Higher Education's Current State of Alternative Dispute Resolution Services for Students

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Abstract

Using the 9-step Schrage Thompson Spectrum Model (2008) of conflict resolution as the research framework, the first named author and his classes conducted a two-year study to identify institutions that utilized alternative or appropriate dispute resolution programs (ADR) to promote a balance of student rights, and institutional obligations and values. During the 2013-2014 fall terms, graduate students at Nova Southeastern University in Florida identified one hundred (100) higher education institutions with successful ADR practices, finding great variety in services, location, staffing, funding, and populations served. The research presented in this article demonstrates wide use of ADR practices consistent with recommendations from the Association of Conflict Resolution (ACR), the International Restorative Justice Association (IRJA), the Association of Student Conduct Administration (ASCA), the American Arbitration Association (AAA), globally-recognized experts in the field of conflict resolution, and is believed to be reflective of the current student affairs' ADR climate in higher education settings. The research identified realistic alternative resolution pathways to facilitate dialogue and creative problem solving, proactively manage risk mitigation with equitable social justice best practices to promote diversity of cultures and perspectives, and apply restorative practices to maintain community health and standards. Previously considered administrative trivia (Cordes, 2005), these ADR practices have received minimal empirical focus; thus, the information contained in the research provides a snapshot of the current state of ADR practices for students in higher education and makes a case for their utility and expanded use for students and other university personnel.

Introduction

Organizational leaders globally have long recognized the necessity of dispute resolution procedures for the many different stakeholders who interact not only in the private and public sectors, but also in the campus community. Universities operate as a unified mega-business with a complex culture due to the different roles, responsibilities and politics of those in power, a matrix or decentralized often conflict-oriented culture within each academic division, with students adding an additional layer to the reporting hierarchy and chain of command. University leaders traditionally are a time-honored, formal authority, yet need to be responsive to student demographic changes as well as changing perspectives on power, authority and buying power. The institution prides itself through reputation and services, yet is highly dependent on the

student tuition base; thus, the challenge when balancing student conduct mandates and financial sustainability. Policies and procedures need to ensure a safe academic environment while considering the diversity and needs of each campus population. Traditionally, formal investigations into conduct infractions often result in a variety of student sanctions including probation, suspension, dismissal or even a possible educational component.

 Acceptable behaviors are published in the student handbooks and discussed during orientation periods with parents and guardians present. However, conflicts on campus do erupt for a variety of reasons from immaturity to substance abuse. When the underlying issues, needs and concerns which fueled the dispute are overlooked, students often exit or transfer to another university, and student affairs administrators rarely follow up with exit interviews traditional in corporate environments. Campus handbooks regarding civility and appropriate behavior provide student focused details about due process style options to respond to misconduct reports or grade appeals, but often exclude other alternatives or options to address disputes regarding faculty or administration other than appeals to the appropriate chain of command.

Appropriate or alternate dispute resolution (ADR) techniques are opportunities to be more proactive in managing disputes earlier on in the adversarial cycle focusing on the confidentiality, content, process, and the relationship issues at the core of each dispute, while assisting in developing mutually acceptable solutions. Federal legislation has espoused the virtues of ADR through various initiatives such as The Americans with Disabilities Act of 1990, the Administrative Dispute Resolution Act of 1990, and the Federal Civil Rights Act of 1991. President Clinton in 1993 issued Executive Order 12871 requiring all federal agencies to take steps to promote greater use of mediation, arbitration, early neutral, agency ombuds facilitation, conciliation, negotiated rulemaking, and interest-based negotiations with unionized employees. (Clinton, 1993, Presidential Executive Order 12871: Labor Management Partnerships).

Our research demonstrates that creative, powerful, and effective ADR strategies are now in use in many educational institutions and are aligned with progressive American university visions, missions and core values. These ADR processes emphasize community, inclusiveness, tolerance, collaboration, emotional and cultural intelligence, and life-skills training (Warters, 2011) and include procedures like conflict coaching, conciliation, facilitation, and mediation focused on sustaining relationships within the academic community. In the ever-changing academic environment, ADR practices are believed to create a balance between risk management involving individual rights and institutional obligations, and developmental issues intertwined with social justice.

