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## Essay on Conflict Mediation at UTK

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## Statement of Purpose

I am extremely aware of conflict—both in my own life and within the world around me. The consequences of that conflict often have devastating effects, including violence and oppression. With that in mind, I designed my major in mediation and conflict resolution—to learn more about how to solve the consequences of conflict. I first heard about mediation as a practice when reading an article about Peer Mediation being used to help resolve racial conflict at UCLA.<sup>1</sup> As I read more about it, I became interested in the idea of a neutral third-party helping others deal with and solve conflict.

As my interest in and knowledge of conflict resolution grew, I entered the College Scholars program to craft my major around conflict resolution and mediation as a specific form of conflict resolution. I took classes in interpersonal conflict, psychology, group counseling, and international conflict. I also participated in the law school's mediation clinic, where I had the chance to be trained as a mediator, then volunteer-mediate at Knox County's General Sessions Court. It was through this experience that I came to appreciate the practical benefits of mediation.

I witnessed how students and volunteers, offering no more than highly structured listening skills, could assist clients in resolving conflicts they hadn't previously been able to solve on their own. We did not need special degrees, or lots of experience to be effective mediators. Our training was intense, but not overwhelming. Mediators do not counsel, nor do they suggest ways to solve a problem. They use a series of steps to introduce their clients to the mediation process and help them discuss their problem then brainstorm to solve it.<sup>2</sup>

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After my positive experience in General Sessions Court, it occurred to me that mediation can be used effectively at the University of Tennessee. The Knoxville community has a community mediation center, law professors, and lawyers who support the practice of mediation. They would be helpful as mentors to a potential program. Also, a college campus is a place where roommates, athletic teammates, academic group members, and co-workers are in frequent contact, which often leads to conflict, and therefore leads to the need for a program to manage conflict. Many colleges and universities support mediation programs already—there are existing models for us to follow.<sup>3</sup>

Currently, no form of mediation is available for University of Tennessee students, though it is offered for university employees and Knoxville citizens, as well as some area elementary schools, where, ironically, the University of Tennessee's volunteer program, TeamVOLS, sends student participants to help with peer-mediation programs. A final reason that mediation could work at the University of Tennessee is that, just as there is an almost endless supply of conflict, there is also a virtually endless supply of mediators—students. As a twenty-one-year-old undergraduate, I could mediate cases at General Sessions Court. A certain age and educational experience are not required of good mediators. With proper training, I believe University of Tennessee students can *be* peer-mediators as well as *run* an effective mediation program. With all of these factors contributing to the need and potential for a peer-mediation program at the University of Tennessee, a program should be designed and implemented to serve UT students.

A large part of my learning experience in the nine months leading up to this project was realizing that a mediation program, however small, cannot just appear on a university campus. In fact, the majority of the work associated with a new program is

planning for that program. This has been a valuable lesson. Unfortunately, I learned it too late to backtrack and do the appropriate planning. It is my hope that this proposal may be used to assist in creating a future mediation program to serve the university.

### **Current Services at the University of Tennessee**

#### **On Campus**

Currently, the University of Tennessee does not offer mediation as an option for its students in conflict. There are, however, several programs on campus that exist in the spirit of conflict resolution.

#### **--Office of Human Resources**

For University of Tennessee employees, the Office of Human Resources offers mediation as an option when employees feel that they need a third-party to intervene with a conflict in the workplace. Initially, the office investigates the claim to determine if it is actually appropriate for mediation, and to make sure there is not a disciplinary procedure in process related to the same problem.

In some instances, the office determines that the conflict is not mediable. After this, they refer the employee to the proper channels to help them resolve the conflict. Sometimes, the case is mediable, but the Human Resources staff believes it is better that they do not get involved—this is true in cases where their involvement might be seen as bypassing the existing hierarchy of supervision. In such cases, though, the office often trains a supervisor to conduct the mediation him- or herself. In these situations, though the Office of Human Resources puts forth more time and effort in the beginning, the end result is a supervisor who is trained in and comfortable with using mediation. This

in turn leads to a department that can handle its conflicts more efficiently than if they continually called on the office.

Finally, in some cases the Human Resources staff determines that it is in the best interest of the employee if they are directly involved in conflict resolution. One example of this would be if it becomes evident that a supervisor can not be an unbiased mediator. In these cases the staff will conduct a mediation, according to their guidelines. One interesting fact about mediation with employees, is that supervisors may require employees to participate in mediation. This non-voluntary approach is unusual.

