# Institutional and Program Level Guidelines for Conflict Management in Higher Education

**Bill Warters**, Project Director & Co-Editor, Wayne State University director@campus-adr.org
**Wendy J. Smith**, Guidelines Co-Editor, Office for Student Conflict Resolution, Univ. of Illinois at Urbana-Champaign
**David Chandler**, Program on Conflict Resolution, Univ. of Hawaii at Manoa
**Karen Cross**, Program on Conflict Resolution, Univ. of Hawaii at Manoa
**Gay Douglas**, Dean of Students Office, Univ. of Connecticut
**Tom Fiutak**, Hubert Humphrey Institute for Public Affairs, Univ. of Minnesota – Twin Cities
**Jacquie Gibson**, The Collaboration Institute, Missoula, Montana
**Tim Griffin**, Office of the Ombudsman, Northern Illinois University
**Tuesday S. Hambric**, Ombudsperson/Faculty, North Lake College, Dallas County Community College District
**Linda Hendrikson**, Conflict Resolution Center, Univ. of North Dakota
**Janet Holdsworth**, Postsecondary Education Policy Studies, Univ. of Minnesota
**Lin Inlow**, Consortium on Negotiation and Conflict Resolution, Georgia State University
**Richard Justice**, Office for Student Conflict Resolution, Univ. of Illinois at Urbana-Champaign
**Catherine Morris**, Peacemakers Trust, Canada; Associate, Institute for Dispute Resolution, Univ. of Victoria.
**Carol Orme-Johnson**, Student Conflict Resolution and Discipline, Massachusetts Institute of Technology
**Jennifer Schulz**, Faculty of Law, Univ. of Toronto
**Susan Trageser**, Office of Student Conduct, North Carolina State Univ.
*Not Present at April 2002 Drafting Session but contributing:*
**Loretta Harper**, Human Resources, Univ. of Utah.
**Maria Volpe**, Dispute Resolution Consortium, John Jay College of Criminal Justice-CUNY
**Leah Wing**, Campus Mediation and Negotiation Team, Univ. of Massachusetts at Amherst.

# Institutional and Program Level Guidelines for Conflict Management in Higher Education

Developed by the Campus Conflict Management Guidelines Committee*
Project Director and Co-Editor, Bill Warters director@campus-adr.org

## *Purpose, History and Scope*

## Purpose

This collaboratively written document was prepared by a group of academics and professionals experienced in addressing conflicts within higher education institutions in the United States and Canada. Its purpose is to support the development of comprehensive, educational, integrated and conflict-friendly approaches to managing conflict and disputes in institutions of higher education. Our target audience includes key decision makers such as senior administrators, deans and department heads, ombudspersons, anti-harassment officers, housing and security administrators, faculty, student affairs professionals, and various frontline conflict services staff. Together these individuals greatly influence how institutions manage and learn from the conflicts that occur daily in such complex environments.

## Background History

A brief and selective sketch of recent campus conflict management history is provided here to put current practices in some perspective. More detailed historical accounts are available online[1].

> Beginning in the 1960s university enrollments and personnel expanded with the post-war baby boom, and administrators developed a seemingly ever-increasing number of rules and regulations to try and manage the changing campus environment. During this period a larger proportion of university personnel joined unions and collectively bargained over contracts. Legal resources became more readily available to students via the increase in pre-paid (i.e., student fee funded) student legal services and to faculty as the AAUP began offering liability insurance policies tailored to their needs. The National Association of College and University Attorneys (NACUA) was founded in 1961 by a small group of attorneys providing legal advice and services to campuses. The association experienced its greatest period of growth during the late 1970s. NACUA helped coordinate legal resources and expertise among university administrators. These administrators had been moving to establish in-house legal counsel, as they were no longer able to function with occasional use of the expertise of a lawyer sitting on their board of directors. While campus leaders struggled to find appropriate ways to respond to campus conflicts, one early and proactive response was the development in the late 1960s and early 1970s of campus Ombuds offices responding to demands for a neutral, confidential, and "safe" place to discuss concerns and voice complaints.

> The conflict climate on campus during this period could perhaps best be described as strained. By the mid-1970s academic and legal theorist Walter Hobbes noted that

*Interview data collected from observers of academic disputes disclose a pattern of conflict among university personnel analogous to the operation of a defective pressure-cooker: unsuccessful suppression is followed by unpredictable eruption -- producing, more often than not, a genuine mess. [2]*

While in earlier periods there had been great reluctance by the courts to get involved in campus issues, during the 1970s the courts began to hear more campus-based disputes, and federal courts established a variety of new guidelines relating to internal grievance procedures on campus. These factors, along with increased student expectations of involvement in their educational institutions and more careful monitoring of the "fairness" of procedures, began to have an influence on policy-making. A subsequent "due process explosion" occurred, with many new policies being developed providing detailed grievance and disciplinary procedures aimed at protecting individual rights, checking administrative discretion and fending off possible lawsuits. These policy changes, while positive in many respects, continued to affect the feeling of life on campus, and for the most part the trend seemed to be away from a feeling of community and toward greater feelings of mistrust or alienation.

A 1978 article entitled "Who Killed Collegiality?"[3] in *Change* magazine argued that in fact the era of collegiality was being replaced by one of liability. Another article described the prevailing campus legal climate in the late 1970s as follows:

*The heterogeneous, impersonal and at times, almost alienated quality of the academic climate fosters the utilization of law to assert individual rights and settle grievances in academic situations. Students more and more come to view themselves as "consumers" of education, faculty operate under rules and regulations with regular contracts, and administrators work under a complex web of legal guidelines.[4]*

While university magazine articles lamented "The Legalistic Culture in American Higher Education" [5] the trend continued. The National Association for College and University Attorneys continued to grow and now includes nearly 1400 campuses (about 660 institutions), represented by over 2900 attorneys. The growth in campus attorneys is mirrored by a similar increase in the number and cost of lawsuits involving colleges, as evidenced by a rise in average legal defense costs for private colleges and universities nationwide some 250% in the five years between 1992-97[6].

University and college administrators have paid close attention to the increasing legalization of higher education and have responded by organizing themselves and sharing information. For example, in the late 1970s Stetson University began hosting a popular annual conference on Law and Higher Education to help university administrators keep up with the rapidly changing legal climate as it relates to universities. Similarly, the Association for Student Judicial Affairs (ASJA) was formed in 1987 as an off-shoot of the Law and Higher Education Conference, to

promote and support professionalism in the increasingly complex student judicial affairs area.

