A Higher Education Mediation Training Model

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The University of Texas at San Antonio Problem Solving/Conflict Resolution (PS/CR) Program has been in operation for over five years. During this time, the PS/CR Program Model has generated support and enhanced internal communication among faculty, staff and students. Senior level faculty, staff and students from departments and offices across the main campus, the UTSA Downtown campus and the Institute of Texan Cultures, have been selected and have received 40 hours of training as University Liaisons/mediators. The mission has been to facilitate communication and assist as mediators. Once trained, the liaison role is added to their primary professional positions within the university. Persons experiencing interpersonal and/or policy and procedural concerns are invited to consult with University Liaisons who offer information and/or strategies for processing conflict.

A major consideration in the establishment of this multifaceted PS/CR service option was the recognition that not all conflict is the same. Thus, the processing of differing levels of conflict allows dispute resolution options to be matched closest to the specific need. The set priorities for the program involve 1) building a campus community by supporting the establishment and maintenance of campus-wide relationships through open communication; 2) providing a clearinghouse of information; and 3) ensuring a safe place for exploring options in processing conflict. The multilevel strategies for communication and conflict resolution include: 1) problem-solving assistance; 2) responses to information requests; 3) collaborative problem-solving strategies, when only one person feels comfortable with mediation; 4) mediation; 5) ombudsing; and 6) group facilitation (Guerra, N. & Elliott, G., 1996).

The unique higher education scope and requirements of the PS/CR Model provide an opportunity for specialized training applications. Higher

education specific mediation needs and problem-solving strategy training are not addressed in traditional 40-hour mediation training. Distinct higher education program issues include process, predictability, and data collection for formative/summative evaluation. The development of the model to guide practice and training resulted in unique higher education setting elements requiring some precise training and specific topics. The institutional question posed was: Can a higher education problem solving/dispute resolution model be developed to train faculty, students and staff using a "college scenarios with a predictable process" that will maximize the goal of resolving conflict without impacting professional reputations?

After several attempts to adjust to a community/neighborhood-based mediation model, the university opted for creating it's own program. The training cornerstone is the Mediation Inventory for Cognitive Roles Assessment (MICRA). The MICRA is a process driven evaluation instrument that provides a checklist guide to assist, monitor, and evaluate the mediation process. The instrument allows for the collection of formative and summative data concerning the levels of participation observed by the participants, as well as by the mediators, by tracking numbers of interactions and cognitive strategies used. The MICRA also facilitates the consistency in processing mediated conflicts.

The basic hypothesis is that the more participation and interactive discussion among the disputants, the greater the possibility that the agreements made will be adhered to as opposed to the reverse. If the mediators are doing the bulk of the work in processing the shared issues with a minimal amount of interaction occurring among the disputants, there is a greater possibility that there will be less adherence to any agreements generated.

Key to training is active listening skill development. The skills of coaching and modeling appropriate communicative exchange for the disputants is focal to facilitating creative solutions. It is also an area where everyone

believes they are skilled whether they are or not. Because higher education is a traditional system and so much of what occurs within a workday involves human interaction over an extended period of time within a traditional setting, it is reasonable to explore the application of developmental staging with the notion of developing a new higher education model. Human relationships progress or digress over a period of time with a strained or nonfunctioning interaction. Developmental theory provides a basic language and conceptualization in staging the processing of conflict resolution in higher education. We have created a higher education conflict resolution standard for processing conflict among faculty, staff, and students as disputants. The highly structured organization carries common threads parallel to all colleges and universities that should make this approach applicable.

The UTSA mediation dispute resolution option has been defined as a confidential intervention in processing interpersonal disputes by using neutral, third-party co-mediators. The option provides assistance to disputants in isolating issues, generating considerations for resolving issues and in assisting with reaching consensus of an agreement that accommodates the needs of both disputants.

The mediation training is built on the Mediation Inventory for Cognitive Roles Assessment (MICRA), an instrument created to monitor process and track cognitive roles assumed in managing the crisis of individuals in conflict (Guerra, N., & Elliott, G., 1997). The structured focus involves four major goals, each building upon the others, and includes:

Mediation Goal #1 - Establishing the Parameters

Mediation Goal #2 - Determining the Interests

Mediation Goal #3 - Identifying the Program

Mediation Goal #4 - Solving the Problem.