Furthermore, ADR practices encourage inclusive disciplinary interventions and discourage the structural biases inherent in the institutional culture (Giacomini & Schrage, 2009). Giacomini & Schrage stress institutions must consider the "value of active student learning, the power of students to create their own meaning cognitively and affectively, and the role of institutions, educators, and peers to influence that learning" (p. 41) asking "What is the current capacity of your institution to engage in an educationally based approach that is sophisticated enough to protect the students and the institution from harm?" (p. 43). The 100 higher education institutions researched and profiled in this article have established programs and services to build that capacity by offering students innovative options to manage disputes among themselves and non-student actors, and between students and university mandates.

Research Procedure and Framework

Data were collected by master and doctoral students in a "Peer Mediation and Conflict Resolution in Higher Education" course presented in the fall semesters of 2013 and 2014 through the Department of Conflict Resolution Studies at Florida's Nova Southeastern University using the Schrage and Giacomini textbook *Reframing Campus Conflict: Student Conduct Practice Through a Social Justice Lens* (2009). The intention was to first identify higher education institutions that possibly had ADR conflict resolution services available. A preliminary search of institutions known to have ADR practices on their campus already, coupled with a more random survey of schools, yielded a rate of over 70% of schools we looked at publicized at least some form of ADR services on their web site. The study then progressed as students collaboratively researched more than 100 institutions offering various ADR practices to resolve conflict among students with some services expanded to faculty and staff. This data collected and presented here represents a compilation of current ADR campus practices, identifies innovative practices, and represents the diversity in focus, culture, services, client base, funding, housing, and other dimensions. We believe our report contains information on enough diverse institutions to represent a broad cross-section of ADR practices and services being offered nationally.

The Schrage Thompson Spectrum Model (2008) creates a continuum from the informal stages of no conflict management, to discussion and coaching, through the mid stages of facilitated dialogue, mediation and restorative practices, to the more formalized shuttle diplomacy, informational adjudication and the formal or terminal adjudication process. Referencing the 9-step Schrage Thompson Spectrum Model (2008) as the framework for the study, the main research question was to ascertain how many higher education institutions actually offered one or more of the Spectrum's ADR offerings to students and/or faculty and staff. Unlike the Jeanne Clery Act (20 USC § 1092(f)) requiring campuses to report crime statistics federally, statistics are not required as to the number and outcomes of dispute resolution services, and thus, much empirical data is unavailable (Carter & Bath, 2007). The 100 identified institutions, though not a random sample, are indicative of the current state of ADR practices on college campuses collected from interviews and web-based institutional information considered to be relevant and up-to-date.

The student-based research was exploratory and similar to grounded theory where the data began to weave a story of the current state of affairs of conflict resolution on college campuses. What evolved was evidence of 100 institutions that balanced individual rights with risk mitigation and conflict management, and transformed the collegiate community from the traditional process of protecting the institution against harm and litigation to a more balanced format that evened the power base through leaner and more proactive and fair procedures.

Information for this article was summarized from more than 200 pages of student led documentation which included topics such as an introduction to appropriate or alternative dispute resolution (ADR) services, the history of conflict resolution in higher education, appropriateness of these services, costs of unresolved conflict, various ADR service models, training for service providers, staffing and funding, housing of services, publicizing and branding, evaluation and assessment, research on ADR practices, and a conclusion which addresses the alignment of these services with the mission of the university and the conceptual shift that is necessary for ADR success.

The Evolution of ADR Growth in Higher Education

Conflict is a natural occurrence on college campuses as it is in life. Conflict resolution options including student adjudication models have always existed to "settle" the conflict, but do not necessarily deal with factors fueling the conflict. We present a brief overview of some of the most important milestones that propelled the growth and development of ADR services in college settings that created the foundation to reflect today's modern campus environment. First, we discuss the rise of the ombuds positions in higher education in the United States and then present data on the growth of campus mediation programs. Both of these services exist in higher education today, sometimes one or the other, sometimes both in tandem at the same college or university.