Another service provided by the Office of Human Resources is general training. Conflict resolution is an integral part of many of their basic training models—including team-building and employee orientation. In addition, the office staff also provide a three-hour introductory seminar specifically in conflict resolution and mediation, and they also speak with first-year studies classes and resident assistant (R.A.) training groups.<sup>4</sup>

### **--Student Counseling Services**

The Student Counseling Center offers individual and group counseling to help students with a variety of issues including relationships and family problems, which might incorporate some conflict resolution. It also offers consultation to faculty and staff members regarding team-building, reducing stress in the workplace, and “how to deal with difficult people.” However, mediation is not offered through counseling services.<sup>5</sup>

### **--Engineering "Engage" Program**

The College of Engineering "Engage" program introduces first-year engineering students to the skills of collaboration and team-building used in modern engineering environments. Each first-year "team" is assigned an upper-class facilitator to help the students work together and to help resolve potential conflict. Those facilitators go through training for their positions.<sup>6</sup>

### **--Undergraduate Academic Affairs and Dean of Students Offices**

In the University of Tennessee Academic Guide, students are instructed to proceed in different ways to solve their academic problems. For academic course work difficulties, students are asked to meet with their instructor, then the department head, then the dean of the college in which the course is offered. If solution cannot be reached by going through those channels, students are asked to get assistance in the Undergraduate Academic Affairs Office.<sup>7</sup> The Undergraduate Academic Affairs office handles each case on an individual basis, but it is possible that mediation is used in some cases. Also, with so many steps to take before a student comes to the Academic Affairs Office, it is possible that mediation is used at some step in the process, and conflict is resolved.<sup>8</sup>

For issues related to campus life, students are currently instructed to contact the Dean of Students Office. Within this office is housed the Student Judicial Affairs Office. Usually the Judicial Affairs Office handles situations in which a student has violated university policy as set forth in Hilltopics. Though this occasionally means meeting with two students in conflict at the same time, mediation is not officially offered through the office.<sup>9</sup>

**--Residence Halls**

A final avenue for conflict resolution is available to students living in residence halls. Resident Assistants, or R.A.s, spend several hours of their R.A. training focusing on conflict resolution. In addition to reading a packet on conflict and conflict resolution, the R.A.s participate in a program called "Behind Closed Doors," where they have a chance to practice the skills they have learned in training.<sup>10</sup>

**--Diversity Resources and Educational Services (DRES)**

DRES is the office for diversity resources at the University of Tennessee. It handles conflicts in which discrimination may be a factor. Similar to the policy of the Office of Human Resources, DRES first investigates every claim that is brought to their attention, to make sure that the facts of the conflict really do show discrimination. In cases where the issue does not fall into the realm of legal discrimination, DRES may still offer help to the students involved, or send them to appropriate campus offices. Although mediation is not used at DRES, they do take an active role in conflict resolution on campus by offering their services to students who believe they are in a conflict motivated by discrimination.<sup>11</sup>

**Off-Campus**

Outside of the campus of the University of Tennessee, students are also involved with mediation.

**--Law School Mediation Clinic**

Currently, law students may participate in a mediation clinic at the law school where they complete the 40 hours of training required of Tennessee state- certified

mediators.<sup>12</sup> After training, they may serve as volunteer mediators through a pilot project at Knox County General Sessions Court, mediating civil cases between landlords and tenants, family members, neighbors, or other people in conflict.

### **--TeamVOLS Peer Mediation Training Program**

TeamVOLS, the student volunteer program at the University of Tennessee, sponsors a conflict resolution program at Sara Moore Green Elementary School where college students help train fourth- and fifth-graders in conflict resolution skills. The program uses a “train the trainer approach” where the TeamVOLS program leader trains UT students to in turn train elementary students to be peer-mediators.

Each year about 25 school children are trained as mediators. The students who are trained are chosen by their teachers to represent many faces of the school. In other words, a student who makes good grades and is never in trouble may be an ideal candidate for a peer-mediator, but equally necessary is a student who may have occasional disciplinary problems, but who is respected as a leader by his or her peers. After being trained, the elementary students mediate minor disputes and arguments.

The students in conflict are given a choice by their teacher: Mediate their problem or go to the principal. If, during a mediation, it is found that the conflict involves drugs or alcohol, or the students begin to use foul language, the peer-mediators must terminate the mediation. The case will then be heard by the principal. This is to ensure that the peer-mediators do not become involved in disputes that may be beyond their capabilities.<sup>13</sup>



### **Peaceable Schools Project**

Another conflict resolution program exists within the University of Tennessee Center for Government Training. This is the Peaceable Schools project, which trains elementary and secondary teachers and administrators in conflict resolution and classroom management skills. A parallel program exists with “Aspire—Youth Leadership for a Safe and Drug-Free Tennessee.” This program recruits and trains young people in conflict resolution, as well as in diversity initiatives and mentorships. The young people may then practice those skills in their schools and communities.

Though these programs within the Center for Government Training do not directly affect University of Tennessee students, they are a part of the University of Tennessee. Also, they show a growing trend toward conflict resolution training within elementary and high schools—another reason to offer similar programs and training at the university level.<sup>14</sup>

### **Need for a Comprehensive Mediation Project, Based on Current Services**

These current programs do address student conflict, but none of the programs are as all-inclusive and third-party based as a peer-mediation program would be. Also, within the current programs, there is great potential for inconsistency. The mediation program offered through the Office of Human Resources is only available for employees of the University of Tennessee, which would only serve students who also work for the university. In addition, the program director for the office notes that she has never mediated a dispute involving student employees, though that would technically fall under her jurisdiction.<sup>15</sup>

“Engage” is only offered for first-year Engineering students, and the facilitators only address problems related to team-interaction. The Student Counseling Center

does not address conflict between students, but rather, its main purpose is to assist individual students with personal concerns.