It is a cyclic model allowing the fluid transaction from one step into

another, but also allowing the revisiting of a completed step as required (see attachment A). This is an experimental yet practical way to explore the growing mediation theory in higher education. Incorporating the ability to collect data allows the profession to develop by measuring elements involved in helping disputants seek a solution. The mediation course was designed to provide information and activities to enhance skills, and to allow participants practice through extensive mediation role play with scenarios created that reflect typical situations that may arise. General information, specific techniques and expectations for mediating and resolving conflict are presented to give a well-rounded view of the conflict resolution field with particular attention to processing conflict in an institution of higher education. The basic components are presented for consideration.

Mediation Goal #1: Establishing the Parameters

Once it is established that mediation is the option of choice, Objective 1: Preliminary Arrangements - begins the process. Parallel to a clinical setting, rapport among the mediators and disputants is crucial. The shared goal and ground rules are explained and an opportunity to ask questions about the process is provided. The second objective: Introductory remarks are made by the mediators and once more care is taken to allow disputants time to express their concerns or ask questions about the process. Successful completion of these objectives sets an appropriate climate for listening and communicating, so that the negotiations within the context of the mediation have the best possible conditions of being successful. The accomplishment of the goal ensures that an environment conducive to conciliation is established.

Mediation Goal #2: Determine the Interests

There are two objectives within this stage of process. Objective 1: Initial Statements are exchanged by the disputants with the mediators monitoring the agreed upon ground rules. Once this objective is met, the second Objective is to begin: Information gathering. This objective requires active listening skills along with process monitoring already established in

Mediation Goal 1. Mediators will summarize then restate information provided to encourage and clarify disputants' exchange. This is an "interest-driven" model that supports the need for a comfortable atmosphere where the interests of the disputants can be discovered. The interests are then worked into an inclusive problem statement, which is the third goal.

Mediation Goal #3: Identifying the Problem

This is the pivotal point of the training and mediation process. The trained and skilled ability to concisely and precisely restate the issue with identified interests allows the process to move quickly and clearly along an analytical venue. Mediators are trained to model the appropriate exchange and then to step back, allowing the disputants an opportunity to begin interacting. Both disputants' interests are equally balanced and articulated within the statement which is the final element of this stage.

Mediation Goal 4: Solving the Identified Problem

There are three objectives within this final goal.

Objective 1: Generating Options is the free-flowing consideration of possible resolutions to the identified issue.

Objective 2: Bargaining and Negotiating is the opportunity to begin testing the options generated.

Objective 3: Agreement Writing/Reality Testing.

These final activities are typical to other mediation models in coordinating the details to the formulated agreement. In Agreement Writing/Reality Testing, the mediators assist the disputants in drafting the agreed-upon resolution in written form, discussing the details of implementation of the agreement. The closure resembles the initial opening with the mediators thanking the disputants for their participation and good faith effort in processing their resolution. The closing environment should have the same comfort level as the initial moments together, if not they should feel more comfortable knowing that communication is possible without inappropriate name-calling, etc. Disputants are given information about the other PS/CR

Program options and invited to visit again at any point in the future.

Summary and Implications

Conflict is a part of life and systems, hence by extension, part of life in higher education. Change, diversity and the need to balance efficiency with effectiveness have provided the required necessity to begin developing the patterns of conflict and conflict resolution in higher education. Adjusting language and procedures to process conflict in an academic arena provides for professional gains as well as enables training and procedures to be provided at a level appropriate to trainees' selected career vocations. While a higher education institution is a community, it is unique and institutionally different from our neighborhoods and corporate communities. Consequently, the opportunity to begin developing higher education conflict resolution models and patterns is appropriate.

The exploration of models, developmental staging, curriculum development and training allow for the collecting of data to begin facilitating the description and levels of participation in resolving conflict. There appear to be predictable behavior patterns that can be observed within the processing of conflict. Initial data collected suggests that levels of investment in participation does hold a relationship to the adhering to agreed upon contracts. It is our intention to encourage the profession to move along these levels by providing assistance in processing conflict in higher education. Higher education dispute resolution literature should prove to be insightful to all involved with processing change and conflict.

References

Guerra, N., and Elliott, G. "Ombudsing in an Education Institutional: Use of Implicit and Explicit Power." In R. Wilson (ed.), *The Journal - 1996*. Asilomar, CA: California Caucus of College and University Ombudsmen, 1996.

Guerra, N., and Elliott, G. "Cognitive Roles in the Mediation Process: Development of the Mediation Inventory for Cognitive Roles Assessment (MICRA)," *Mediation Quarterly*, 1996, 14(2), 135-146.