

Collegiate Mediation Programs: A Critical Review by Colin Rule

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Mediation programs in university and college communities are spreading rapidly. While an accurate count is difficult to obtain, hundreds of universities and colleges in North America have created mediation programs as a response to escalating on-campus conflict. As success stories describing the benefits of mediation programs continue to spread it is likely that more and more campuses will explore and implement such programs.

Mediation has much to offer as a compliment to traditional disciplinary procedures in university and college settings. Mirroring the judicial system in wider society, a reliance on formal, adjudicatory procedures can encourage adversarial relationships between administrations and students that can be destructive in the long term. Instead of a punishment model, mediation encourages solutions that preserve relationships, encourages ownership of results, and allows campus communities to face issues in a constructive manner.

Most university and college mediation programs use a mediation model almost identical to that of community mediation programs -- an outside mediator intervenes in an interpersonal conflict to help the individual disputants communicate about a difficult situation and come up with a better way to handle the dispute. There are one or two meetings with the mediator where a specific process is used to help refocus the dispute, and the parties make personal agreements

to stick to the result of the mediation. In a community program, the disputants are often neighbors or friends fighting over issues like noise or yard space. In a college or university program, the disputants are often roommates, co-leaders of campus groups, or acquaintances fighting over interpersonal issues. The models and procedures are very similar in both situations.

A central criticism of community programs is that they personalize disputes to the exclusion of broader issues. If two neighbors are fighting over yard space, for instance, mediation encourages them to see the fight as being based on their individual issues and needs; the real issue might be that the zoning laws are unfair and they should direct their anger towards the city to change the laws. Through personalizing disputes, mediation can blind people to the real source of their problems by focusing attention exclusively on the individual aspects.

A second and more significant criticism of mediation is that it can lead to social control. By personalizing problems to the individual level, mediation works against people getting angry and using that anger to effect systemic change. This effect of dispute resolution programs means that governments might try to abuse mediation and dispute resolution procedures to convince people that their circumstances are acceptable and to prevent meaningful social change from occurring.

While campus and community settings do differ from each other, the concerns raised by critics of community dispute resolution programs are particularly meaningful in the context of college and university programs. Instead of neighbor disputes, the focus in collegiate programs is primarily on student disputes. For example, a black student and a white student are roommates during their first year. They have a difficult first month and then end up in a

mediation session. After talking the situation out, the students personalize the issues to who turns on the stereo when and who takes out the trash, and the two of them come up with an agreement on those narrow issues that seems to solve the problem. But broader issues raised by their dispute go unaddressed: the feelings among other students in their dormitory, anger and bias held by friends, and community-wide issues dealing with race and ethnicity.

Administrators are often far more focused on preserving the stability of their institutions than on the need for social change within them. Administrations want to keep the institution's difficulties private, even if public airing is needed to bring about meaningful systemic change. As college communities face difficult issues such as race and gender, administration controlled mediation programs risk becoming a tool for the control of conflict rather than a meaningful way for the issues to be confronted by the community. Since administrations often fund mediation programs, pay mediators' salaries, and often have the right to mandate mediation as a required step in college processes, their control over the programs can be absolute.

So, if mediation programs in higher education settings are particularly vulnerable to risks of abuse by administrations seeking social control, what can be done to counter this? Some suggestions include, greater student participation in mediation programs (both in as mediators and directors), new interpretations of what roles mediation can play in communities (such as large group facilitations), and making connections between mediation programs and discussions of social change to help redefine mediation in a way that is more applicable to university and college settings. In any event, the first step is to begin asking the question, how can campus mediation win the support of its host institution while

preserving and enhancing the integrity of its goals and processes as they relate to broader social and systemic issues?

NAME's Committee on Higher Education is an important step in this direction. In the past, newly created collegiate mediation programs found few opportunities to learn from the experiences of longer established programs. Indeed, new campus mediation groups were forced to reinvent the wheel many times over because lessons previously learned by other campus programs were undocumented and inaccessible. The NAME Committee will become the framework for research and communication between these programs, facilitating better communication and providing information to organizations that need it.

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