# APPENDIX: CONFLICT MANAGEMENT MODELS

## ADJUDICATIVE MODELS

The formal grievance procedure:

Most campuses formally recognize only one dispute processing mechanism, a formal grievance procedure. Although informal resolution by the student is usually encouraged on these campuses, the first step beyond informal, student-initiated attempts at resolution is formal adjudication.

### *Portland State University*

> While trying to institute mediation services for informal disputes at the university, the legal services office of Portland State University is still based on an adjudicative model of conflict resolution. The director of legal services reports to the judicial officer on campus. There is also an independent ombuds office on campus that reports to the president's office. The ombuds office and legal services office do not work together. Students who come into the legal services office on campus explain their situation and then the legal services staff strategize with the student about their options. Although the school's grievance procedures do not explicitly call for mediation, the director of legal services does suggest for appropriate cases. It is quasi-mediation in most cases. The director of the office is trained in mediation and she also maintains a list of volunteer mediators on campus, both students and faculty, who are willing to mediate for them. However, in most cases, she is acting as a facilitator in the dispute to assist negotiations. They also mediate disputes between students and off-campus entities, such as landlord-tenant disputes. Occasionally, they intervene in student-faculty disagreements. There is no mediation service available within the residence halls, which house only a small percentage of the student population because PSU began as a commuter school.

### *Siena College (New York)*

> This small private school has a grievance procedure for harassment and discrimination cases. All cases are dealt with according to a procedure set forth in their Human Rights Policy, which provides options for students filing a complaint in this area. Individuals who believe that they have been harassed or discriminated against have the right to bring the matter to the attention of any member of the Human Rights Committee. This discussion is confidential, and does not commit complainants to any further course of action. The Hyman Rights Committee Member explains available options to the complainant. If he/she chooses to use these procedures, a formal complaint is filed. The complainant may opt for mediation, but the respondent must, of course, agree to it also. If both parties do not wish to take part in mediation, or if mediation is unsuccessful, a formal hearing is held. (There are ½ dozen faculty and staff trained as mediators on campus to mediate issues of sexual and racial harassment.) In a formal hearing, a hearing panel decides what course of action should be taken. If the sanction imposed by the panel includes suspension or dismissal, the respondent will be given an opportunity to appeal to the president. The president's decision is final, except in the case of a faculty member, who has recourse to the grievance procedures outlined in the Faculty Handbook.

## THE CONCILIATORY MODEL

# APPENDIX: CONFLICT MANAGEMENT MODELS

Mediation is a conciliatory model of dispute resolution in which the parties in dispute turn to a neutral third person to listen to their concerns and facilitate communication between them. The neutral mediator assists the parties in identifying interests and needs and then guides the parties in generating options for solutions to satisfy those interests and needs. The process is voluntary, confidential and allow for self-determination of the parties. The mediator does not render a decision. The parties craft their own resolution to their dispute.

***Syracuse University (Syracuse, New York)***

(information in this section was taken from "Ready, Set, Go" A Workshop on Establishing and Maintaining a Campus Mediation Program by Bill Warters, Nova Southeastern University Department of Dispute Resolution)

Syracuse University, in January, 1989, launched a Campus Mediation Center, the work of a planning group which had been formed in June, 1988. This group established a working group 91 faculty, 2 staff, and 2 graduate students, and a larger group which met only periodically to react to progress. They prepared a justification for a mediation center on campus, determined the scope of the program and developed a "Statement of Purpose." The group then went on to establish a calendar for program development. It formed a formal advisory board, developed a budget and selected a mediation model. It then identified, lobbied and obtained commitment from funding sources and selected a coordinator. The coordinator then conducted public relations outreach and publicity and contacted potential referral sources. Student mediators were then recruited and trained.