For conflicts between students and faculty, students are first asked to speak with their professor, the department head, and the head of the college, before going to the Undergraduate Academic Affairs Office. This system does not guarantee the “neutral third-party” that a mediation program would provide. Even if a department or college offers or suggests mediation as a solution, this solution is not consistent from department to department, and certainly not consistent from professor to professor.

Student Judicial Affairs’ purpose is punitive. It may deal with conflict between students, but only when that conflict has reached a point that some university rule has been violated. A peer mediation program is actually preventative. It could address conflict before it reached a point that punishment was required. Also, Judicial Affairs may occasionally use mediation to resolve conflict, but there is no consistent model of mediation designated to be used from case to case.

Resident Assistants are trained in conflict resolution, but again, the style of resolution can vary from R.A. to R.A. Also, the conflict resolution offered is only for students who are living in residence halls—6,800 students of the 26,064 total, or about 25% of the student population.<sup>16</sup> Finally, DRES exists to handle possible cases of discrimination—this again limits the type of conflict that they can handle based on the nature of the conflict.

Though none of the existing programs are as all-inclusive and consistent as a peer-mediation program could be, they do highlight an important fact: Many students, faculty, and administrators at the University of Tennessee *already* recognize the value of conflict resolution.

## Past Services at the University of Tennessee

My purpose in this section is to show that the University of Tennessee has supported conflict resolution programs in the recent past, though they have been terminated due to budget concerns. I also want to emphasize that these programs *do not currently exist*, for in my research I found that many faculty, staff, and students mistakenly believe these programs are still offered.

### Conflict Resolution Center

The University of Tennessee Conflict Resolution Center was started in December of 1992. Its co-directors were Dr. Roy Ambruster of Speech Communications and Steve Martin.<sup>17</sup> The Center was created to serve students, faculty, and staff at the University of Tennessee, as well as community members. Another goal of the Center was to become a "campus clearinghouse" for literature on conflict resolution.<sup>18</sup>

The Conflict Resolution Center was located in a house on Lake Avenue. It began operating only part-time in the spring of 1997, and closed completely in 1998. The center's literature and resources were split between the Knox County Community Mediation Center and the Office of Human Resources.

### Ombudsman's Office

The University Ombuds Office was created when Dr. Jack Reese was Chancellor of the university, with the support of his office. According to Susan Kurth, the last acting ombudsperson at the university, the Ombuds Office was to focus on students, not faculty or staff problems. It especially helped students who lacked information, had mis-information, or simply needed guidance in navigating a large university. One of its

main functions was teaching students how to complain in an effective way. Finally, it offered a confidential setting where students had the opportunity to talk about their grievance. Sometimes this was more important than settling the grievance itself. This office was closed in 1995.<sup>19</sup>

## **Project Proposal**

The previous information has shown that the University of Tennessee supports conflict resolution in many forms, and at many different levels. With this in mind, it is my goal to see all students at the University of Tennessee, not just a select few, benefit from a comprehensive mediation program. I propose that this program be a peer-mediation program, run by trained students. It would be based on the empowerment model of mediation currently used at the law school clinic, the Office of Human Resources, and General Sessions Court. The program would benefit students in conflict, as well as the students trained to be mediators. A mediation program would not take the place of existing programs, but rather add to them, and offer the service to all students. It would also “close the loop” of mediation services, as they are currently offered in elementary and secondary schools in the state, as well as to the general community. In this way college students would not be denied the option of mediation available to the general public. Another benefit of a mediation program at the University of Tennessee is that it would be a recruiting point—making us more competitive with our peer institutions.

In proposing a peer-mediation program, I will address the importance of peer-mediation, as opposed to other forms of conflict resolution. I will also discuss the benefits of using the empowerment model, and I will provide a step-by-step process for how to set up this program at the University of Tennessee.

### **The Case For Peer Mediation**

A peer-mediation program is the one I envision for the University of Tennessee. By peer-mediation, I mean that the mediators who help to resolve student disputes would be students themselves. There are several benefits for this type of program. One

is funding—a peer-mediation program can be created in which the mediators are student volunteers. In this way the university does not have to hire outside mediators. The students involved as mediators also benefit from training that will prepare them for conflict resolution in many different life-situations. Another reason is that the students in conflict may respond better to their peers than to adult staff members who may be seen as biased, or threatening in their perceived power.<sup>20</sup> Having student mediators would add to the comfortable environment important to the empowerment model.

Some believe that students cannot act as mediators, that they are too immature, or that they would have difficulty upholding the standard of confidentiality necessary for a successful mediation. Although some students may not be appropriate mediators, there are screening tests available to ensure that the students who do act as peer-mediators are competent. If students act as mediators in their high schools, there is no reason that they cannot continue to do so at the university. Also, it must be acknowledged that a few undergraduate students have been trained by the law school and by the Community Mediation Center to mediate at Knox County General Sessions Court. They are not the only undergraduates qualified to mediate. They did, however, have an opportunity to be trained. This opportunity would be offered to other students through a peer-mediation program. Finally, peer-mediation programs have proven successful at other universities.