Foundations also devoted attention to campus conflict concerns, but with less of a legal focus. An important example is provided by the release in 1990 of a Carnegie Foundation for the Advancement of Teaching Report by Earnest Boyer entitled *Campus Life: In Search of Community* [7] that aired concerns by administrators and faculty about the loss of community on campus. As noted below, the report also found considerable interest in conflict management among administrators. Another important foundation example is the more than a dozen university-based Conflict Theory Building Centers [8] that have been funded by the William and Flora Hewlett Foundation since the mid-1980s.

Administrators and governing bodies in higher education know perhaps all too well how messy conflicts can be. As things currently stand, they devote a great deal of time to addressing conflicts of many kinds. Their work includes directly managing disputes involving students, academics or staff members, as well as setting the mandates of various offices that take responsibility for processing certain kinds of equity concerns and conduct violations. Much time is occupied with seeking efficient litigation strategies, reducing liability risks, and maintaining campus security and student discipline.

Prior to the mid-1980s, conflict management strategies were not viewed as integral elements to an institution's management or governance function but rather as regrettably necessary secondary adjuncts. Within the past decade however, there has been increasing interest on the part of many staff and administrators in finding ways to address conflict more effectively and proactively, in ways that help sustain rather than diminish the feeling of community on campus. Approximately 50% of chief student affairs officers at all the institutions surveyed for the Boyer Report [7] felt that conflict resolution workshops were now "very important," with an additional 35% saying they were somewhat important. A full 77% felt that developing better procedures for handling complaints and grievances was between somewhat and very important for their institutions.

Many higher education institutions are now experimenting with various alternative dispute resolution (ADR) approaches to legal disputes and many are establishing or refining broader conflict intervention and conflict transformation service centers[9]. Similarly we are seeing rapid growth in academic peace and conflict studies programs[10] as students express their own interest in mastering these types of skills and knowledge.

Many of the individuals who must handle campus conflicts have also been busy organizing themselves in support of alternative approaches. In 1987 campus Ombudspersons, who had been meeting informally for years, formed the University and College Ombudsman Association (UCOA) and began hosting annual national and international conferences. In 1990 campus mediators held the first of four

international conferences. In 1994 the Association for Student Judicial Affairs passed a formal resolution supporting the use of mediation within student judicial affairs and in 1997 established their On-Campus ADR Committee to encourage and support mediation and other conflict management efforts among ASJA members.  Similarly NACUA now has a separate Litigation and ADR Committee and has begun offering workshops on mediation and ADR.

We believe recent indicators may mark a sustained trend in support of collaborative and educational approaches to the handling of campus conflict. If the current presence of campus mediation initiatives on more than 225 campuses across North America is any indication, there is certainly good reason to be optimistic. We hope that this document will serve as a useful means to share and extend some of the lessons learned to date in these important endeavors.

## Scope

We recognize that education institutions are not mainly or essentially complex bureaucracies and workplaces; but rather they are communities, places for learning, preservation and advancement of knowledge, preparation of a skilled workforce, and seedbeds for social change and societal self-reflection. We also understand that conflict is an inescapable and essential part of campus community life. While working through conflict is often difficult, we believe that there is much that can be gained from it when supportive learning climates, working models and leadership examples are in place. With this in mind, we hope to encourage a shift in the prevailing campus cultures toward a more conflict-friendly perspective that actually embraces the learning potential inherent in conflicts.

The authors agreed that they wanted to present both broad aspirational goals and examples of current (normative) practice to provide readers with a framework for positive and proactive action. Given the complexity and diversity of higher education settings, the guidelines are phrased in general terms intended to permit application to all campus settings. While we present general guidelines, a theme that runs throughout this document is the importance of matching conflict management services to the specific needs assessed within each institution. Appropriate conflict management work requires an understanding and acknowledgment of factors at both the institutional and program/practitioner level. The guidelines therefore address the broader campus "conflict culture" as well as specific campus conflict management programs and practices. Ideally policy and practice changes resulting from review of these guidelines would include senior administrators and academics working together with conflict management program or project managers or practitioners and the broader campus community that they serve.

The drafters of this document made a conscious decision NOT to attempt to formalize a set of fixed standards applicable to individual campus practitioners directly involved with addressing campus conflicts. For instance, we chose not to try to define the job scope or required skills of campus harassment officers, ombudspersons, mediators, complaint adjudicators within campus conflict resolution programs, or persons designing

organizational conflict management systems. Nor did we try to articulate the criteria one might use to recruit or evaluate able instructors and researchers for conflict studies academic programs. We made this choice based on a pragmatic understanding of the difficulty of such an effort given that the range of types of conflicts addressed (e.g., student roommate conflict, faculty tenure disputes, EEO or ADA claims, stalled contract negotiations, etc.) and the range of campus settings conflict managers work in (e.g., public, private, unionized, non-unionized, large, small, research-oriented, teaching-focused, etc.) is quite broad. Also the populations (e.g., staff, faculty, students, community members, etc.) and applicable legal, fiscal and political constraints vary tremendously across settings. We acknowledge the importance of competency and ethical practice for individual practitioners, and for conflict management practitioners working within related professional fields. Various conflict management and professional organizations have begun to develop suggested standards and we refer the reader to these other documents for further review. (see Appendix)

## *Use of the Document*

This document can be used in a variety of ways:

**At the institutional level:**

For institutions that have no conflict management system this document can assist planners with initial design processes, fundamental principles and core values upon which to build a conflict management system or program.

For institutions with an overall conflict management system already in place, the document can assist the institution in assessing the current system, identifying strengths and challenges and making improvements and adjustments as necessary.

**At the programmatic level:**

For institutions that have no conflict management program (i.e., no specific mediation or conflict resolution service on the organizational charts) this document can provide the groundwork for developing and supporting a successful program. Each section discusses key components and approaches that can be adjusted for individual campus cultures.

For institutions with an existing conflict management program in place, this document assists with assessing the level and quality of the program and the institutional support provided to it. The guidelines may be used as a framework for reviewing a program and determining areas that are working and areas that may be in need of improvement.

**Glossary of Key Terms**

INSTITUTIONAL LEVEL – The institutional level includes the overall structure and mission of the university, the administrative levels within the institution, budget and programmatic decisions affecting conflict management, and the overall conflict management culture of the university.

PROGRAM/PRACTITIONER LEVEL – The program level includes university programs that are designed to deal specifically with conflict management as well as individual practitioners who take on this role in their everyday work.

CONFLICT MANAGEMENT SYSTEMS DESIGN – Conflict management systems design refers to the process of designing an effective, sustainable and integrated system of conflict management practices within an institution. Effective conflict management systems seek to prevent destructive forms of conflict and to encourage the early identification and resolution of conflict. Often the focus includes efforts to limit the use of potentially more costly forms of dispute processing (like grievances and litigation) to situations that truly require it. Effective conflict management systems address conflicts within institutions in a systemic manner, not in piece-meal fashion.