The Campus Mediation Center is run by a graduate program coordinator, who works under the guidance of a faculty supervisor from the Program on the Analysis and Resolution of Conflicts (of the Maxwell School). The coordinator is assisted by two student interns, and, of course, volunteer mediators. Funding is provided primarily by Student Affairs, with special projects support coming from a range of other offices. The Center provides students or staff who are in conflict with a pair of neutral co-mediators. It is designed to address and help resolve interpersonal disputes between two or more people in an interdependent living or working situation. Examples include roommate, family or neighbor, coworker, landlord-tenant, student group, and consumer or debtor situations. At least one party to the dispute must be a student, staff or faculty member at Syracuse University.

The Center will refer out cases that are more appropriately handled by counseling services or existing formalized grievance procedures. The Center is not designed to address allegations regarding the violation of university rules and regulations, and will refer these types of cases to the university judicial system for resolution. However, once the appropriate action has been taken for that case, mediation may be made available to parties who wish to address future-oriented relationship concerns.

# APPENDIX: CONFLICT MANAGEMENT MODELS

## THE CONCILIATORY MODEL, Cont.

### *Penn State University*

At Penn State, the Assistant Director of Judicial Affairs/Coordinator of Mediation Service assists with the mediation services offered through the Student Affairs Office. This mediation service is primarily aimed at students. They will mediate for any member of the university community upon request. Faculty do not use the mediation services very often. Most calls come from students who are having problems with teachers and are looking for advice. They also receive requests from department heads asking for conflict management programs to help diffuse conflict within their departments. The office works closely with the campus affirmative action office which is using a modified mediation model. The Assistant Director of Judicial Affairs does a limited amount of consulting with the university. For instance, she goes in to colleges and departments of the university to do needs assessment, to recommend programs, and to facilitate staff meetings. One example of the type of dispute handled in the mediation office: three roommates arguing off campus have a choice of going through a judicial process or going to mediation. If they choose to mediate but reach an impasse the case goes into the formal discipline system. The mediation office is also using mediation services to by-pass grievance processes when people volunteer to mediate.

### *James Madison University (Virginia)*

Faculty members of the Communication/Speech Department of JMU started a campus mediation center in 1987 to develop the art of principled negotiation on campus. The Campus Mediation Center provides campus mediation service to students, faculty and staff. They have provided mediation mostly to students, and the types of disputes resolved include landlord-tenant, boyfriend/girlfriend, student to student conflict, and a few small claims cases (very minor car accidents in parking lots, etc...). The campus grievance procedures are handled through the Student Affairs Office and do not include any provision of mediation. The Campus Mediation Center has not handled many faculty disputes, but have mediated some involving staff. The Center also provides mediation training to the campus community by bringing in guest speakers to talk to classes about ADR; providing a ½ day training as an introduction to mediation process; and providing an environment that promotes the research of conflict management and resolution. They have already implemented an undergraduate concentration in ADR, housed in the Speech/Communications department. When someone declares a major in that department, they have four areas from which they can choose a concentration, with ADR being one of those options. The concentration in ADR includes an internship requirement, usually completed at the community mediation centers in Harrisburg.

# APPENDIX: CONFLICT MANAGEMENT MODELS

## THE CONCILIATORY MODEL, Cont.

### *Oberlin (Ohio)*

The Judicial Coordinator oversees Oberlin's judicial process for complaints against students and student misconduct. She reports to the Dean of Students' Office. Mediation is the first step in this judicial system. The Judicial Coordinator trains the judicial board in mediation, files grievances against the student, talks to the student about possible outcomes, and encourages the student to mediate. The Judicial Coordinator's goal is to have everyone living within residence halls trained in mediation. All staff on campus is trained in mediation. There is a separate grievance policy and procedure for complaints against faculty, specifically about sexual harassment. There is a faculty mediation board which is completely confidential.