### **The Case For The Empowerment Model**

There are several different models of mediation. In one type, the participants stay in different rooms, and the mediator “shuttles” back and forth between them, telling each person what the other one has offered. This form of mediation is very similar to negotiation. The mediator may choose how much to tell each party, and he or she tries to facilitate a resolution.

In another type, “transformative mediation,” the goal is not only to solve the current dispute, but also to change the behavior of the disputants to prevent further conflict. Transformative mediators are highly trained, and, like shuttle mediators, have a great deal of power in the mediation process.<sup>21</sup>

The empowerment model is so named because its goal is to empower the disputants to solve their *own* conflict. In the empowerment model the parties are all in the same room, and there is great attention paid to balance. It is usually done in a co-mediator style, with two mediators instead of just one, to balance the two disputants. It is best if the co-mediators can represent different sexes, races, and personality styles, to allow the disputants to feel that, at least on some level, one of the mediators is like them.

Mediators in the empowerment model *do not* offer solutions to the problem. They simply lead the participants through a structured process of introduction, telling, brainstorming, and solving. This model is very appropriate for peer mediation. For one reason, it does not require special training in counseling, law, or any other discipline.

### **First Steps in Building a Program**

In order to create a successful mediation program at any school, there are many things that must be done before mediation actually begins. Some of my greatest resources in this project have been the online and printed documents of Professor William Warters, associate director of Wayne State University’s Program on Mediating Theory and Democratic Systems.

In proposing a program for the University of Tennessee, I will follow his ten-step process:

1. Developing a core planning group
2. Conducting a conflict management needs assessment
3. Deciding on the initial scope and focus of the program
4. Developing a statement of purpose
5. Developing a staffing and program coordination plan
6. Securing administrative and financial support and appropriate space
7. Identifying and training mediators
8. Publicizing the program and building referral systems
9. Operating and maintaining the program
10. Implementing evaluation and feedback mechanisms<sup>22</sup>

### **1. Developing a Core Planning Group**

In order to begin a successful peer-mediation program at the University of Tennessee, we must start with a strong foundation. I recommend approaching faculty, staff, and students to work together in the planning group. Dr. Roy Ambruster in the Speech Communications department, Dr. JoLynn Cunningham in the Child and Family Studies department, and Professor Grayfred Gray at the Law School are faculty members who are knowledgeable in mediation, and teach varying styles of it in their classes.

Some staff members to consider would be representatives from the University Residence Halls office, the Office of Student Judicial Affairs, and the DRES office. All of these offices are extremely important because the services they provide and the students they serve might benefit directly from a mediation program. Of course, these



representatives would also provide needed insight and experience to the planning group.

Finally, student members must be involved. Representatives from the Student Government Association, United Residence Halls Association, Panhellenic and/or Interfraternity Councils, and TeamVOLS should be asked to participate.

A staff member at the Community Mediation Center would be a valuable member to work as an “expert” on the mediation process, as well as a liaison with the Knoxville community. Finally, though they may not be a permanent member of the planning committee, it would be a good idea to involve a representative from the university’s General Counsel to answer legal questions.

The group’s immediate functions would be learning about campus conflict resolution, and planning the next step in the process: a conflict management needs assessment.

## **2. Conducting a Conflict Management Needs Assessment**

Members of the planning group can share their experiences with conflict in their areas of campus, and learn from each other in this way. On a small campus, the planning group in itself might suffice as a needs assessment. However, given the size of our university, I believe a formal survey would carry more weight, and reach populations that might not be represented in the planning group. The basic survey would be a questionnaire given to department heads, professors, students who live both on- and off-campus, staff members within the various academic colleges, as well as other administrative areas on campus (For a sample questionnaire see Appendix A). Some examples might be the Dean of Students’ office, the RecSports office, and First Year Studies seminars. The needs assessment is necessary to determine the next step of the planning group. Because I have not conducted a needs assessment, the next stages

of the proposal (3-10) are hypothetical. If this proposal is implemented in the future, the final program may differ depending on the planning group and campus response. For the purposes of this project I will assume that a campus needs assessment will indicate need for conflict management within the *student* population.

### **3. Deciding on the Initial Scope and Focus of the Program**

Campuses across the United States have implemented conflict mediation services ranging from small target populations, to campus-wide programs, to system-wide efforts.<sup>23</sup> Although any of these possibilities could be applied to the University of Tennessee, Knoxville or the entire UT system, a small program would be easiest to implement and support, especially given budget concerns on this campus. I recommend a peer-mediation program for the reasons listed earlier. It will be important to be aware of all services currently offered to university members, so that the new program does not take away from these services and weaken its own efforts.

Some areas that the program may handle are: roommate disputes, disputes between members of academic groups, disputes among players on athletic teams, relationship problems, and disputes between members of non-academic groups—these could include fraternities and sororities, as well as other extracurricular committees or clubs.