CONFLICT – intense interpersonal or intrapersonal dissonance between two or more parties (individual or groups) based on incompatible goals, needs, desires, values, beliefs, attitudes or perceptions of entitlement.

DISPUTE –conflicts that have become particularized around a specific issue or issues.

GRIEVANCE – the formal expression of a dispute in the form of a complaint by one or more of the parties.

## Implementation Issues and Options

This document consciously addresses both *institution-wide concerns* that are often the province of administrators, and *program-level issues* addressed most often by individuals engaged in the day-to-day work of conflict management. Work at both levels is essential and they are interrelated. Lack of coordination and mutual support between levels can undermine even the most carefully developed initiatives. We strongly urge the intentional development of a college and university's *institutional capacity* in the area of conflict management. This capacity building may productively involve people, programs and policies across the width and breadth of the campus.

Conflict management efforts for dealing with expressed conflict within an academic community can take on any number of forms and employ a wide variety of methods.

Factors including the people, systems, culture, and availability of options affect both the form and function of viable models.  We provide information below on a spectrum of approaches that have been successfully applied in the higher education context, but this should not be seen as an exhaustive or limiting list. New models and adaptations of existing ones continue to emerge on the higher education landscape[11]. It is clear that improving existing conflict management options and implementing new ones is of necessity a multi-step process that involves reflection and adjustments at both the institutional and program level over some period of time.

When implementing a conflict management system within an academic setting it is important to include an exploration of how conflict is currently managed at all levels. The formal and known systems of conflict management are often easier to identify and study, but it is equally important to gain an understanding of how conflict is informally managed within the community.

It should be noted that while many universities are embarking on efforts at conflict prevention, this should not to be confused with the suppression of conflict. Appropriate prevention efforts include changing the culture of problem solving by training and encouraging members of the academic community to better communicate and negotiate differences, preventing unnecessary conflict from disrupting cooperative working relationships, while at the same time constructively managing differences which clarify academic values and lead to positive social and organizational change.

## *Institutional and Program/Practitioner Guidelines for Conflict Management*

### I. Build Institutional Conflict Management Capacity and a Conflict-Friendly Context

**A. Capacity-building at the Institutional Level**

Observers of higher education have deemed the modern university by its very design to be a "conflict prone" organization[12]. Theorists have struggled to adequately describe the essential features of universities (see Birnbaum, [13] and Berquist, [14] for reviews), characterizing them as complex bureaucracies; as collegial communities of scholars; as political environments made up of competing interest groups; and as "loosely coupled" systems that function like "organized anarchies." Depending on size, age or mission, an individual college or university may resemble one model more than others, but all institutions share the experience of conflict as commonplace.

The educational mission of higher education institutions requires the ability to maintain flexibility to adapt to societal needs and conditions, and to lead in the advancement of knowledge and societal transformation. When conflict within the campus community is viewed as a catalyst for learning and change it can also be viewed as constituting a key organizational resource, as opposed to something that must be avoided or suppressed. Conflict aversion, avoidance and escalation most often lead to confrontations that do little

to accomplish constructive change. "Conflict friendly" institutions are welcoming, understanding and utilizing conflict to accomplish important educational and social purposes.

When working to change an institutional conflict culture toward a more conflict friendly one, it is of primary importance that there be institutional and infrastructure support backing the initiative. Tangible institutional backing provides needed administrative and community endorsement for change, and infrastructure support such as incorporation of conflict management into policies, organizational structures, strategic plans and budgets makes the change manifest. The institution needs to include conflict management among its priorities and devote corresponding resources to provide or create necessary resources at the program and practitioner level. Ideally, these conflict management efforts are widespread, incorporated into all areas of the institution, and organized into a collaborating and self-reinforcing network.

The institution can demonstrate its willingness to share responsibility for healthy conflict management by normalizing the existence of conflict and making available to persons who need it a community of competent and trained conflict handlers. The choice and responsibility must remain with the conflicting parties for the actual expression and resolution of the conflict, but by building and supporting new conflict-friendly structures (like mediation centers, for example) on the campus, the institution is maintaining a vital mechanism for the direct expression and reduction of conflicts that maintains control in the hands of the conflicting parties. This kind of capacity building and sharing of responsibility can lead to truly conflict-competent communities.

The institution can also increase its capacity for effective conflict management by encouraging ongoing training of senior administrators, faculty and staff to address and resolve their own conflicts. This needs to become an integral part of leadership and staff professional development with ongoing support by the institution. Ideally the bulk of conflicts occurring within the campus community will be solved productively and collaboratively by the individuals directly involved, at their own level within the institution.

**B. Capacity-building at the Program and Practitioner Level**

Intervention into campus disputes is often most effective when done by specially trained and experienced members of the academic community. University conflict management programs and practitioners need to be integrated into all population groups (faculty, administrators, students, researchers, service workers etc.) to provide a diverse and credible resource for problem solving and dialog enhancement within the academic community. While many problems are solved through the intervention of interpersonally skilled administrators, chairs, coworkers and other members of the academic community, a network of trained practitioners allows collective wisdom to grow and the innovation of new methods to occur. This rarely occurs without the commitment of the university at the highest levels, and may take time to institutionalize.

Utilizing both prevention and intervention, services should be built to address varied disputes by employing varied methods that provide community members an opportunity to understand and manage rather than suppress their conflicts. Typically the first step is to assess what is currently happening with conflicts in the setting, at both the formal and informal level.  This assessment provides a backdrop for improving or implementing options that will meet the various conflict situations that arise. Broad-based conflict management system enhancements may end up combining elements of known, systematic methods with various informal methods that may be currently known or unknown.

## II. Honor the Fundamental Principles and Core Values of Higher Education and Conflict Management Programs

### A. Higher Education Principles and Values

As noted above, effectively working with and learning from conflict in higher education requires a shift in the core values of institutions toward being more conflict-friendly. The enduring beliefs which an institution—and the people who inhabit it—hold in common and endeavor to put into action needs to include an openness to conflict. Core values guide an institution's faculty, staff, administrators and, to some degree, students, in performing their work. Core values can be relatively informal yet still enduring. Values lead individuals within organizations to believe that some goals or ends are legitimate or correct and other goals are illegitimate or wrong.

Campus culture change agents must keep higher education's core missions of education, research and service at the forefront when developing, implementing, or refining conflict management systems, and find ways to connect the management of conflict to these broader goals. Certainly the mission of the home institution should be reviewed and it should serve as a foundation for campus conflict management efforts.

Efforts are now underway on many campuses to build or rebuild a sense of collegial and civil community. Many of these efforts draw inspiration from the broadly endorsed Carnegie Foundation for the Advancement of Teaching report [7] which argued that campuses need to refocus their efforts around a number of key elements.  All of these elements, noted below, have relevance for campus conflict management initiatives and should be taken into consideration during the design and development of services and programs.