# APPENDIX: CONFLICT MANAGEMENT MODELS

## THE OMBUDSING MODEL

There are four possible models for ombudsing in the university setting. First, several universities utilize a corollary function model for ombudsing services. In other words, a school may have a person who acts as an ombuds as a corollary function to their regular job at the school. There are a range of options for this model, including professors with reduced class loads, part-time external consultants, multiple conflict resolution resources, and special assistants to the President. Second, some schools have a free-standing independent office of the ombuds. This allows for the ombuds to be perceived as neutral, allows for larger caseloads, and lowers the concerns surrounding possible conflicts of interest. This model requires a commitment of establishing a separate office, hiring personnel, and creating an operational budget. Third, there may be multiple internal sources of dispute resolution (i.e., each college of the university has a designated ombuds who serves in that capacity perhaps 1/4 or ½ of his/her time). The rationale for this design is to provide a more integrated system of conflict resolution. Selection of ombuds, training, and coordination of individuals is a consideration. Independence and impartiality of such individuals is a critical issue in this model. Finally, although not in use in the university setting, a university could hire an ombuds external to the university as a consultant.

### *Northern Illinois University*

As the only designated neutral on a campus with a student population of approximately 23,000, the ombudsman at Northern Illinois University (NIU) is kept busy with referrals from all over campus. It is a free-standing full-time office. The NIU ombudsman reports to the President of the University in his role as chairperson of the University Council, the body which sets campus policy. The current ombuds was hired in 1991 and is the university's thirteenth ombuds since the program began in 1968. The ombuds office at NIU receives referrals from faculty, staff and students, as well as landlords around campus and local businessmen. He also receives many referrals from the Student Judicial Office. After self-initiated dispute resolution has not worked, the ombuds office is seen as a second step toward informal resolution on campus. Most cases come through his office before they go on to anything like a formal complaint procedure.

There are formal grievance structures designed for faculty, staff and students as separate groups of the university community. These structures are legalistic in their approach, although they do not follow rules of evidence or other such formalities. There is also an affirmative action office on campus which has formal grievance procedures of its own.

There is no campus mediation center or peer mediation program at NIU. If the ombudsman decides mediation is appropriate, he mediates himself. In student to student disputes, he may assign law student graduate research assistants to mediate. The NIU ombuds is not a proponent of peer mediation because he has not yet seen what he would consider a successful peer mediation program on any campus.

# APPENDIX: CONFLICT MANAGEMENT MODELS

## THE OMBUDSING MODEL, Cont.

### *Massachusetts Institute of Technology (MIT)*

(The information for this section was taken from an article by Mary P. Rowe entitled "People Who Feel Harassed Need a Complaint System with both Formal and Informal Options")

MIT's ombuds office is open to anyone on campus looking for informal resolution of a dispute. Mary Rowe has been Special Assistant to the President at MIT as an ombuds since 1973. There are now two special assistants to the president, who are designated as impartial counselors and informal complaint-handlers. Emphasis is placed on confidentiality and almost no formal written records are kept of individual cases. Anyone in the MIT community may contact the ombuds office for any reason. MIT's complaint policy and booklets entitled "Tell Someone" encourage students to report harassment to the ombuds office. The ombuds office hears complaints regarding all manner of other problems, including access to posted jobs, substance abuse, parking, safety concerns, possible salary inequities, and reports of misconduct.

Complaints with interpersonal concerns at MIT have three options available to them simultaneously. They can go directly to a supervisor (the "line of supervision"); they can go to the parallel line of supervision in Personnel (or for students, in the Dean's Office); or they can go the special assistants to the President, who act as ombudsmen. Many complaints, perhaps the majority, are handled by immediate supervisors or faculty, or by going up the line of supervision, with or without going to the ombuds.

### *Michigan State University*

This university of 40,000 students has had an independent free-standing ombuds office since 1967. The ombuds is a senior faculty member, reporting directly to the university president, who assists students at all levels who have problems with faculty and administration. After assessing the validity of each complaint, the Ombudsman advises student on possible remedies and, where indicated, helps students solve problems. The Ombudsman also seeks to prevent student problems. In addition to responding to individual student grievances, the Ombudsman identifies policies and practices that appear to disadvantage students and works with faculty and administration to change them. The MSU Ombudsman has broad powers of investigation, including direct and ready access to University officers and faculty, and to official records.