This stage in the planning process can be one of the most challenging, as decisions about which kinds of cases to accept can create anxiety among group members. Warters' solution to this dilemma is for the planning group to come to a general consensus about *most* cases, while leaving ambiguous cases to the discretion of the program coordinator.<sup>24</sup>

## **1. Developing a Statement of Purpose**

A statement of purpose is important for two reasons. One is so planning group members will have a clear statement to refer to if they lose focus within their own meetings. The other reason is that a statement of purpose is a useful tool for communicating the message of the mediation program to other groups, campus publications, potential program participants, and potential financial donors (For an example statement please see Appendix B).

At this time in the planning stages, it will be a good idea to register the program as an official campus organization. The statement of purpose can also serve as the organization's constitution. The benefits of doing this are several: official student organizations can have a web presence and their own e-mail account, they are listed on the UT web site and in some campus literature, and they are required to have a faculty sponsor—this will be a good time to choose that sponsor. Also, as an official campus organization, the planning group can begin to have interest meetings and/or speakers to find other people on campus who are interested in mediation. At this "halfway point" in planning a peer-mediation program, it is a good idea to find more supporters to take the place of members who must leave the group, and to learn about other talent (especially student talent) that may have been missed in the initial stages.

## **2. Developing a Staffing and Program Coordination Plan**

With a clear goal for the program, the next planning steps involve making that goal happen. Unlike the larger plans of a system-wide mediation effort or a campus dispute resolution center, a peer-mediation effort may not require a full-time staff member to organize the program and coordinate intake. However, peer mediation will require at least two student directors with clearly defined duties. These students should be trained mediators. If there are no such students, an interested faculty

member could coordinate the program until the first group of student mediators had their training, and then serve in an advisory capacity until the students were prepared to take on most of the work. Finding an appropriate staff- or faculty-member may be one of the biggest hindrances to instituting a program at the University of Tennessee. There are only a handful of non-students who are trained mediators, and these faculty and staff members currently have designated responsibilities. If there is sufficient student interest, though, and at least two students are willing to take on the task, they could do most of the "legwork" and call upon the advisor when needed.

The program directors will initially be responsible for finding a place for the program, reporting to the planning committee, organizing training, and publicizing the service. Later, the directors will help ensure that the program continues, and will help with daily tasks of scheduling, intake, observing mediation sessions, and creating an appropriate evaluation system for the program.

#### **6. Securing Administrative and Financial Support and Appropriate Space**

After being recognized as an official student organization, and with administrators serving on the planning group, the mediation program should have administrative support. If this is not the case, that support must be secured before any further action can be taken. Financial support is also very important. Budgets are tight on campus, but, "where multiple populations are to be served, multiple funding sources may also be appropriate" (For a table of other campus mediation centers' funding sources, please see Appendix C). In addition to on-campus financial resources, there are potential funding sources in government grants, private foundations, and fundraisers.

Expenses to consider in funding the peer mediation program are training expenses, operating expenses, publicity, and evaluation expenses. This is assuming that

the directors of the program are students and/or volunteers. Training could be relatively inexpensive if an agreement is worked with the Community Mediation Center or the Law School Mediation Clinic. Another way to facilitate training, if someone is willing, is to make the peer-mediator training a listed class, like the classes for Orientation Leaders or Rush Counselors. The instructor could be paid, and the students would receive class credit for their training. If this type of class cannot be offered through student activities, it could be offered as a seminar through the University Honors program.

Operating expenses include the office supplies needed for basic mediation sessions—tape, markers, and paper—as well as a locking file cabinet to hold confidential files, phone message pads for scheduling, and relevant computer programs and computer access. I am basing these expenses on the assumption that a mediation program would be housed in a university office, and would have access to that office's phone system and computers.

Publicity expenses, which I will cover later in the paper, will include flyers, Beacon articles, and posters/signs to put in the office. These are the main forms of publicity, and the ones that require funds. Evaluation expenses refer to any expense paid out to conduct an evaluation of the program. The evaluation should be done by a group not associated with the program.

Finally, physical space needs are very important. The space involved in mediation is twofold—the “headquarters” space where scheduling is done and files and supplies are kept is one, and the actual space where mediation sessions are held is another. The symbolism of the space is important in a program. In other words, if the planning group decides to handle primarily roommate disputes, it is a good idea not to

hold mediation sessions in a residence hall. The idea is to make the space seem as neutral as possible. Similarly, the headquarters should be in neutral territory.

One of the best spaces the university has to offer is in the third floor of the University Center. A peer mediation center could be headquartered in the TeamVOLS office, and use its phones and computers. The space is very accessible to students, and there are enough other offices around that a student could go there and pick up information or schedule a session without worrying that someone would know where he or she were going.

Actual scheduling of mediation could be offered at specific times. This way, a student interested in scheduling a session could call the TeamVOLS main line, and the deskworker could send the student to the peer mediation extension. If this peer-mediation "hotline" is publicized for certain hours on certain days, the office space could be shared, and confidentiality would be preserved. For instance, if someone called to schedule a mediation session on a day when there was no mediator in the office, the general deskworker could simply ask the student to call back. Only mediation personnel would schedule sessions and speak with potential clients.

