individuals to live in society.

³ The third party is one of the fundamental structures of mediation, but in the social and community field, the three-party relationship can diversify and integrate the primary and secondary solidarities, aiming objectively to create or renew social bonds. Almeida, H. (2001). Conceptions et pratiques de la médiation sociale. Les modèles de médiation dans le quotidien professionnel des assistants sociaux, Coimbra : Fundação Bissaya-Barreto, Instituto Superior Bissaya-Barreto.

Mediation is expanding as a means of social regulation with a positive orientation, based on the voluntary involvement and participation of the litigants, aiming the search for alternatives to the conflicts, respecting the rhythm of the individuals involved in the process and without resorting to the “empire” of the judge. Mediation is also considered as a research anchor in various scientific fields, such as economics, sociology, law, psychology, education science, social service. As it is not a specific field structured around a single area of knowledge, mediation takes on a transversal and multidisciplinary identity.

B. Pulverization of fields versus disclosure/discovery potential

Mediation is a reference aspect/element in contemporary societies. It entered the grammar of dispute resolution and is part of the daily lives of citizens, through the media, literature, informal conversations, concerning conflicts of different nature and contexts, such as those related to the consumption, family, the international relations, to life in society. The growing institutionalization of the social relations, the social changes in the forms and functions of the families and the school, the globalization of the economy, the expansion of the information society, the welfare state crisis, are perceived as factors involved in its expansion. Across Europe various mediators have emerged. Each country has adopted mediation as an alternative mode of conflict/dispute resolution and as a form of social regulation⁴, with a dual function, latent and manifest, “to make society” and “to regulate conflicts”⁴.

From the perspective of the social sciences, mediation is more than the establishment of a relationship between the society and the individual, mediation is defined as the “relationship between two terms and two beings”⁴. It is simultaneously societal and inter-individual, even if the different social actors are not aware of this duality. On the one

⁴ “Social regulation is the set of mechanisms through which rules are created, transformed and canceled. The social regulation is presented as social and inter-individual mediations” [9].

hand, mediation is societal due to the fact that the relationship aims to “provide or develop social bonds and treat or prevent conflicts” [9]⁵. On the other hand, mediation is also inter-individual if understood as a non-contentious way of disputes’ regulation, under the aegis of a third person. In any mediation it may be considered that there is a micro-mediation (inter-individual) and a macro-mediation (societal) that form a continuum variable according to the representation that the actors (mediators and litigants) have about the process. Mediation “does society” as it creates social bonds grounded in cultural and historical representations of society, but it is also an alternative method of conflict resolution, a way that allows its transformation, relying on a voluntary commitment defined and assumed between the parties.

Nowadays, the family, the school, the community, the intercultural and multicultural relationships, the individual and collective labor relations, the relations between citizens and organizations in the fields of health, environment, consumption, justice and international politics are subject to mediation. There is a diversity of fields, situations and actors involved in the mediation effort, a fact that introduces some analytical complexity. If, to these factors we associate the several objectives, we find an extensive range of possible combinations.

In this regard, Luison and Valastro [11] emphasize different approaches or mediation types:

- *cultural mediation* - specially values the cultural aspects of communication, related to the topic of migration, multiethnic and intercultural societies;
- *school mediation* – aims the socialization and the production of social identities, the creation of new socialization spaces and alternative management models of social relations;
- *social mediation* - reflects the attempt of learning about social life and embodies a project of reconstruction of intermediate structures between the individuals and the State, with a strong social control;
- *conflict/dispute mediation* - in the prevention of social conflict and management of problems as an opportunity to improve social relations;
- *community mediation* - as a culture of participation in the conflict/dispute management and acquisition of learning tools for mediation, able to recreate the social bonds ;
- *institutional mediation* - as a process of professionalization of mediation, creating new fields of intervention, conflicts with other social workers.

Due to the uniqueness of the contexts, the social actors and the issues that it deals with, mediation uses multiple procedures and is currently increasing its importance. Mediators proliferate, the practices diversify; However, not all practices

can be considered mediation, although they are designated as such. The formal and professional mediation implies specific theoretical and methodological knowledge.

