Evaluating Your Campus Mediation Program:

Reconceptualizing Student Dispute Resolution

Within Appropriate Legal Parameters

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Program Outline

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How is Mediation Being Used in Higher Education?

CAMPUS MEDIATION RESOURCES

Making the Case for Campus Mediation

by Bill Warters

(Originally published in **The Fourth R**, Vol. 55, Feb/March 1995)

Organizers of college and university mediation programs commonly face the task of having to "sell" the concept of mediation services to reluctant administrators. In this article, I briefly present a range of rationales that I have used with some success to make the case for campus mediation. As each campus setting is different, program developers will have to pick and choose among these strategies based on their situation and the style and personality of the particular administrators with whom they are dealing.

Unique Aspects of the College and University Environment

It is important to begin with some understanding of the unique aspects of higher education settings. Analysts of higher ed have long pointed out that colleges and universities are complex organizations that are different in major respects from industrial organizations, government bureaus, and business firms. For instance, Baldridge (Baldridge, et al., 1977) has argued that in comparison to other more "rational-purposive" organizations, colleges and universities must grapple with the following:

> **1)** They rarely have a single clearly articulated mission and thus suffer from goal ambiguity, and must therefore build decision processes that can grapple with a higher degree of uncertainty and conflict;
> **2)** They are "people processing" institutions that serve clients who typically demand a voice in the decision-making processes;
> **3)** They have a problematic technology, for in order to serve clients (who are primarily students) their technology must be holistic and adaptable to a wide range of individual needs;
> **4)** They are professionalized organizations in which employees demand a large measure of control over institutional decision processes;
> **5)** They are becoming increasingly vulnerable to external political, economic, and demographic pressures that make internal decision making more difficult.

These and other similar characteristics have led higher education theorists to describe universities as "organized anarchies" and "loosely coupled systems (Weick, 1976). By providing a service that works to bridge the gaps between different campus domains, campus mediation centers that work with all sectors of the campus community can help "re-weave" and strengthen a college's "loosely coupled" system in ways that will reduce destructive conflict. A well-nourished mediation program play a key boundary-spanning role in an effectively administered university. And because universities are people-processing institutions that require flexibility, they can benefit from a mediation service that is equipped to respond to the inevitable exceptions that arise from ongoing attempts to standardize procedures.

There are a variety of good arguments for why campuses are conducive settings for mediation. Some of them include:

1) Campuses create a definable community with clear boundaries and shared social norms. This situation is similar in an unusual way to the tribal and agrarian settings where mediation was first "discovered" and studied by anthropologists in the 1950's and 60's. Simply leaving the community or ignoring the other party as a means to resolve conflict does not come as easily on college campuses as in some other settings, and thus mediation makes sense.

2) Campuses typically include some very close quarters for both student residents and staff. This almost invariably creates numerous situations wherein a high density of people, often from very diverse backgrounds (urban/rural, rich/poor, etc.), are required to interact frequently and interdependently (as roommates, officemates, classmates, etc.), thereby creating both conflict situations and the need to resolve them productively.

3) There is a great diversity of relatively strong "subcultures" that co-exist on any particular campus. This leads to powerful differences of perception, opinion, and lifestyle, which are common sources of conflict. As Peterson and Spencer, in their article "Understanding Academic Culture and Climate", remind us,
"The literature on differing perceptions of administrators, faculty, and students and on the differences among disciplines and professions is extensive. Sensitivity to the potential existence of subcultures and subclimates is important for anyone doing (work) in this arena." (p 16)
The existance of these strong subcultures make campuses unique "conflict laboratories" where individuals with great perceptual and value-based differences must coexist in an environment that clings to overarching norms of collegiality and reasoned persuasion.

4) Increasingly, the campus setting provides mediation program planners with a range of in-house "conflict resolution experts" who have practical and/or theoretical experience with various aspects of dispute resolution. These people can be seen as allies and program architects. Asking around at the Business School, Law School, Schools of Social Work or Teacher Education, Peace Studies Programs, the Ombudsperson's Offices, Residential Life Offices, etc. can often lead to a surprising number of people touched by the ADR movement, and those who have extensive experience resolving campus disputes informally.

5) Finally, it appears that a certain level of "cultural saturation" is occurring around the ideas espoused by the mediation movement. The popular press has made people more aware of mediation and negotiation as viable options. Local community mediation centers have proven themselves, and more and more elementary schools, junior highs, and highschools are turning out students who have had direct experience with mediation/conflict resolution programs or curriculum before coming to college. These highschool graduates not only bring conflict management skills to their new campus, they also bring expectations about how their chosen institutions will manage and respond to conflict. While there is still a decided lack of programs at the community college level, work has begun there as well. These educational innovations at other levels are now beginning to bear fruit at the collegiate level.