Another advantage to using the TeamVOLS office is organizational. There is already a TeamVOLS program which trains students to teach conflict resolution in elementary schools. The Community Mediation Center has expressed interest in publicizing through the TeamVOLS office. In the future, the elementary school, community, and student project could work together to bring speakers, have additional or specialized training sessions, and maintain a library of conflict resolution-related resources.

I see the TeamVOLS office as an ideal setting for a beginning mediation program. More difficult is finding space for the actual mediation sessions. Physical setup, both

outside and inside of the mediation room, is very important. Outside, there should be room for extra people to wait, or for the clients themselves to wait if the mediators take separate sessions. Bathrooms and water fountains should be nearby, as well as close access to the outside and/or a smoking area. Snack machines are a plus. These resources all help when the mediators and clients need to take a break, or are waiting. The room should not be isolated, if there is potential for violence. Finally, a copier should be available for copying final agreements, or any documents that both parties would like to have.

Inside the mediation room, there should be enough room and chairs for two mediators, two clients, and two additional seats. A table is also necessary, both practically—for writing and presenting paper documentation, and philosophically—to allow the parties to "come to the table" and resolve their differences. A table should be small enough to allow the disputing parties and the mediators to all be physically close to one another, but not uncomfortably so. The room should be private, so that the parties inside cannot be observed or heard from outside.

Finding a room with all of the above mentioned characteristics may be difficult, if not impossible. One option is the interview rooms on the main floor of the University Center. Almost every characteristic is met. However, these rooms must be reserved in advance, and are often booked. The peer-mediation program could look into "permanently reserving" one or two of the rooms, much as student organizations may reserve a certain room in the University Center each month at the same time and place for meetings. For mediation, the rooms must be available for at least two hours at a time. The main problem with pre-choosing a time for all mediation sessions is that this time may conflict with the needs of a student or students who choose to try mediation.

Other options for room space might be private study rooms in the Hodges Library, or at the Law School Library.

### **7. Identifying and Training Mediators**

Selecting mediators will be one of the first steps in the process when the planning group and the program directors extend their focus from laying the foundation to actually building and maintaining a successful peer-mediation program. Truthfully, one could write a book on identifying and training mediators (in fact, several books *have* been written on the subject.) In this section I will give a brief overview of that process, narrowing the focus to peer mediation when possible.

In terms of identifying mediators, peer mediators must be just that—the peers of the students that they will help. This means that on a large university campus, the mediators must represent many backgrounds, majors, ages, and interests. Though the mediators should be able to identify with many different types of student, they must all have a few things in common. General mediator-skills include: establishing rapport and trust with the disputants and between the disputants, clarifying issues, perceptions, and information for each disputant and between disputants, recognizing and interrupting communication patterns that prevent dialogue and resolution, minimizing the effects of power imbalances on negotiations, acting impartially, and maintaining confidentiality.<sup>25</sup>

Often, mediation programs pre-select their mediator candidates, to make sure that the candidates have a personality suited for the task. An application process is one way of doing this. I recommend this for our program for several reasons. First, applications—either paper or electronic—are valuable ways to obtain the names and contact information for students who are interested in mediation, even if they are not chosen to be peer-mediators. Also, by setting up an application system, the position of



mediator is seen as an honor. This will strengthen the reputation of a new program. Finally, in using applications, mediators may be chosen from the beginning with certain standard criteria. This way a student who may be seen as immature, or for whom balancing schoolwork and extracurricular activities is a challenge, can be eliminated from the program before they become involved. As with other programs on campus that require applications, an interview process is recommended. For the first group of peer-mediators, it will be important to have someone who is experienced with mediation to help with the pre-selection screening and interviews.

After they have been selected, the mediators must be trained. As I mentioned in the section regarding funding, the training will be an expense. Given our resources now, there are several options for training the peer mediators. The one that I believe would be the most beneficial, both for the mediators and for the community, would be to set up a special training through the Community Mediation Center. The Center could conduct an annual training, or, a short-term plan could be set up in which the Community Mediation Center conducts one or two "train the trainer" programs, and lets the student program directors do the training from that point forward. This choice will depend on whether the planning committee chooses for the mediators to be certified.

There is a mediator certification process in the state of Tennessee. To meet state regulations, it must be at least 40 hours long.<sup>26</sup> Given these regulations, the training to become certified must be state-sanctioned, and only certain people and organizations are qualified to provide that training. However, as there is no national certification, and various programs exist in Tennessee public elementary and high schools, it may be possible for peer mediators who are not state certified to serve on a college campus.

Any legal considerations to be made should be discussed in advance. In either case, considerable training should be mandatory before students begin mediating cases.

I recommend that the training be focused on the co-mediation, empowerment model used by the Knox County Community Mediation Center, the Law School Mediation Clinic, and the Knox County General Sessions court. Students can then apply their knowledge to these other bodies if needed.