C. Diversity of methodological perspectives versus search for specificities

The construction of the methodological specificities articulates procedural knowledge, structured around the aimed objectives, the interveners in the decision- making process, the strategies associated with making knowledge on the existing differences between the parties, the mediating time of action, and the origin of the mediator.

The methodological approaches, established according to these reference parameters, when combined, indicate both the diversity of procedures as some basic transversal aspects of the mediating intervention: the analysis of the present time is consolidated as an intermediate stage between the past reality and the expected future. In this process, mediation adopts the role of regulating the action of hope, one of the positive aspects regarding changing attitudes and behaviors.

Although there is a methodology associated with mediation, with the definition of steps and procedures [12] [13] [14], the fact that it is a voluntary process that develops in a democratic context, introduces a feature of procedural flexibility. Dora Fried Schnitman⁶ focuses on the communication process and its potentialities, and provides an overview of the different emerging perspectives, emphasizing, in addition to the diversity, the complexity of mediation. According to the author the alternative resolution of disputes proposes to understand the individuals as builders of their realities, and together with them to build bridges between the existing and the possible, validating the diversity, the dialogue, the other in a polyphonic context.

This issue is also analyzed by Jan Marie Fritz [16],[17], although from a different perspective, which sets out five basic paradigms:

- *Mediation focused on participants* - is connected with humanism, psychotherapy, and sociotherapy. This approach generally uses a model in phases and focuses on what individuals wish to work in the mediation process. It is mainly used in therapeutic models of family mediation, in which the mediator is primarily a facilitator;
- *Mediation oriented to the solution* - uses a model in phases and the mediator can facilitate and drive, and suggest a solution. It implies a pragmatic, behaviorist and functionalist approach. The conflict can be seen as a disturbance;
- *Mediation transformation* - focused on the participants’ need to change. The conflict is a means for the attitude’s recognition and change. This paradigm is connected with humanism and structural

⁵ Within this category are included the mediations of language, law, school, as actions for the construction of reality, social bonds “sensibilities” vectors and matrices of “sociability”, in [10]

⁶ When analyzing the issue of the new paradigms, the author identifies seven perspectives: systemic, dialogical, argumentative, generating, performing, narrative, transformative. Schnitman, D.F. (1999). Novos Paradigmas na Resolução de Conflitos, in [15].

functionalism, united to a communicating/social vision of the human conflict. Each party is responsible for the result and the mediator is a facilitator;

- *Narrative Mediation* - the mediator works with the parties to develop a story on the subject of the conflict: it involves the participants, decomposes their speech and the narrative argument and recreates a new story with them. It is also associated with humanism, especially with the post-modern thinking; it recognizes the existence of multiple realities rather than an objective reality;
- *Mediation humanist integrated process* - emphasizes humanism, cultural competence, empowerment, respect and creativity. The mediator is reflective, helping to continuously assess the interaction between the groups. It values the context, is focused on the participants, but is flexible and given the circumstances it can integrate a variety of aspects. It is an interactive approach, focused on the free choice and responsibility of the involved individuals (individuals, organizations, communities).

As soon as the structuring objective of the mediation is identified in each specific situation, it must be defined the strategies to use regarding the decision-making and the type of methodology to be adopted.

In this conceptual and methodological diversity, due to the multiple contexts and objects, mediation essentially grounded on the primacy of the construction of alternatives, has undergone a winding path between citizen mediation and professional mediation, between the private and the public domain, a path that searches for specificities by reference to other processes and intervention models. Although mediation is essentially a multidisciplinary field, not all interventions can be considered as mediation, even if they are built around micro-mediations. Mediation implies knowledge, action and reflection.

As Almeida argues, "today mediation is more than a shared word, is a way to equate the search for solutions by denying the deficit model. It has undermined social intervention for decades on all continents and more than has contributed to the perpetuation of conflicts and social problems" [18] [19].