The Administrative Effectiveness Argument

As Girard, Townley and Rifkin (1985) and others point out, there are many administrative concerns that potentially can be addressed by mediation programs. From the point of view of an administrator, mediation may be useful for the following reasons.

1) Internal, low-level resolution of disputes is clearly preferred to more costly options such as litigation, internal upheaval, or bad publicity. MIT ombudsperson Mary Rowe also argues that staff members in

conflict actually prefer a multiple-option approach to dispute resolution that includes the option of an informal response.

2) During times of decreasing college enrollments and smaller pools of college-bound highschool students, concern among college decision-makers about retention of students increases. Mediation is another tool that can assist administrators and staff in keeping those students who do opt to come to their campus from leaving due to unresolved or painful conflict experiences.

3) Mediation can support the educational goals of the organization while still addressing breeches of the social contract. Disputants often learn important lessons from conflicts that are handled appropriately.

4) Management studies have found that between 25-30% of the typical managers time is spent responding to conflict. (see Dana, 1984) The more that disputes can resolved at a low-level, the less administrative time must be spent arbitrating the myriad of disputes that arise among both staff and students.

5) Mediation can help maintain good relationships among individuals and groups on campus and between the institution and the local community. This is an important goal for most campus administrators, as it makes their jobs easier in the long run.

Theories of Effective Campus Leadership

There are concepts of leadership in the field of higher education that can also be used to argue for the value of mediation. For instance, researchers Cameron and Whetton (Cameron, & Whetton, 1985) have outlined eight tenets that they see as essential for administrative effectiveness in higher education that fit well with a mediation approach. I would suggest that campus mediation services can play a helpful role in all eight areas. Cameron and Whetton argue that effective college administrators must:

1) Place emphasis on process <u>and</u> outcome;
2) Have low fear of failure, and willingness to take risks;
3) Nurture the support of strategic constituencies;
4) Not immediately succumb to the tyranny of "legitimate demands;"
5) Leave a distinctive imprint;
6) Error in favor of over-communication, especially in times of flux;
7) Respect the power of organizational cultures; and
8) Preserve and highlight sources of opportunity at the institution.

Campus administrators who buy into these ideas should embrace rather than fear the introduction of mediation programs on their campuses, as well-developed programs can help them achieve their overall goals more effectively, and provide a "safety net" to support other innovative efforts.

The Student Satisfaction Argument

Students remain the primary "customer" on campuses, and it is useful to point out that mediation can help maintain student (i.e., customer) satisfaction. From student's point of view the option of using mediation can be important because:

1) students don't want to have to "turn in" or "bust" others in order to address problems;

2) students appreciate services that can address both off-campus as well as on-campus life, and they appreciate tangible support in resolving disputes;

3) "small" problems can get addressed, instead of falling through the bureaucratic cracks;

4) mediation can help prevent escalation and prolongation of conflict that disrupt their social and academic life;

5) students enjoy and benefit from the learning opportunities provided through training as a volunteer or intern at a center;

6) mediation provides students with a new way to approach each other and deal with disputes. This can mean a second chance for friendships that might otherwise have been lost due to the negative effects that conflicts can have on emerging relationships;

7) mediation provides another tool for dealing with conflicts with roommates and club members from very diverse backgrounds and lifestyles.

In many cases students have been the most vocal supporters of programs. Several programs are being run as student collectives. As more and more students come out of highschools that have mediation programs, student support and interest in campus mediation is very likely to increase.

The Fostering Positive Values Argument

Another compelling argument for campus mediation is that it provides a mechanism to help instill and support certain values within the community. Drawing on the experience of neighborhood-based programs such as San Francisco Community Boards, campus-based mediation/dispute resolution systems have the potential to provide strong community building function, one that can respond to people's interest in performing significant "civic" work at the campus or community level. The volunteer mediators and advisory board members of a center, for example, are given the opportunity to work collaboratively with others who may be quite different from themselves, building a community cohesiveness that is based on common work and experience. At the Campus Mediation Program I directed at Syracuse University, faculty, graduate students, undergraduates, administrators, and staff members from many different areas of campus life went through mediation training together, and built relationships at a level that did not exist before. Through this process common norms and values were established and promoted -- values such as equality, appreciation of differences, cooperation, and nonviolence. Some important values that can be articulated and supported by a campus mediation center include the following:

1) Conflicts are a part of campus life, and they have value when they are understood.