### **8. Publicizing the Program and Creating Referral Systems**

Once the mediators have been chosen, and are in training, the program can be promoted as a resource to other students. It will be wise to create a sub-committee of the planning group and potential mediators to work on publicity. The Daily Beacon is an excellent source for publicizing a new program. Not only can the peer-mediation program run advertisements in the paper, but the Beacon could print an article on the merits of this new program, giving pertinent information related to scheduling. The News-Sentinel and/or the Metropulse might run stories, also. Chalking in the academic buildings is another traditional way to advertise. Posters and flyers will also get the message out. Based on the population the program intends to serve, there may be more specific modes of advertisement. Another way to gain support and explain the purpose of the program is to pass a resolution in the student and faculty senates (For an example of a resolution, please see Appendix D).

Our First-Year Studies classes are another way to inform students about the new program. A group of mediators could act out a mediation session in these classes and new students would be aware of the program. A final way to gain recognition is to host a speaker and/or reception as a formal welcome for the program and the new mediators. The program could solicit food donations from ARAMARK, which has been very gracious in donating food to other campus organizations. Students and faculty

who are not on the planning committee should be invited to attend and learn more about the program.

Of course, word-of-mouth and e-mail lists are other ways to inform students. Referrals may be especially helpful in the beginning of the project. It will be imperative to provide a clear explanation of the program and its goals to people who are in a position to refer students to mediation. Resident assistants, professors, and the staff of Student Counseling Services are three groups who might make referrals. Also, it will be a good idea to provide information about the program to any student offices that may already use conflict resolution techniques, like DRES and Student Judicial Affairs (of course, if representatives from these groups are on the planning committee, they should be actively aware of the project.)

The most evident goal of these promotional activities is to increase awareness about a new campus resource. A more subtle goal, however, is to promote the idea that mediation is an accepted way to resolve differences. On a college campus a program will be more successful if it is seen as something that many students support.

### **9. Operating and Maintaining the Program**

Once the mediation program is in operation it is important to pay attention to the day-to-day duties and make sure everything goes smoothly. These duties will consist of arranging mediation sessions as well as conducting them. The program directors in charge of scheduling mediation sessions must be aware that not all cases are suitable for mediation. In other words, after all of this publicity and outreach, there may be students who contact the mediation project but whose needs will be better met elsewhere.

The planning group should have discussed the limitations of the mediation service, and student schedulers must be aware of these limitations. For example, it may

be decided that any student case currently being handled through Student Judicial Affairs may not be simultaneously mediated. It may be that any case dealing with a violation of student regulations must first be referred to Student Judicial Affairs, even if it is later mediated. Whatever guidelines the planning committee sets forth, these must be readily available to the student who handles intake.

Beyond straightforward guidelines, an intake worker must be able to identify other reasons that mediation may not be suitable for a student. If for any reason the student does not seem to have power in the situation—for example, if the student appears to be under the influence of drugs or alcohol, or if the student indicates that he or she has been coerced into trying mediation—they are not ideal candidates for the process.

Mediation should be a voluntary activity. If one student wants to try mediation and the disputing party refuses to try it, there will be no mediation session. However, judges in General Sessions Court can require that parties listen to the *introduction stage* of mediation. If, after hearing the introduction and learning what mediation is, they still choose not to participate, the judge will then hear the case. A similar setup could be used on campus. If a residence hall director would like for two roommates to attend the mediation introduction, he or she may be able to require that of the students before he or she hears their case. If one or both of the parties, after the introduction, still does not want to continue, then there is no harm done.

In relation to the scheduler, if one student indicates that he or she would like to try mediation, the second party must be contacted. One way of doing this is to ask the interested student to contact the second party. In this way, the second party is contacted by someone he or she knows, and does not feel intimidated by a campus office contacting him or her. If the interested student refuses to contact the second

party, the mediation center could contact the second party to determine if he or she is also interested in mediation.

Once the parties agree to a mediation, a time must be scheduled. Given class, extracurricular, and work schedules of typical college students, this may be a challenge. The best idea I can suggest is to arrange set times that mediators will be available (these times must provide that two mediators and an observer can be available) then schedule mediation sessions for these times.

#### **10. Implementing Strategies for Evaluation and Feedback**

The final step in setting up a peer mediation program is setting up a way to evaluate this program. In my mediation training, we were encouraged to self-evaluate after each session: What went well? How can I improve things? What have I learned? This is a beneficial part of mediator training. I also recommend regular meetings among all of the peer mediators to share their personal experiences and to occasionally receive feedback from a more experienced mediator.

Beyond self-evaluation, the program must keep records as to its success. Results can be reported while maintaining confidentiality by simply indicating how many cases were referred but never made it to the introduction process, how many went through introduction but not mediation, how many went through mediation but did not reach a settlement, and how many did reach settlement in the end. Beyond this, it would be extremely helpful to contact participating students after their sessions, by way of a confidential survey, asking what they thought of the process, and if it helped them.