If it is true that the framework of the action framework known as mediation, not dovetails with the imposition of rules without their accession recipients, by promoting exchanges and their active participation in processes, the lack of appropriate training, the uncertainty of the future of all those devoted to it, the lower results on the ground are arguments against definitive establishment of mediation in the sector social [20].

III. CONTEXTUALIZING SCHOOL MEDIATION: CONTRIBUTIONS FOR THE STATE OF ART

Conflict resolution programs are originated in the United States, outside of school in the 70s, during the administration of President Jimmy Carter that drove the creation of Community Mediation Centers. The purpose of those centers was to offer an alternative to the courts, enabling citizens to

meet together and seek a solution to the issue that brought them there.

According to Alzate [21], after the implementation of the Community Boards we are witnessing the early 80s to a marked increase in the use of mediation in disputes involving children or young people, particularly in schools.

More specifically, in 1982, in San Francisco began collaboration between the centers of community mediation and school systems. Whereas the skills to work the conflict are essential in a democratic society, Morgado and Oliveira [22;pp:46-47] reported a number of initiatives including: the creation of the "Resource conflict resolution for school and youth" (1982); The creation of the NAME, the National Association of School Mediation, which would serve for the study and implementation of mediation (1984); The NAME merges with the NIDRF, National Institute for Dispute Resolution, being born CRENET (1985), Conflict Resolution Network in Education. After that, educators for social responsibility and the Board of Education of New York City, promoted collaboration among community and school groups, leading to the emergence of the "Program of creative conflict resolution" with the following general objectives:

- Show non-violent alternatives to real conflicts of life for young people;
- Learn to understand and appreciate their own culture and the culture of others;
- Transmit to children and young people their leading role in building a more peaceful world.

Progressively, conflict resolution programs and mediation in the school context extend throughout the world and currently there are consolidated experiences in Argentina, New Zealand, Australia or Canada; in Europe, we can find experiences of this nature in other countries like France, Britain, Switzerland, Belgium, Poland, Germany, Spain, among others.

This transfer of the resolution of community conflict (Community Boards) to school will be gone from the assumption that the same part of the social life and that mediation is an opportunity for learning and personal growth for participants of school life [23].

The school community can, in most cases, resolve their conflicts with the help of other stakeholders, and the preventive nature of the conflict or its scalability through mediation is here valued, calling for a spirit of cooperation, respect and responsibility, values associated with a culture of peace [24] and not a culture of blame and imposing solutions.

The school is a place favorable to the emergence and the outbreak of conflicts. They relate permanently daily actors and different circumstances in the classroom, on the playground, in the halls, in the cafeteria, in interpersonal relationships. It is more than a place of teaching and learning of a compulsory curriculum, as it is lived, it talks, dating is, set up friendly relations, and is where its entirety spend time every day. Arising of interpersonal relationships (family and school), agents / educational actors are organized, forming and changing standards and values [25].

To turn the conflict in the educational context through mediation is necessary to change behavior and interpersonal communication, simultaneously with the capacity development work and skills for the management and resolution of conflicts. Thus, for a school mediation project is successful, it is important to involve all context elements. In this sense, Morgado and Oliveira argue that "the school mediation project implementation requires to be compatible with the learning of their young, an organizational intervention in the conflicts in school: respect teachers / direction regarding teachers / professors, ratio teacher / students ratio teachers / parents; and in the context of the classroom: respect teachers / students ratio among students and respect teachers / parents "[22; p.50].

According Martins e Viana, mediation as socio-educational process should enable "constructive dialogue, dialogical and emancipating, enabling trading decisions aimed comfortable interpersonal relations in coexistence and school inclusion" [26]. Thus, as the authors point out, the educational community of the school in question will be the main actor.

When it comes to socio-educational mediation refers to mediation as a training and prevention strategy and not only as a form of management and conflict resolution. It is an essential strategy for education, responsibility, citizenship and inclusion.

What about the School Mediation in Portugal?

The 90 marks the progressive appropriation of mediation in Portugal in various contexts. This transfer is the result of its integration into the European Union, which allowed access to international programs where mediation was valued and reflected, in particular, in practical conflict resolution in schools [27].