2) The peaceful expression of conflict within the community is a postive value. It can help prevent damaging and costly conflict escalation.

3) Sharing the responsibility for conflict resolution more equally between those experiencing the conflict and the institution at which it occurs is a valuable teaching tool that builds responsibility and accountability. It provides a hedge against people's tendency to want to "give away" their conflict to someone else to handle.

4) The modeling provided by people who voluntary and nonviolently resolve conflict can build and reinforce community norms.

5) Developing and nurturing diversity and tolerance for differences is essential for campus survival. Mediation provides a good vehicle for working through differences in a respectful manner.

Areas for Further Development

Arguments as to how mediation can address the perspectives and concerns of faculty and unionized and non-unionized staff on campus is largely missing from the above discussion. Programs addressing conflicts within and between these groups have been slower to develop, due in part to faculty's focus on autonomy, and to the reticence of human resource personnel (and union-leaders on unionized campuses) to modify their existing conflict resolution and grievance-handling systems. Another important campus constituency left out of this discussion are the campus attorneys and legal services staff. Only recently have their national organizations begun to explore the possible utility of mediation. Developing the case for mediation for these groups should be high on our collective agenda.

Finally, we might also begin to share ideas and perspectives on the different rationales for promoting campus mediation more effectively. What success have others had in petitioning for conflict resolution programs at their institutions? For people who have tried the arguments suggested in this article, what have been the results? It may also be worthwhile to begin to explore and compile arguments used against campus mediation as well as those used in its support. It is clear that there is much to do besides argue the case for campus mediation. We must continue to develop and refine the way mediation centers are run and the way that conflict resolution is practiced within higher education. We must also improve and refine our methods for evaluating campus mediation work, measuring less tangible variables such as the impact of conflict resolution programs on campus "culture." With improvements such as these, it is possible that the arguments in support of the improved management of conflict in higher education will become increasingly self-evident.

At the time this article was written, Bill Warters was the Director of the PhD program in Dispute Resolution at Nova Southeastern University. Dr. Warters was also the Chair of the National Association for Mediation in Education's (NAME) Higher Education Committee.

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CAMPUS MEDIATION RESOURCES
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- Association for Student Judicial Affairs Resolution on Mediation
- Sample University System Resolution Supporting ADR
- Sample Faculty Senate Resolution Supporting Mediation
- Resolution Supporting Conflict Resolution at Community Colleges

● Program Development Assistance

- CCRNet (Campus Conflict Resolution Network) Listserv (subscribe to receive mail)
  Conflict Management in Higher Education Report

  Register Here to Subscribe to the bi-monthly ***Report***

- Campus Mediation Program Planning Guide (by Bill Warters)
- **Calendar** of Campus Conflict Resolution Workshops, Seminars and Trainings
- Technical Assistance Manuals (available by mail)
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        - Examples of Campus Conflict Resolution Projects Funded by FIPSE
        - Institutional Improvement Resources (from ERIC Higher Ed Clearinghouse)
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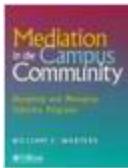
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- [Edited Volume on Campus Conflict Management by Anker Press](#)
- [Campus Conflict Resolution Using Town Meetings (Info)](#)
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● Information on Campus Mediation Programs Across North America

- **[Campus Mediation Web Sites (links)](#)** `UPDATED`
- [Rough Listing of Campus Mediation Centers](#)
- [Campus Mediation Centres in Canada](#)
- [Online Campus Conflict Management Program Survey Results](#)

    - [Survey Results](#) (also available by mail)

- **[Please Register Your Program Today!](#)** (help us keep more accurate records)

● Bibliographies/Online Articles

- [Bibliography on Dispute Resolution in Higher Education (Version 4.0)](#)
- [CONFLICT MANAGEMENT in HIGHER EDUCATION REPORT](#) (a new bi-monthly periodical)
- **[Online Articles Related to Campus Dispute Resolution](#)** (LOTS!)
- [Conference Proceedings](#) from *Reflective Practice in Institutionalizing Conflict Resolution in Higher Education* now available
- [Abstracts of Dissertations and Theses on Campus Conflict](#)
- [Results of Delphi Study on Graduate Studies in Dispute Resolution](#)
- [Bibliography Specifically on University Ombudsing](#) (put together by UCOA)
- [Brief Bibliography on Student Discipline and Judicial Affairs](#)
- [The Alternative Newsletter:](#) A Resource Newsletter on DR (with extensive calendar, book reviews)
- [Good General Bibliography on Alternative Dispute Resolution](#)
- [Essential Readings in ADR](#)
- [List of Best Books in Peace Education](#)
- [ERIC Higher Education Clearinghouse](#)
- [Collective Bargaining in Higher Education](#) (an ERIC Crib Sheet)
- [Conflict Analysis and Resolution Internet Subject Guide](#) (GMU Library)
- [Indiana Conflict Resolution Institute Searchable Databases](#) (summaries of