A good evaluation can be very time consuming, and should be planned in the planning stages of the program. If the mediators themselves do not conduct the evaluation, who will? Should it be handled by an outside source, like Student Evaluation Services? Could it be done as a project by a student or class in psychology

or College Student Personnel? This must be decided as the program is being developed.

### **Conclusion**

A peer-mediation program at the University of Tennessee would benefit the campus in numerous ways. Not only would it directly serve students in conflict, but it would also benefit the student mediators—who would learn a new and valuable skill, the university itself—which might be saved costly lawsuits, or would at least be able to claim the program as a recruiting tool, and the Knoxville community—which could use trained mediators in both formal and informal settings.

As mediation and alternative dispute resolution initiatives grow across the nation, the University of Tennessee must move with the times. A peer-mediation program is a cost-effective way to offer all students what the university already recognizes is a valuable form of interaction.

This mediation project cannot happen overnight. However, with support and student initiative, it can happen, and it can be successful. I hope that interested students will be given the resources and guidance to make it happen.

Appendix A  
Sample Evaluation Questionnaire

The following questions were used by a graduate student at the University of Oregon to determine need for mediation at that school.

1. Do you ever have misunderstandings in your department?
2. Do any of these problems seem to have recurring themes?
3. Who is responsible for handling grievances?
4. Would you describe your procedures?
5. Is there someone on your staff with a particular talent for achieving informal resolution?
6. Can you think of circumstances in which a neutral mediator might be useful to you?
7. Will you please share your reservations or any suggestions with me?
8. Is there someone else you think I should talk to?<sup>27</sup>

## Appendix B

### Examples of Statements of Purpose

#### Purdue University:

The process of resolving conflict is educational. By establishing a forum where each party is heard, we teach listening. By creating an environment where each party can speak, we teach communication. By developing the processes that seek resolution, we teach the importance of dialogue. And, by building these processes into a method of mediating disputes we teach citizenship. The Purdue Mediation and Conciliation Center is founded on the principle of Partnership and Service Learning. Embedded in its mission is the intention to support existing conflict resolution processes and procedures while conducting research on the discourse of mediation and its effectiveness. Recognizing that the mission encompasses both the process of effective mediation and the product of an informed citizen, the Center's purpose is both functional and educational.<sup>28</sup>

#### Massachusetts Institute of Technology:

- I. Purpose: Conflict is not new to a university setting where students from many diverse backgrounds come to learn and work in a tightly-knit, often competitive and pressured community. mediation@mit was therefore created to supplement the MIT's existing dispute resolution system.
- II. Mission: mediation@mit has a three-fold mission:
  1. To offer MIT students a forum for constructive dispute resolution, in a formal and confidential setting, that is, formal mediation
  2. To train members of the MIT community in mediation and other dispute resolution techniques in informal as well as formal settings
  3. To educate members of the MIT community about the value of constructive dispute resolution and promote peace on campus.<sup>29</sup>



Appendix C  
Program Arrangements<sup>30</sup>

<i>Campus</i>	<i>Location</i>	<i>Funding</i>	<i>Staffing</i>	<i>Case Types</i>
Haverford College	Student Council, Communication Outreach Program	Student Council	Thirty student volunteers	Roommate problems, anything involving student groups
James Madison University	Own office near Speech Communication Department	Faculty senate	Three faculty, thirty student volunteers	Landlord, fraternity, roommate, merchant
Oberlin College	Residence Life	Dean's Office	Twelve to fifteen faculty	Roommate
Pennsylvania State University	Center for Conflict Management	Division of Campus Life, Student Services	One conflict management specialist, volunteer intake coordinator, volunteers	Student, faculty, or staff; special discipline cases
University of Maryland	Professional building near campus	The university and city council	Three administrators twenty-five volunteers	Small claims, landlord, student-faculty, roommates

Appendix D

Sample Resolution

Board of Regents of the University System of Georgia Resolution

Developed by Committee on Organization and Law

November 9-10, 1994

1. Resolution to Support and Encourage Alternative Methods of Dispute  
Resolution

Recommended: That the Board adopt the following Resolution supporting and encouraging alternative means of dispute resolution within the University System.

WHEREAS the State of Georgia and the Georgia Supreme Court have taken the lead in formulating state-wide offices of dispute resolution to facilitate the use of alternative dispute resolution models in the courts and to resolve public and community conflicts, and

WHEREAS litigation is only one of many ways to resolve a dispute, and other processes include negotiation, facilitation, mediation, fact-finding and arbitration, and

WHEREAS the Board of Regents is desirous of exploring ways to reduce the number of appeals and lawsuits within the University System of Georgia,

NOW THEREFORE BE IT RECORDED that the Board of Regents supports the creation through the Office of the Executive Secretary of a Blue Ribbon

Committee to study alternative forms of dispute resolution which exist in higher education, and to bring to the Board recommendations for initiatives which may be pursued in the University System for the mitigation of and fair resolution of disputes.<sup>31</sup>

## Notes

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<[www.mtds.wayne.edu/campus.htm](http://www.mtds.wayne.edu/campus.htm)>