> *First, a college or university is an educationally purposeful community where faculty and students share academic goals and work together to strengthen teaching and learning on campus*
>
> *Second, a college or university is an open community where freedom of expression is uncompromisingly protected and where civility is powerfully affirmed*

*Third, a college or university is a just community where the sacredness of the person is honored and diversity is pursued*

*Fourth, a college or university is a disciplined community where individuals accept their obligations to the group*

*Fifth, a college or university is a caring community where the well-being of each member is sensitively supported and service to others is encouraged*

*Sixth, a college or university is a celebrative community, where the heritage of the institution is remembered and where rituals affirming tradition are widely shared (Boyer, 1990 p. 7-8)*

## B. Conflict Management Program Principles and Values

Campus conflict management efforts by programs and individual practitioners need to be informed by many of the core values and principles that have developed within the broader conflict resolution community over the years. Particularly relevant to handling disputes in the academic community are the following key ideas.

- *Honor Confidentiality and Be Clear on Its Limits.* When addressing conflict situations it is helpful to deal with the parties' issues as they define them and to facilitate a discussion of the parties' needs and expectations for confidentiality. This discussion is helpful in single party, multiple parties, and large-scale situations. Information acquired in both the intake and the conflict resolution process is subject to confidentiality requirements of the process and should not to be shared without express permission. Any limit on confidentiality, such as in case of imminent harm, or any limits by regulation or statute should be explained before any party reveals information. Case specifics, with all identifying information removed, may be valuable for either statistical reporting or creating practice scenarios for training. Programs should consider this possible use as confidentiality procedures are developed.
- *Do No Harm.* Conflict management staff should take no actions that might reasonably result in the infliction of harm to others, nor knowingly assist in such actions.
- *Explore the Full Range of Options.* Program personnel and university practitioners should analyze the needs of people seeking their help (parties) and should inform parties about various options and possible consequences of the available choices. To the extent possible the program should do nothing to reduce a party's options and should allow for fully informed decision making as to design of and participation in conflict management processes.
- *Maintain Impartiality.* Conflict management practitioners are most effective when they are impartial, unbiased, and free from conflict of interest with regard to the parties and subject matter of all cases they handle. All pre-existing personal and professional relationships with anyone involved in a conflict should be disclosed

immediately with all parties involved. Impartiality is also important in efforts by programs to influence the broader campus conflict culture.

- *Maintain Independence.* Related to impartiality is the concept of independence from influence by senior administrators. To maintain campus-wide credibility and effectiveness, conflict management practitioners must not be, nor be perceived to be, subject to inappropriate influences on their processes or recommendations. Accountability mechanisms must ensure appropriate levels of independence from the administration. Those processing complaints must have adequate security of tenure and/or budget to maintain independence.
- *Avoid Conflicts of Interest.* Conflict management staff should avoid any involvement in a situation where real or perceived conflict of interest exists. Staff should never be in a position to benefit personally from any possible resolution or outcome.
- *Practice Non-discrimination.* No one should be disadvantaged during their involvement with conflict management programs or processes because of race, religion, national origin, ethnic background, age, gender, gender expression, sexual orientation, disability, veteran status, military status, or position/role within the institution. All parties, conflict management practitioners, and program personnel should be treated with dignity, respect, and fairness.
- *Support Party Self-determination.* Parties should have access to the whole spectrum of conflict management alternatives available at the institution. Clear distinctions should be made between the available alternatives for conflict management so that parties understand the process and their role in it. Parties' ability to make their own decisions should be encouraged, including whether to participate in a conflict management process or program. Programs and practitioners should support participants' ability to make decisions for themselves throughout the process and to develop their own agreement. Outside of the disciplinary process, no outcome should be imposed on a party without his/her consent.
- *Maintain the Integrity of Conflict Management Processes.* Those administering conflict intervention processes need to be familiar with the applicable ethical and practice standards for their areas of practice (mediation, arbitration, judicial affairs, ombudsing, etc.) as articulated in a variety of other forums within the field of conflict resolution. All intervention processes used should be theoretically based, tied to principles and core values, and subject to continuous evaluation.

## III. Employ Benchmark Practices During Conflict Management Program and Systems Design

The approach taken when developing an integrated conflict management system can make a significant difference with respect to its potential success and longevity; thus the design process itself has to be seen to be as important as the end product. The literature on conflict management systems design[15] has grown considerably over the past few years and it provides useful insights that should be reviewed by design teams.  The following are considered to be core steps in designing a successful campus conflict management system or set of programs.

- Assess the organization's current ways of dealing with conflict and disputes of various types—the parties' goals; the outcomes achieved; the costs in time, resources, and personal distress; security issues, the effect of current processes on ongoing relationships; and the likelihood of future disputes.
- Review any governing laws, regulations, contract agreements, policies, or by-laws that impact how the organization addresses conflict.
- Assess the organization's readiness for a change like the development and implementation of a conflict management program. Salient indicators that an organization may be ready include things like low morale due to workplace conflict, reduced learning outcomes due to classroom conflict, a headline case that could have been managed or even prevented, heightened absenteeism due to conflict avoidant behavior, and inordinate resources devoted to handling of disputes including direct costs such as legal fees and payment of judgments.
- Obtain needed commitments from senior members of the community.
- Involve representatives of affected constituencies within the organization in designing and implementing improved processes. Consider administrators, faculties, academic and staff sectors, union leadership, students, security offices, student housing offices, complaint officers of various kinds. Consider issues of diversity including gender, culture, race and disability.
- Assess the ways in which decision making about the system will impact all constituents who will be affected by the results of the decisions. Be inclusive in your design consultations.
- Review current and desired incentive structures to prevent systems from being undermined unintentionally by existing ways of carrying out the organization's mission.
- Provide training for the individuals who will resolve disputes formally and informally, and provide orientations for potential users.
- Establish ongoing monitoring and evaluation programs to ensure that the system is doing what its designers intended.
- Create and utilize pathways for continual communication, referral, and feedback. At the program level ensure the existence of appropriate information links to and privacy protection from other programs within the institution.
- Include not only complaint response mechanisms but also emphasize proactive outreach efforts with the goal of preventing escalation.
- Develop multiple opportunities to broadly promote, educate, and encourage the conflict management system.

Specific more detailed program planning guides are available for various kinds of campus conflict management approaches such as mediation[16, 17], ombuds [18], dialogue groups[19], and campus judicial affairs[20].