ADR evaluation research)
- Conflict Resolution Research FAQ by Juliana Birkhoff

● Sample Documents Used by Campus Mediation Programs

- Making a Referral to Campus Mediation: Sample Guidelines for Residential Assistants
- Working in Groups Handout (Canisius College)
- Agreement to Mediate Form (Univ. of Michigan)
- Volunteer Student Mediator Policy example (North Central College)
- Mediation Training Manual (Kent State)
- National Network for Collaboration Training Manual
- Guide to Careers and Internships in Peace Studies (Hampshire College)
- Mediation Process Slide Show (University of Georgia)
- Veteran's Administration ADR and Mediation Documents (useful examples, design advice)
- Guidelines for Giving or Receiving Criticism Without Getting Hurt or Hurting Others (Warters)
- Crisis Communication Training Course online textbook (by William Arnold)
- Conflict Resolution Tips Sheet (Univ. of Pennsylvania)
- Conflict Checklist/Conflict Resolution Kit (Conflict Resolution Network)
- How To Prevent Conflicts From Becoming Antagonisms (Iowa State University Extension Service)
- Eliciting Resistance vs. Gaining Cooperation (in Your Mediation) (University of Colorado, Boulder)
- Roommate Conflict Advice (Carnegie Mellon University)
- Key Questions Before You Meet; Key Phrases for Problem-Solving Handouts (Ron Kelly)
- Using Temperament Sorters to Improve Negotiations (part of longer piece by L.K. Halverson)
- Anger Management Program Facilitator Guide (St. Francis X)
- Conflict Resolution Exercises for Freshman Focus Course (Bellarmine College)
- Tools for Managing and Resolving Conflict (University of Arizona)
- Graduate Student/Faculty Conflict Program Materials (Michigan State University)
- Conflict Resolution Style Questionnaire (Quinebaug Valley Community College)
- Mediator Checklist For Personality Factored Conflicts
- Online Peer Counseling Handbook (Carnegie Mellon University, see section on CR near end of document)
- Blank Strategic Planning Worksheets from *The Vision Retreat: A Participant's Workbook* (Burt Nanus)
- Resources for Meeting and Group Process (compiled by Rob Sandelin)
- Handbook on Using Formal Consensus Process (alternative to Roberts Rules) by C.T. Butler and Amy Rothstein
- Sample Annual Report from a Mediation Centre (Carleton University, Ottawa)

- Basic Case Intake Form (Medical College of Georgia)
- Critical Incidents Videotapes (UVic Learning and Teaching Centre)
- **Downloadable Conflict Resolution Training Packages** (Part 1 and Part 2)

●Examples of Faculty/Staff Conflict Resolution Policies

Colorado State University (Grievance Mediation policy)
- Evergreen College
- Georgia State University
- Medical College of Georgia
- University System of Missouri (Executive Order Supporting Mediation of Faculty and Staff Conflict)
- University of Georgia (Dispute Resolution Policy)
- Massachusetts Institute of Technology (Harassment Procedures)
- North Carolina State University (covers students as well as faculty and staff
- Rice University
- Southern Polytechnic State University
- UC San Diego
- University of Alabama
- University of Arizona Human Resources Information on Managing and Resolving Conflict
- University of New Mexico
- University of Wollongong (Australia)
- Faculty Guide to DR at Univ. of Washington
-     Faculty Senate Resolution Supporting Mediation (Stephen F. Austin State Univ.)   University of New England (Australia)

●Examples of Student Conflict Resolution Policies

- Student Conflict Resolution and Discipline at MIT
- Bates College (see Procedures for Resolving Alleged Misconduct)
- Susquehanna University (see Student Handbook -> Conflict Mediation)
- University of Memphis (Code of Student Conduct) (Articulates Mediation Option for Sexual Assaults)
- Penn State University (Grade Mediation and Arbitration Policy)
- University of Michigan (Code of Student Conduct)
- University of Montana (ADA Policy)
- University of Wisconsin - Milwaukee (Student Government Resolution)