During 1994, the ombuds office served approximately 1000 students and 500 other persons, not including those persons the ombuds contacted in the course of assessing and resolving a problem. Student concerns and problems involved a variety of matters, including grade and exam disputes, accusations of cheating, financial aid problems, housing issues, and harassment. At times, parents sought assistance on behalf of children, but most persons other than students contacting the office were faculty and staff members concerned about MSU policies and practices relating to student rights and responsibilities. Faculty members sought both second opinions about issues and ways to avoid future conflicts and misunderstandings with students.

# APPENDIX: CONFLICT MANAGEMENT MODELS

**THE OMBUDSING MODEL, Cont.**

***Michigan State University, Cont.***

MSU has written procedures for students filing formal grievances at the undergraduate, graduate and medical schools but the ombuds office handles fewer than a dozen formal grievances per year. They rely heavily on negotiation and keeping the dispute at the informal level. The faculty have a separate Faculty Grievance Office, which handles both formal and informal grievance procedures.

There is a new program starting at Michigan State through the Office of the Assistant Dean of the Graduate School. It is a project to work with all graduate students on communication and dispute resolution skills in an effort to increase communications between faculty and students. A focus group is being formed now and their goal is for a trial run of the program next year. They are looking for funding.

Another facet of ADR at Michigan State is the Community Mediation Center which handles apartment housing disputes and has recently expanded its service to include some of the dormitories on campus.

Finally, a very exciting program is the MSU Safe Place for victims of domestic/dating abuse and violence. The Safe Place has links with other organizations on campus to provide support and help to those in the campus community who are victims of abuse. The Safe Place provides both physical safety and any other aid it can render.

***Some other universities and colleges that have ombuds services include:***

**Florida Atlantic University** (student population approximately 16,500) has had an ombuds office for four years to serve the faculty, staff and students. There is one ombuds and one associate ombuds and they report to the president of the university and utilize the services of the president's staff.

**Arizona University** (student population approximately 43,000) has officially had an ombuds for ten years, serving faculty, staff and students. There are actually forty administrators and staff who are trained to be part-time volunteer ombuds campus wide. The ombudspersons report to the chair of the commission on conflict resolution.

**U.C.L.A.** has had an ombuds for more than twenty years, serving faculty, staff and students. There are currently two ombuds with one secretary and they report to the Vice Chancellor for Student Affairs.

# APPENDIX: CONFLICT MANAGEMENT MODELS

## THE MULTI-DOOR APPROACH

### *Texas A&M University (College Station, Texas)*

(the information for this section was taken from Texas A&M's Student Conflict Resolution Center handbook)

There are several contributing factors that led to the formation of the "multi-door courthouse" which is now the Student Conflict Resolution Center (SCRC) at Texas A&M University, student population 42,000. The components of the SCRC were originally divided into two separate offices: the Office of Student Judicial Programs and the Student Attorneys Office. Today, the SCRC is comprised of Student Legal Services, Student Judicial Services and Dispute Resolution Services, which together handle the following components at the Center: student discipline, academic dishonesty, alternative dispute resolution, student attorneys, and research. SCRC is housed in the Division of Student Affairs in the Department of Student Life.

Student Legal Services advises and counsels students concerning their legal problems, and informs students of their legal rights and responsibilities through private interviews, publications, and seminars. It does not represent students in court but is staffed by a licensed attorney and a legal assistant. The focus of Legal Services is on education through the provision of free legal information to students in both criminal and civil matters. The most common legal concerns brought by students are landlord-tenant disputes and consumer protection issues. The office is funded by student service fees, so there is no additional fee for appointments or consultations. Student Legal Services does not render advice to a student in a dispute against another Texas A&M student or Texas A&M University.

Student Judicial Services houses the student discipline function of the SCRC. It has the responsibility of conducting student judicial proceedings when it is alleged that a student has committed a violation of the Student Code of Conduct contained in the Texas A&M University Regulations. In addition to the enforcement of the discipline code, Student Judicial Services interprets University Regulations, trains and advises faculty in the area of academic dishonesty, and trains residence hall staff concerning the discipline process.