## IV. Promote Diversity, Inclusivity and Community in Your Operations

### A. Diversity, Inclusivity and Community at the Institutional Level

Fundamental to overall effectiveness are diverse, inclusive, and community-built conflict management systems that are integrated at an institutional level and which offer accessibility to all. Diversity includes, but is not limited to, matters of race, religion, national origin, ethnicity, age, gender, gender expression, sexual orientation, disability, socio-economic status, education, language, generation, immigration status, occupation, and educational background.  The following are important factors:

- Conflict management policies and programs should be core elements and major contributors to the institution's commitment to diversity.
- Policies and programs designed to support or encourage diversity and policies and programs specifically designed for conflict management should be mutually reinforcing.
- Constructive conflict management processes should be available to everyone on campus – students, staff, faculty, and administrators – and should be able to accommodate conflicts across constituencies, cultures, styles, and levels.

**B. Diversity, Inclusivity, and Community in the Operation of Conflict Management Programs**

To be of value to the community a conflict management program should represent as many elements of the community as possible. This includes the program's personnel, philosophy, curriculum, training, and intervention models. The program should reach out to and be inviting to all members of the campus community, through the following conditions:

- Inclusive language.
- Training that includes exposure to people from diverse backgrounds in ways that promote awareness of, respect for, and openness to difference.
- Staff and volunteers that reflect the diversity of the community served.
- Processes led by diverse teams with appropriately adaptable and customizable processes to meet diverse parties' and participants' needs.
- Focused outreach to promote use of the program where conflict arises out of diversity.
- Training of staff and volunteers to meet the needs of the diverse community.
- Accessible hours of service that are sensitive to clients with diverse schedules.
- Accessible services for those with disabilities[21].

**V. Draw on and Encourage a Broad Spectrum of Conflict Management Options**

The complexity and uniqueness of higher education institutions calls for a variety of approaches and methods for managing conflict. By offering a spectrum of options the system can better meet the needs of all persons. This spectrum includes both so-called interests-based approaches such as negotiation, mediation, and ombudsing as well as so-called rights-based approaches such as grievance procedures, arbitration, and litigation. The spectrum of potentially valuable conflict management processes

includes, but is not limited to the following.

**Examples from the Broad Spectrum of Conflict Management Options**

*Informed Discussion*. This refers to communication among parties involved in a potential conflict in which information is shared and perceptions are measured separate from any declared intent to reach a formal agreement on resolution of the issues. Informed discussion reduces pressure on the discussants, and may be helpful in avoiding barriers to resolution experienced during a conflict management process.

*Conciliation***.** This is a very informal process, whereby a third party may come in to assist in "fact finding" or help the disputants form the relationships necessary to "come to the table". The parties are responsible for conducting negotiations and decision making themselves. The term "conciliation" has often been used interchangeably with "mediation." The term "conciliation" often refers to a process in which the disputants are not present in the same room and the conciliator speaks with each side separately using "shuttle diplomacy." However, some people use the terms "conciliation" and "mediation" interchangeably.

*Facilitation*. Facilitators are used to help make group processes more effective and efficient. The facilitator is impartial and leads the parties in a structured process that helps the group achieve agreement and resolution of an issue by providing a "safe" setting for the airing of differences, keeping meetings on track, insuring equal time for all participants, instilling a sense of fairness in the process, offering optional processes and approaches, and moving parties toward consensus. Variations include co-facilitation, circles, and town meetings. Facilitators are also used for informed discussions, which do not have agreement building as the task or goal of the meeting.

*Mediation*. In mediation, an impartial third party helps disputants improve their relationships, clarify their future plans, resolve a dispute or plan a transaction, but does not have the power to impose a binding solution. There are many varieties and styles of mediation some of which are more facilitative and others, which are more evaluative (including mediator suggestions or recommendations). While many alternative dispute resolution (ADR) programs have standardized on "interest-based" problem-solving mediation, made famous by the Harvard Program on Negotiation, there are new directions in mediation (e.g. "transformative mediation" or "narrative mediation") which focus less on specific settlements and more on improvement of working relationships. Some mediators are familiar with a variety of approaches and design each mediation processes to suit the particular parties, the situation and the cultural context.

*Partnering*. A formal, but non-binding agreement among parties playing different, but interdependent roles in an undertaking. In general, partnering is a proactive attempt by interdependent groups to create a working relationship conducive to trust, understanding and the pursuit of mutually acceptable goals. Parties make agreements

in principle to share risks and promote cooperation. Partnering may be used, for instance, in construction projects.

*Third Party Decision Making*. Unlike facilitation and mediation, which uses third party intervention only to assist stakeholders communicating and/or in finding agreement, there are a range of third party intervention options which remove the power of decision making from the disputants and transfers some or all of this control to the third party interveners. Some examples of these techniques are:

> *Arbitration*. Many arbitrations are voluntary in that both parties agree to submit the dispute to arbitration as part of an agreement. Some collective agreements provide for arbitration of grievances and other matters. The parties often agree on selection of the arbitrator and procedural rules. Rules of evidence and procedure are usually more relaxed than the rules of court. Arbitration can also be ordered by a court or be compelled by a statute, and in such cases a judge or authority figure usually appoints the arbitrator. An arbitrator has limited jurisdiction that is strictly determined by the construction of the relevant arbitration agreement, statute or regulation. Agreements can be binding or advisory, depending on the forum and the agreement between the parties prior to submitting their case to arbitration.

> *Adjudication.* Adjudication includes decision-making by a judge in a court, by an administrative tribunal or a specially appointed commission. An adjudicator determines the outcome of a dispute by making a decision for the parties that is final, binding and enforceable.

> *Student Judicial Boards and Grievance Hearing*. Administrative hearings for student discipline violations and grievance hearings for faculty and staff disputes are similar to adjudication with a chosen committee and formal proceeding rules that typically follow established fairness guidelines. Judicial boards may employ "creative sanctioning" to increase the potential learning value for participants.

*Ombudsperson*. This term originates from the Swedish term "ombudsman." In the English language, the term is often modified as "ombudsperson" or "ombuds" office. A college or university ombudsperson is a designated neutral or impartial dispute resolution practitioner whose major function is to provide confidential and informal assistance to constituents of the university or college community (this may include students, staff, faculty and/or administrators). The ombudsperson role has a long and honorable tradition as a means of protecting against abuse, bias and other improper treatment or unfairness. Serving as a designated neutral, the ombudsperson is neither an advocate for any individual nor the organization, but rather, an advocate for fairness who acts as a source of information and referral, and aids in answering individual's questions, and assists in the resolution of concerns and critical situations. In considering any given instance or concern, the rights of all parties that might be

involved are taken into account. This office supplements, but does not replace, the university's existing resources for conflict resolution.