●Links to Related Resources

- Broader List of ADR in Higher Education Web Sites (includes institutes, degree programs, etc.)
- Peace Studies, Conflict Resolution Grad Programs in U.S.A. (from gradschools.com)
- Conflict Resolution Academic Programs list (from Looksmart.com)

- [Conflict Resolution Information Project Web](#)
- [Conflict Resolution Center International](#)
- [List of Internet Search Tools for Conflict Resolvers](#)
- [Conflict Research Consortium](#) (major resource site at University of Colorado)
- [Conflict Resolution Theory Centers](#) (funded by Hewlett Foundation)
- [Listing of ADR Resource Organizations (with contact info)](#)
- [Internet Resources for Institutional Research](#)
- [Mediation Information and Resource Center](#)
- [Consortium for Alternative Dispute Resolution in Special Education](#) (CADRE)
- [Dept of Veteran's Affairs ADR and Mediation Resources](#) (lots of online documents!)
- [Dispute Systems Design Powerpoint Presentation](#) (Interagency ADR Working Group)

- [Alternative Dispute Resolution Resource Guidebook](#) (U.S. Office of Personnel Management)
- [Conflict Resolution Education: A Guide to Implementing Programs in Schools...](#) (Full-text Report)
- [ADR and Mediation Resources Website](#)
- [Guide For Implementing the Balanced and Restorative Justice Model](#) (OJJDP)
- [Promising Practices in Restorative Justice](#)
- [Campaign for Equity-Restorative Justice Website-Coming Soon!](#)
- [Reading List for Church-related Conflict Resolution](#) (Pepperdine)
- [Men's Violence Prevention Educational Resources](#) (includes some of Bill Warters' past work)
- [Sexual Assault Interactive Theatre Resources](#)
- [Men's Rape Prevention Project](#)

●Links to Related Organizations

- [Association for Student Judicial Affairs](#)
- [National Association for Community Mediation](#)
- [National Conference on Peacemaking and Conflict Resolution](#) (NCPCR)
- [Conflict Resolution in Education Network](#) (former National Association for Mediation in Education)
- [National Alliance for Education in Dispute Resolution](#) (Focus is on workplace disputes)
- [North Dakota Campus Violence Project](#)
- [Peace and Conflict Website](#) (Peace Studies Resources)
- [Online Ombuds Office](#)
- [Society for Professionals In Dispute Resolution (SPIDR)](#)
- [University and College Ombuds Association](#)
- [Links to Wide Range of Higher Education Associations](#)
- [World Academic Database](#) (info on Higher Ed systems worldwide from UNESCO)

●Law-Related Resources

- [American Bar Association Section of Dispute Resolution](#)
- [ABA Admin Law Section on Ombudsing](#) (good source of reference materials)
- [Association of American Law Schools (AALS) ADR Sector](#)
- [COUNSEL QUEST - an internet legal resource locator](#)
- [National Association of College and University Attorneys](#) (NACUA)

    - NACUA's [Litigation and Alternative Dispute Resolution Section](#)
    - NACUA's [Lawlinks page](#) (good for reference)

- [Primer on Higher Education Law](#)
- [Legal Issues in Student Advising Article Abstracts](#)

⬤ Resources on Campus Diversity Issues

- [Faculty Development Institute Application](#) for "Boundaries and Borderlands: The Search for Recognition and Community in America," July 13-23, 2000 (sponsored by AAC&U and Hewlett Foundation)
- [Website for Campus Week of Dialogue](#), October 4-8 1999
- [Fostering Intergroup Dialogue on Campus: Essential Ingredients](#)
- [Program on Intergroup Relations, Conflict and Community](#) (University of Michigan)
- [DiversityWeb Home Page](#)
- [ASJA Resolution on Hate Motivated Offenses](#)
- [National Conference on Peacemaking and Conflict Resolution](#) (NCPCR)
- [JB Intercultural Consulting Page](#) (developed by a mediator)
- [Excerpts](#) from **Conflict Resolution Across Cultures: From Talking it Out to Third Party Mediation** by Selma Myers and Barbara Filner
- [California Association of Human Relations Organizations Newsletter Archives](#)
- [ADA Mediation Standards](#) (from ADA Mediation Standards Work Group)
- [Key Bridge Foundation](#) (suppliers of mediators for Title II and Title III ADA complaints)
- [Example of University ADA Mediation Service](#) (Univ. of Montana)
- [Department of Justice ADA Mediation Program](#)
- [Online bibliography on Affirmative Action/Diversity](#)

Comments and questions about this site should be directed to [Bill Warters](#) (w.warters@wayne.edu). The online address for this site is http://www.mtds.wayne.edu/campus.htm.