Although the practice of mediation in schools is relatively recent in this country, there are normative documents that allow the framework of the mediator figure and school mediation as regulated formal practice.

As Silva and Machado [28] argue, it highlights the following normative orders:

- a) Order No. 147/96 of 8 July, the first document drawn up in Portugal with reference to the mediator figure. It defines the purpose of the Program Educational Territories of Priority Intervention (TEIP) and provides, in the development of their respective projects, the use of workers / mediators;
- b) In the same year, the Joint Order No. 132/96 of 27 July approving the program of free time for children and young people of school education and pre-school education, providing that these activities are carried out by mediators;
- c) In 1998 it's published a diploma that recognizes the figure of the mediator and the performance of cultural mediator functions for education (the Joint Order No. 304/98 of 24 April);
- d) In 1999 the Joint Order No. 942/99, of 3 November regulated the status of mediators and cultural workers;

- e) In 2000, the Joint Order No. 1165/2000 of the Presidency of the Council of Ministers, the Ministry of Labour and Social Solidarity and the Ministry of Education created a working group to assess the role of mediators in schools and to survey mediators needs the same;
- f) The Law No. 105/2001 defines the legal status of socio-cultural mediator;
- g) The Decree No. 15817/2007 of 27 July regulating the functions of the personal and social mediator under the Courses of Education and Training for Youth and Adults.
- h) The Bill No. 193 / XI (1st), Assembly of the Republic, March 25, 2010, established support offices for students and family in schools groups and schools not integrated.

These Offices derive from the success of the work created and boosted by SOS Children, Institute of Child Support, which seeks to respond to situations from a local intervention, creating conditions for the development of school mediation. The Offices for Student Support and Family⁷ (GAAF) define an individual approach methodology, supported in a climate of trust between professionals (mediators, psychologist, social workers or teachers) and students, and a joint work between the different support services school and community partners, highlighting the important role of associations of parents and caregivers and local associations

The GAAF emerges as a new philosophy of School Mediation starting from the assumption that the active participation and committed students and their collaboration enables improve the climate that exists in the school and community. This office also appreciates the presentation by the students, individual or collective projects of integration in school and in the community contributing to the development of their autonomy and enabling them to exercise their role of conscious citizens in the society where they live. The activities of GAAF as well as the type of intervention, are different from school to school according to their needs and existing problems [29].

School Mediation is a cooperative process, structured, voluntary and confidential conflict management. According Seijo [30] conflicts are considered confrontational situations of conflicting ideas, based on the values; interests; needs; desires, perspectives and attitudes of everyone involved. In this confrontation, the relationship between the parties can be strengthened, weakened or even cease to exist depending on how the parties perceive the conflict. Since always, human beings, as social and turn as members of a community actors found themselves "forced" to deal with conflicts. Indeed, the conflict is "present in various social systems and their clear frequency in the different scenarios of human life is a real and indisputable finding, regardless of time and space" [31]. In this sense, Alves [32], citing Seijo states that "conflicts assume different aspects arise for various reasons and vary in intensity; They are part of people's lives and, according to the way they

⁷ Gabinetes de Apoio ao Aluno e à Família (GAAF)

are made both can lead to new ways of understanding and social and personal development, but on the contrary, can open the process of destruction and lack of rights and needs, as beings human, we all have "[31; pp:29].

IV. MEDIATION IN THE EDUCATION CONTEXT: AN ONGOING PROCESS.

As emphasized by Bonafé-Schmitt [33], "Mediation is not just a conflict management technique, it is also a learning process of new forms of sociability". It is learning in the relationship and through the relationship, both of understanding proximity and analytical distance between litigants with different powers (peer relationships, relationships between individuals and organizations, relationships between organizations, and with the community). This sociability learning is reflected in the context of the individual and the society. Thus, Briant and Palaut [9] mention that mediation does society. The school is not just a place to acquire knowledge; it is also a place for socialization, a place for learning ways of sociability.