***Shared Decision Making*** In "shared decision making," representatives of affected parties and sectors of the institution, other organizations and the public (termed "stakeholders") work together with decision makers to develop policies or institutional strategies. These multi-party processes utilize impartial facilitators experienced in multi-party conflict resolution. These participatory (and often) public decision making processes differ from top-down administrative decision making processes, or decision-making by elected representatives. In this model of decision-making, decision-makers participate as stakeholders at the negotiating table. The legitimate authority of decision makers remains intact, but to the extent that consensus decisions of a representative group accommodate all stakeholder interests (including the interests of the decision maker), the decision will be irresistible to decision makers. The rationale for shared decision making is that high levels of stakeholder participation will result in better informed, more balanced, better accepted and more stable decisions.

***Community or Group Conferencing.*** A community or group conference is a forum that brings together the community of people affected by conflict. The number of participants in a conference tends to range from twelve to thirty. Participants generally deliberate for between three and five hours. The conference provides them with an opportunity to express, in a setting of safety and confidentiality, concerns that they have about relations and communication in their setting. Conferences are not primarily for solving problems, but for catalyzing processes of systemic change. Workplace conferencing can be used in cases of breached regulations, wrongful dismissal, malicious gossip, discrimination, harassment, abusive supervision or management, safety breaches, and inadequate management. See also "restorative justice."

***Public Dialogue***. This term refers to discussion processes that are carefully designed, convened and facilitated to promote constructive conversations and relationships among those who have differing values, world views, and perspectives about divisive public issues. Sometimes these processes are called "public dialogue" and sometimes "public conversations." These are not public debates, attempts to reach settlements or work out systemic changes, but public *conversations* with the goal of building an atmosphere of respectful dialogue and of respectful relationships among those who have opposing points of view about deeply contentious issues. Dialogue processes have been used for public discussion about issues such as abortion and race relations.

***Restorative Justice***. Restorative justice has been defined as a response to wrongdoing that emphasizes healing the wounds of victims, offenders and their communities caused or made manifest as a result of the offence. Some higher education institutions have been experimenting with restorative justice processes for issues related to student discipline, harassment or other matters. Practices and programs for restorative justice work to identify and take steps to repair harms done particularly to those who

have experienced injury of one form or another. They involve the offender and all those affected and sometimes broader segments of the community. Those most affected or involved have opportunities to participate in processes as fully as they wish. Programs and processes often associated with restorative justice include victim offender mediation, conferencing, circles, victim assistance, restorative assistance to offenders, restitution, and community service.

## Integrating the Various Conflict Handling Approaches

Systems designers often make a distinction between approaches that are based on the parties underlying interests, their rights according to some legal or community standard, or power, such as that exerted in strikes, lockouts and votes of no confidence. Conflict handling approaches focusing specifically on interests, rights, or power are believed to vary considerably in the degree of party satisfaction provided and their costs to the organization. When compared with rights-based methods such as arbitration or adjudication, interest-based methods (such as mediation) are considered better methods of dispute resolution because they result in lower transaction costs, greater satisfaction with outcomes, less strain on the parties relationship, and lower recurrence of disputes. In turn, rights-based approaches such as arbitration are thought to be less costly and more satisfying than many power-based approaches such as the strike or lockout or hostile takeover.

Based on this analysis, the most basic dispute systems design principle is to try and create a coordinated system that makes use of the various dispute-handling methods appropriately, based on their overall cost and likelihood of satisfying the parties. It is understood that before settling their conflict using an interest-based method such as negotiation or mediation, some parties may need or wish to assess how their rights stack up compared to the other party, or to assess how much power they have in comparison to the other party. Integrated systems gives disputing parties a low-cost way to get more information on the likelihood of winning a rights-based case or power-based struggle (looping forward), while keeping alive the possibility of going back to the bargaining table or back into mediation (looping back) to settle the dispute. The system should be designed to be flexible, resolving disputes at the lowest and least costly level possible based on the case and the parties' wishes.

## VI. Clarify Your Administrative Practices and Protocols

### A. At the Institutional Level

Institutions of higher education benefit from conflict management practices that are consistent with their visions and missions. In whatever manner and to the degree the institution manifests itself as open to academic freedom, discussion, debate and dissent, similar practices and protocols should guide the institution in cooperative disputing. Senior administrator(s) overseeing the conflict management processes should ensure that protocols and practices are established, publicized, and followed.

Institutional policies and practices that support and encourage constructive conflict engagement and management are needed to move college and university cultures toward a more "conflict-friendly" state. These practices may include:

- Enacting policy directives that support, encourage and endorse constructive expression of differences at early stages, before conflict escalates.
- Supporting broad and creative skill sharing and training on how to express and hear expressions of difference non-defensively.
- Reviewing current procedures that may serve to suppress or unnecessarily escalate expressions of difference.
- Demonstrating support for cooperative disputing by engaging in the process as a party when appropriate.

**B. At the Program and Practitioner Level**

Program personnel should keep in mind the fundamental principles and core values mentioned earlier when designing and implementing program elements. Administrative practices and protocols that require special attention include:

- Case development protocols that provide guidelines on how involved parties may be invited into various conflict management procedures.
- Standard intake procedures and processes for handling conflicts or disputes.
- Record keeping processes and document management practices.
- Checkpoints to avoid/eliminate conflict of interest.
- Integrated referral systems.
- Evaluation and feedback from users.
- Outreach to non-users.
- Maintenance of open channels of communication among individuals, groups, programs, systems and institutions, within the bounds of confidentiality.
- Fee-for-service protocols (in other words, practices such as sliding scale arrangements if fees will ever be levied for conflict resolution services).
- Office schedules and double checks by supervisors to ensure that each case is moving forward at a reasonable pace and avoiding excessive delays.

## VII. Engage in Ongoing Training and Professional Development

**A. At the Institutional Level**

Institutions of higher education are uniquely situated to create a culture of managing conflicts creatively through education, training and professional development efforts. Competent conflict management practice requires effective preparation and ongoing developmental training across the institution. Ongoing institutional support of such endeavors is critical and all too often neglected as budgets are developed and tasks are assigned. Resources for training and professional development activities should be made available for conflict management center staff, interested practitioners on campus, and to the larger university community.

The institution should take into account the following:

- Cross communication between "natural" academic and administrative peacemakers (i.e., those to whom people tend to go informally with various personal and institutional concerns) and any professional conflict managers on campus (i.e., those who have conflict handling as a formal part of their regular job description) is important and will require creativity and discretion by involved participants.
- Development of an institution-wide knowledge of methods for managing conflict and a network for sharing of resources, skills, and experience is important and takes time to develop.
- Time taken to gain knowledge and training in conflict management skills should be approved/endorsed for administrators, staff, faculty, and department chairs who choose to take advantage of learning opportunities.
- Funding initiatives for training and professional development should be ongoing to help address turnover and to increase diffusion of knowledge within the institution.