Case Study #1

Bickel University is a private school of about 7,000 students located in an urban setting. For many years, the community and the university have been at odds as the university has bought up adjoining property and converted it to university business. In addition, a number of years ago, the University helped create a non-profit corporation that has purchased several apartment buildings that have been converted into student residences operated by the university. The University has a close relationship with the non-profit, but more recently the corporation's board has established its independence by refusing to respond to University requests regarding the operation of residences. Over the past several years, there has been an increase in neighborhood complaints with regard to disturbances created by the students. Over the past year, additional pressure has been applied to the university as two neighborhood associations have begun voicing their complaints to the city council and to the zoning commission. Most of the complaints about student conduct relate to loud parties, disorderly conduct, and property damage. The University has forwarded these complaints to staff at the apartments and written to the Board, but the non-profit has made it clear it is only a landlord and doesn't believe it has a responsibility to control what it terms "normal student horseplay and antics."

The position of the university has historically been that student behavior off campus is something regulated by the police, and will only be reviewed by the university is extreme instances (murder, rape, etc.). Because of the urban setting, the police are generally too preoccupied with more serious crimes and view the complaints about students as an annoyance. The neighborhood associations have accused the university of ignoring its moral obligation, and now threaten to block the development of a new power plant on campus. Because of the expansion that has taken place at the university, the power plant is viewed as critical to any further campus development.

The president of the university has asked the general counsel, the vice president for student affairs, the director of the student conduct office, and the associate vice president of governmental affairs (who deals with local government issues) to serve on a task force to solve the student disciplinary problem off campus. You are to find a solution that will assist the University in its goal of securing the power plant, but it must also not be such a departure from previous policy as to evoke serious student resentment.

Questions for Discussion

1.   What approach would you advocate that the university take? How should you go about developing such an approach?

2.   Could mediation be incorporated into this approach? If so, how?

3.   How would you go about developing/implementing mediation?

   a. Who would need to be involved?
   b. How would the program be administered?
   c. Who would serve as the mediators?
   d. Can you see any special problems or issues that might arise as a result of this approach?

4.   How would you prepare for mediation?

Case Study #2

Lake State University is a public college of over 14,000 students in a suburban setting. The students are drawn in from rural areas, affluent suburban areas, and the inner city.

In October, a female student (Jessica) files a complaint with the Office of Student conduct alleging that her ex-boyfriend (Bill), also a student at Lake State, is harassing her. Both students live on campus, though in separate buildings. Jessica alleges that Bill calls repeatedly and at all hours, and that he routinely follows her across campus. Jessica tells the student conduct officer that she does not want him to get into trouble, but just wants the behavior to stop. The student conduct officer asks her if she would like to file a police report, and she declines. She reiterates that she does not want any formal action…she simply wants to be left alone.

The student conduct officer calls in Bill and informs him of the complaint. Bill is shocked at the allegations, and asserts that she calls him on a regular basis and occasionally still spends nights in his room. He acknowledges seeing her regularly on campus, but notes they are in the same major and often in the same building. Bill does not know what is motivating her complaint, and now contemplates a charge of harassment against her.

The student conduct officer then meets again with Jessica. She denies that she has made any attempt to contact Bill, though she also acknowledges that there were a couple of attempts to get back together after they broke up last month. Jessica is willing to file disciplinary charges to get him to leave her alone, but it is not something that she is comfortable with. The student conduct officer is hesitant to send this case to a formal adjudication, as this is only likely to increase hostilities between the two.

Questions for Discussion

1. Is this case suitable for mediation? Why or why not?

2. Assuming mediation is offered, how could the students be encouraged to utilize this process?

3. Jessica tells you that, after talking with her mother and father, they have convinced her that they should be allowed to attend and participate in the mediation with her. How should you respond?

4. Assuming an agreement can be reached between Bill and Jessica, should the university attempt to enforce the agreement?

5. Assume that mediation is offered and an agreement is not reached, what would you advise each party to do?

6. In an instance where neither party wishes to pursue criminal charges but asks the university to intervene, what is the responsibility of the university? Does the mediation process assist or detract from the university's ability to meet its obligations?

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