Negotiation and Mediation Services is responsible for coordinating alternative conflict resolution services and training programs. The coordinator of this program is an intake specialist, with experience in assessing the appropriateness of potential cases for mediation. She is assisted by a paralegal and by professional staff members who are certified as mediators and neutrals in compliance with the provisions of Section 154.025 of the Texas Civil Practices and Remedies Code. Negotiation and Mediation Services also utilizes trained student, faculty and staff volunteer mediators. Referrals for mediation come from the Off-Campus Housing Center, Student Legal Services, residence halls, counseling centers, academic departments and other Office of Student Life Programs.

# APPENDIX: CONFLICT MANAGEMENT MODELS

## THE MULTI-DOOR APPROACH, Cont.

### *North Central College (Naperville, Illinois)*

(information in this section was taken from the North Center College Student Handbook, 1994-1995, and Dispute Resolution Center brochures)

North Central College emphasizes mediation through their Dispute Resolution Program. The Dispute Resolution Center provides services, training and development opportunities to students in a variety of contexts. The Center is a comprehensive and, among undergraduate colleges, virtually unique opportunity for students wishing to acquire dispute resolution and negotiation skills. The Center serves the college community in a number of ways: administration of student disciplinary matters through Administrative Hearing and Formal Hearing Panel Processes; resolution of non-disciplinary student and student organization disputes through the mediation process; training of student associates to hear student disciplinary matters and mediate student disputes; and, offering credited course work in dispute resolution. In its Statement of College Policies (including Alcohol & Drugs, Sexual Harassment, Sexual Misconduct and F.E.R.P.A. cases), the students are encouraged to use the college Dispute Resolution program to resolve disputes between themselves through the mediation process. Mediation is also encouraged for disputes between students and the college.

The policy statement also requires that "no student will be suspended or dismissed from the college or the residence halls without first being given the opportunity to participate in the college Dispute Resolution Program hearing panel process. (This process replaces the judicial board which formerly had similar responsibility.)" Students facing a charge from the college may choose between a hearing panel within the Dispute Resolution Center or a hearing and disciplinary decision by a college administrator. Minor student disciplinary matters will normally be resolved through the Administrative Hearing process. This process provides prompt, fair and private resolution of matters which are not handled more effectively through a formal process. A variety of administrators, including hall directors and other residence life and college staff, are empowered to conduct Administrative Hearings. The hearing is not an evidentiary hearing and is conducted by a single administrator. These hearings are coordinated through the Dispute Resolution Program.

Students confronted with the possibility of a serious disciplinary response from the college have the opportunity to participate in the Hearing Panel process, rather than the Administrative Hearing. The process is available to any student accused of conduct which could result in probation, suspension or dismissal, and is coordinated by a Coordinator of Hearing Panels. Panels consist of four members, two students and two faculty, trained to provide an impartial proceeding. The panel is appointed randomly from a computerized list and the student charged with a conduct violation may excuse up to four members of the panel without explanation. Panel members are trained to excuse themselves if even an appearance of bias is present. Panels must decide by consensus, and have the freedom to craft disciplinary responses which are consistent with the case. Students are also entitled to assistance during the hearing.

# APPENDIX: CONFLICT MANAGEMENT MODELS

## THE MULTI-DOOR APPROACH, CONT.

***North Central College (Naperville, Illinois), Cont.***
(information in this section was taken from the North Center College Student Handbook, 1994-1995, and Dispute Resolution Center brochures)

The hearings and mediation described above are separate from the Grievance Procedures, which are intended to be used to resolve complaints of alleged harassment or discrimination, including sexual harassment, as well all other situations in which the Faculty Handbook, the Student Handbook, or the Personnel Policy Guide do not specifically identify appropriate channels and procedures which can be applied. The Grievance Procedure calls for an individual to use his or her best effort to resolve the matter informally through calling upon third parties for advice and counseling. Specially trained members of the faculty and staff are appointed by the President as Harassment and Discrimination Advisors. These advisors will investigate the complaint within 45 days. If no resolution can be worked out informally in that time, a formal action can be initiated if the complaint is determined to be supported by evidence. (See discussion of grievance procedures above.)