**B. At the Program and Practitioner Level**

Effective conflict management incorporates prevention efforts, ongoing management of conflict, and training programs designed to achieve these goals. Practice and training should be based on an appropriate theoretical foundation and have built-in evaluation and assessment procedures. Training and professional development often occurs at both the program and individual practitioner level.

Prevention efforts may include:

- Shorter, broad-based workshops for various groups across the campus aimed at pre-conflict situations, such as "Getting along with Your Roommate" or "Handling Conflict in the Workplace".
- Workshops and training in interpersonal communication or constructive negotiation.
- Dissemination of flyers, posters, and other marketing pieces with relevant messages for all constituencies.
- Preparation of handouts including tip sheets, bibliographies, useful internet resources and websites, relevant campus contacts, etc.
- Providing conflict management assistance in a variety of situations and settings such as town meetings, dialogue sessions, staff meetings, etc.
- Availability of resources materials (books, brochures, videos, training materials) to the wider campus community.
- Public conversations and/or diversity workshops which help build community and fight prejudice.

Training efforts may include:

- Thorough training for all personnel who will be responsible for intervening in disputes by use of mediation, facilitation, coaching etc. At a minimum the training should include familiarization with the fundamental principles and core values, active listening and other skills needed for the particular type of intervention. The basic training in mediation, for example, typically takes 30 to 50 hours. Ongoing screening, selection, preparation, role-play practice, and verification of competence are all essential components.
- Training and support for self-reflection among informal conflict interveners.
- Experiential learning via role-plays or simulations, mentoring, working with experienced practitioners, and internships or apprenticeships.
- On-going or in-service trainings, which are important to deepen understanding and keep skills sharp. Such continuing education may take various forms, e.g., all-day sessions once a semester or two-hour sessions once a month.

Professional development may include:

- Participation in professional organizations and attendance at conferences.
- Feedback for both the trainee and trainer.
- Support groups for interveners.
- Support for related reading in the field in the form of time and resources.
- Advanced-level training opportunities.

## VIII. Connect with Service Learning, Theory-building and Academic Conflict Studies Programs

### A. At the Institutional Level

The concept of the "engaged university" has received widespread acceptance as an important key aspiration for institutions of higher education. A key component of this approach is Service Learning, wherein students provide important social services during the course of their studies, with academic support provided for reflection, integration of knowledge and the application of theory. Conflict intervention and prevention work provide particularly valuable opportunities for students to learn about social issues and develop important new skills.

One of the fastest growing areas of new scholarship within higher education is an area that is commonly referred to as Conflict Studies. Since 1981 the Consortium on Peace Research, Education and Development (which has now merged with the Peace Studies Association to form the Peace and Justice Studies Association) has published a directory of peace and conflict studies programs[10] approximately every five years. The listing includes programs, certificates and concentrations at both the undergraduate and graduate level. The total number of programs has more than doubled every five years since 1990, moving from 31 known programs in the U.S. in 1981 to 590 known programs in the year

2000. This scholarship appears in many guises and with many different institutional formations and may not always be an independent department or degree.

Campuses that support both the scholarly study of conflict as well as effective practices for conflict management provide an integrated and mutually reinforcing system that benefits both the campus and the broader academic and practice fields. Students, staff, and faculty who are able to combine theory and practice can bring key knowledge to bear in challenging situations and over time can change the conflict resolution culture for future generations who follow in their footsteps.

In addition, collaboration between conflict management service programs and academic departments creates opportunities that are mutually beneficial. Academics need to publish and often may have access to resources (money, expertise, and research teams) that can support desirable programmatic research on outcomes, client movement and satisfaction, training effectiveness etc. Potential collaboration examples include practicum opportunities for conflict studies students, provision of academic credit for training programs, and building opportunities for student and academic research into the workings of service programs. These kind of initiatives should be supported at the institutional level.

**B. At the Program and Practitioner Level**

It is recognized that conflict management initiatives benefit from strong connections between theory, practice, and service. Conflict management service entities should strive to conduct internal research to improve their own practice, and when appropriate share these findings to help others improve as well. Entities can serve both their home campus and the broader field by providing quality training and training tools at reasonable cost, by maintaining learning opportunities via mentorship and internships, and by providing topical seminars locally and at regional and national conferences. Projects should seek out opportunities for local and regional collaboration, and adopt the "Guidelines for Practice in Higher Education" across all conflict management systems as it applies.

Useful service to the broad conflict studies field includes but is not limited to:

- Institutional and program collaborations.
- Sharing of resources and research.
- Membership in and service to local and national organizations.
- Reflective research and practice made available to others.
- Mentorships and internships.

**IX. Stay Vital and Relevant Through Evaluation and Continuous Improvement**

**A. At the Institutional Level**

Evaluation is often not a high priority for the people facing the complexities of setting up and maintaining a campus conflict resolution service or training program. New initiatives are frequently understaffed and under resourced, making it difficult to implement a well-designed evaluation or research initiative. However the emergent field of conflict resolution within higher education will only truly mature to the extent that we study and then share evaluation and assessment findings.

Institutions that find ways to actively support research as a basic part of their conflict management system will help move both themselves, and the broader field of conflict resolution, forward. This will require allocation of appropriate resources and a willingness to grapple with important questions of maintaining confidentiality of data while gathering systemic information useful for change and improvement.

Continuous improvement is an ongoing process that requires rigorous collection of data, analysis and action. The following are some starting points for effective institutional conflict management systems evaluation:

- Campus-wide climate assessments exploring issues of morale, perceptions of safety, community engagement, etc.
- Standardized methods of case reporting.
- Various intake points may be coupled with a centralized reporting station where program reports can be received and broader patterns identified.
- Feedback loops to professional development and institutional planning and budgeting mechanisms.
- Reports to appropriate faculty and administrators identifying conflict patterns, systemic trends, and structural problems.

**B. At the Program and Practitioner Level**

Evaluation research can be considered one of the ethical responsibilities of competent mediation service providers. The responsibility lies on the institution, program, and individual practitioners to evaluate and refine their conflict management practices and assist other instititions and programs through reporting or publishing. The following are suggested methods and areas for evaluation:

- Ongoing evaluation of program processes and practices.
- Evaluation of conflict parties' experiences with the service.
- Case characteristics reporting.
- Development of target learning outcomes for practitioners and participants that can be assessed.
- Mediator self-assessment.
- Formal evaluations of professional and volunteer staff.
- Feedback gathered from other offices and programs.
- Evaluation of trainings.

- Evaluation of where and who are not using the services and investigating/surveying why.
- Workshop/seminar evaluations.
- Feedback loops supporting planning and professional development.
- Annual formal program evaluation.