In the educational context, the interveners in the learning process (teachers, students, support staff, and other experts) are diverse from the perspective of education and socio-cultural characteristics. The social, institutional and community surrounding contexts are also different (schools and services in more urban or more rural areas, periphery, coast and interior areas, social housing). Within the same territory, geographical and institutional, unequal resources can be articulated and enhanced, establishing and mobilizing partnerships, networking, whose efficiency and effectiveness is expectedly high. However, the facts do not always happen according to the expected. Mediation, as a process, is achieved in a complex way in everyday life, and is maximized as the actors create bonds and overcome the obstacles arising from such complexity. The objectives aimed, obtain its specificity when they are contextualized. The social and pedagogical dimension of mediation emerges as central, in its training and creation of personal and socio-institutional commitments, anchored in the monitoring of projects with preventive objectives and appropriate to the population involved; but the school mediation also focuses on solving problems or disputes in a more inter-individual, healing and restorative perspective.

Mediation deals with theoretical and practical knowledge, but also with representations. The diversity of the interveners threatens the assumption of a team work within a voluntary process by the same in the context of action (for example, teachers, support staff, administrative staff, parents), of the mediators and the litigants (actual or potential). A teamwork that goes beyond the frontiers of the scientific or operational specificity and is materialized in a transdisciplinary knowledge for the benefit of common objectives, within and outside the institutional walls. Each actor (peers, teachers, family, educators, professionals from community and local organizations or other interveners), and every action is part of a puzzle of strategic knowledge with various guises, whose unity and meaning is discovered after their connection. It is not enough to identify the actors and the nature of the actual or potential conflict, which leads to the mediation, or to only master their methodological procedures. It is necessary to learn

and understand the socio-cultural characteristics of the region in which the intervention occurs, to understand the expression of the consequences of the situation in individual, collective and institutional terms, to identify the obstacles, and prepare a project in which mediation is just one of the approaches.

One of the first difficulties to face in the school context consists in the creation of a dynamic of mediation (ac) knowledge, its advantages and limitations. Therefore, it is necessary to invest in the construction of a common identity among the members of the educational community, which in addition to the possible difference in the social origins, basic training and age, might not have common working habits in the school. The sharing of uncertainties, fears, as well as of the positive experiences in regular meetings, since the beginning of the process, the identification and analysis of situations, the involvement in common tasks, the definition of functional rules, may constitute strategies appropriate to the process of definition of the identity of mediators and mediation. Mediation is not a patchwork of individual contributions. The meaning of mediation must be part of a wider educational project. Thus, it is also important the design of mediation projects, within a shared and responsible manner, which consider or might give visibility to the different logics of organizational functioning (economic, organizational, political, social, educational), without the appropriation of target audiences, within a spirit of interpersonal, inter-institutional and inter-professional cooperation, thus contributing to the improvement of the school environment.

Another obstacle to overcome is the management of the powers of the various actors of the educational community. To the mediator it is recognized moral authority, some proponent power, even if it is a micro and shared power [8]. However, when it wavers to the appeal of the decision-making exercise rather than to the other, it ceases to be. In mediation what is truly important, is what those with whom the mediator interacts think and how they act, it is not their perception of the world, it is not their will. It is for the mediator to create opportunities for the discovery of the new, of alternatives that had not been considered, because they were invisible under the emotional and opaque arguments of the litigants. How to achieve this in contexts of tension, contradictions and conflicts, without the intervention of the personal equation of the mediator? It takes two requirements: training and practice.

Mediation is under construction. The path, though long, is already being traveled on the knowledge and action plan. We must invest in training, production of knowledge adequate to the realities and emergency settings of the new. It is mandatory to focus on new ways of dealing with the constraints, new ways of acting due to the difference, within a search for alternatives, which, as Urie Bronfenbrenner [34] mentions, correspond to the rejection of the "deficit" model, a fact also emphasized by Schnitman [15; pp:17-27], in favor of a research policy and practice committed to transforming experiences that encourage human development and promote citizenship. In this context, mediation becomes a new way of looking at the world and intervenes in it.

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