More information and a set pf specialized tools for campus conflict management program evaluation are available online via the Campus Conflict Resolution Resources website. See http://www.campus-adr.org/CR_Services_Cntr/Evaluation_Tools/toc.html

## Concluding Thoughts

Perhaps the best gift conflict management systems in higher education have to offer educators is a model for promoting individuals' capacities and responsibilities for making decisions about their lives; for building a sense of community; for fostering mutual respect and cooperation; and for developing the use of understanding and fairness rather than power as a basis for resolving conflicts and disputes. These are skills everyone needs in addressing the complexity of our individual and collective lives. Institutions that adopt these guidelines should be well on their way to creating adaptive, conflict-friendly institutions that bring out the best of the people within them.

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# * Guidelines Committee:

Email: guidelinesteam@campus-adr.org

**Bill Warters**, Project Director & Co-Editor, Wayne State University director@campus-adr.org

**Wendy J. Smith**, Guidelines Co-Editor, Office for Student Conflict Resolution, Univ. of Illinois at Urbana-Champaign

**David Chandler**, Program on Conflict Resolution, Univ. of Hawaii at Manoa

**Karen Cross**, Program on Conflict Resolution, Univ. of Hawaii at Manoa

**Gay Douglas**, Dean of Students Office, Univ. of Connecticut

**Tom Fiutak**, Hubert Humphrey Institute for Public Affairs, Univ. of Minnesota – Twin Cities

**Jacquie Gibson**, The Collaboration Institute, Missoula, Montana

**Tim Griffin**, Office of the Ombudsman, Northern Illinois University

**Tuesday S. Hambric**, Ombudsperson/Faculty, North Lake College, Dallas County Community College District

**Linda Hendrikson**, Conflict Resolution Center, Univ. of North Dakota

**Janet Holdsworth**, Postsecondary Education Policy Studies, Univ. of Minnesota

**Lin Inlow**, Consortium on Negotiation and Conflict Resolution, Georgia State University

**Richard Justice**, Office for Student Conflict Resolution, Univ. of Illinois at Urbana-Champaign

**Catherine Morris**, Peacemakers Trust, Canada; Associate, Institute for Dispute Resolution, Univ. of Victoria.

**Carol Orme-Johnson**, Student Conflict Resolution and Discipline, Massachusetts Institute of Technology

**Jennifer Schulz**, Faculty of Law, Univ. of Toronto

**Susan Trageser**, Office of Student Conduct, North Carolina State Univ.

*Not Present at April 2002 Drafting Session but contributing:*

**Loretta Harper**, Human Resources, Univ. of Utah.

**Maria Volpe**, Dispute Resolution Consortium, John Jay College of Criminal Justice-CUNY

**Leah Wing**, Campus Mediation and Negotiation Team, Univ. of Massachusetts at Amherst.

# Appendix

## *Resources*

**Note: Documents are listed here for reference purposes only. Inclusion in this Appendix does not imply endorsement of the documents by the Guidelines Committee, nor does it suggest that they will have direct applicability to the higher education context. This Appendix will be subject to occasional revision. Recommendations for items to appear in the next revision may be sent to the attention of: director@campus-adr.org**

**Conflict Management Program Design**

Warters, William C. *Mediation in the Campus Community: Designing and Managing Effective Programs* San Francisco: Jossey-Bass, 1999.

Broderick, Melissa and Carroll, Ben, Eds. *Community Mediation Center Self Assessment Manual*. Washington, DC, National Association for Community Mediation

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SPIDR ADR in the Workplace Track I Committee. *Guidelines For The Design Of Integrated Conflict Management Systems Within Organizations.* Association for Conflict Resolution, 2000

**Standards of Competency and Ethics of Mediators and ADR programs**

Americans with Disabilities Act (ADA) Mediation Guidelines.
*www.cardozo.yu.edu/cojcr/final_site/ADA_guidelines/guidelines.html*

Association for Conflict Resolution (ACR) Ethical Standards of Professional Responsibility.
*http://www.acrchicago.org/level2/standards.html*

Association for Conflict Resolution (ACR) Guidelines for the Design of Integrated Conflict Management Systems within Organizations.
*www.acresolution.org/research.nsf/articles/B4F078D078A4566385256A490049FD9D*

Association for Conflict Resolution (ACR) Guidelines for Voluntary Mediation Programs Instituted by Agencies Charged with Enforcing Workplace Rights
*www.acresolution.org/research.nsf/key/guideadleretal*

Center for Dispute Settlement, and The Institute for Judicial Administration. National Standards for Court-Connected Mediation Programs. 1992.

CPR Institute for Dispute Resolution, New York, NY, USA. Principles for ADR Provider Organizations. Draft For Comment (June 2000) *www.cpradr.org/providerprinciples.htm*

Model Standards of Practice for Mediators of the ABA, SPIDR and AAA.
*www.directionservice.org/cadre/resources/spidrstd.htm*

**Standards for Ombuds Offices**

University and College Ombudsman Association (UCOA) UCOA Standards of Practice.
*http://www.ucoa.org/doc_sop_prospective.html*

American Bar Association. Standards for the Establishment and Operation of Ombudsman Office, Dispute Resolution Section, and Administrative Law and Regulatory Practice Section, to be presented to ABA House of Delegates for adoption July 11, 2000. *www.abanet.org/adminlaw/ombuds/home.html*

The Ombudsman Association Code of Ethics and Standards of Practice *http://www.ombuds-toa.org/code_of_ethics.htm*

United States Ombudsman Association (USOA) Model Ombudsman Act for State Governments
*www.usombudsman.org/References/modelombudact.htm*

United States Ombudsman Association (USOA) Public Sector Ombudsman
*www.usombudsman.org/References/publicsectorombudsman.htm*

United Nations General Assembly. National institutions for the promotion and protection of human rights ("Paris Principles") General Assembly Resolution A/RES/48/134 20 December 1993 (with 1991 "Paris Principles" annexed.) *gopher://gopher.un.org/00/ga/recs/48/134*

**Standards of Administrative Fairness for Institutions**

Ombudsman of British Columbia. Administrative Fairness Checklist
*www.ombd.gov.bc.ca/about_ombudsman/fairness_checklist.html*

**Standards for Mediation Education and Training**

British Columbia Mediator Roster Society, B.C. Canada Criteria for Assessment of Courses in Mediation and Conflict Resolution *www.mediator-roster.bc.ca/Criteria_Course_fulltext.pdf*

**Standards for School Mediation**

Association for Conflict Resolution (ACR). Conflict Resolution Education Network (CREnet)-Recommended Standards for School Based-Mediation Programs
*www.acresolution.org/research.nsf/key/PMStandards1996*

Recommended Guidelines for Effective Conflict Resolution Education Programs in K-12 Classrooms, Schools and School Districts (Developed by ACR CRE Guidelines Committee, approved by ACR Board of Directors, August 2002)
*www.acresolution.org/research.nsf/key/REP-CREGuidelines2002*