Originating in the Scandinavian countries and utilized in multiple disciplines, the ombudsperson often is referred to as an ombud or ombuds and remains a high-ranking independent neutral using alternate dispute resolution approaches intertwined with ethics, coaching, shuttle diplomacy, face saving options, and the authority to make recommendations for change (Sullivan, 2009). While there is no standardized definition of the position, the ombuds can make recommendations after facilitating problem solving once the issue has been brought to the ombuds' attention and searches for ways to prevent future incidents. Since the ombuds has a broad understanding of the organization's culture and values, there is the opportunity to design new changes, evaluate the current systems in place, and improve dialogue while reducing costly litigation and turnover (Wagner, 2000). The ombuds can identify potential problems and specific patterns of disruptive behavior before these actually reach a conflict stage.

The role of the ombuds on college campuses is that of an independent neutral who is knowledgeable about appropriate or alternate dispute resolution approaches and advocates for fair and equitable treatment while still supporting the institution's rules, policies and procedures (Clark, 2007). In addition, the ombuds functions as a confidential and information resource helping the organization work for change while promoting the values and ethical behaviors of fairness, equity, justice, equality of opportunity, and respect (Rowe, 1995). In exploring options with their client, the ombuds relies on active listening skills so the disputant feels heard and understood by an impartial party, clarifies organizational policies, investigates and identifies critical issues while determining viable options, and utilizes other internal resources for referrals such as Employee Assistance Programs and counseling services. The ombuds may also offer and implement shuttle diplomacy, mediation and/or conflict coaching if appropriate. The traditional ombuds has core competency skills in mediation, facilitation, arbitration, human resources, and law, and may be appointed as an internal candidate who knows the institution's culture, or may be recruited from outside because of the need to have and maintain an unbiased perspective (Katz, 2013).

John Zinsser of Columbia University (phone interview, 2014), one of the ombuds best advocates, outlined the role of today's ombuds as:

> being a great listener, mediator, and conflict coach proactive in helping the visitor walk through various situations asking how would the other person react if certain action was taken, a shuttle diplomat, an educator, a quick responder, and an individual with persuasive powers even when he/she has no formal power other than bringing greater clarity to issues and options…someone who builds an ethical culture, maintains compliance and is an

advocate for fairness…and is accessible to a defined population (ombuds-blog.blogspot.com).

The ombuds provides information to the administration about the services that are going well and changes that can be made. Zinsser and Jane-Ellen Reid from Eastern Mennonite University believe in the importance of internal individuals most familiar with the culture (2014). According to Russell (2003), annual reports are one obligation of the ombuds office and serve three important functions: to ensure accountability between the office and the school it serves, to provide an administrative audit and hold administrators accountable to the policies, and to provide a public medium to outline, discuss and advocate for departmental and institutional policy and procedural changes recommended by the ombuds.

There has been rapid and huge growth in the ombuds position in U.S. institutions of higher education in the past few decades. During the 1970s, 30 universities were identified as having an ombuds on campus, but by 2002 nearly 200 ombuds services existed (Warters, 2011). In 2015 nearly 300 U.S. and nearly 400 international institutions have ombuds listed on The Ombuds-Blog (www.ombuds-blog.blogspot.com). Additionally, all Florida State universities are required to have a student ombudsman office (www.flsenate.gov, Title XLVII Chapter 1006.51 The Florida Senate, 2012).

Student Mediation Programs and ADR Initiatives

Changing campus environments in dispute resolution were influenced in the 1960s and early 1970s to Vietnam protests, civil rights activities, and student unrest. In 1966, the first campus ombuds program was introduced at East Montana State University in Billings, Montana, followed the next year by Michigan State University "to respond to demands for neutral, safe and confidential place to discuss concerns and voice complaints" (Warters, 2000). The need for structured, assisted ADR practices to mitigate conflict became more urgent on May 4, 1970, when the Ohio National Guardsmen opened fire killing four Kent State University students, with nine others injured (www.kent.edu). Ten days later two Jackson State University students were killed inside their dorm when Mississippi local police and state troopers opened fire from the sidewalk (www.jsums.edu).   Both campuses incorporate conflict resolution information into freshmen orientations while Kent has had a permanent ombuds on campus for decades and has expanded services to include staff, faculty and students.

Important accomplishments in the development of conflict resolution in higher education soon followed. Some of the significant milestones include the American Arbitration Association's (AAA) establishment of the Center for Mediation in Higher Education in 1979. The AAA is a major player in the field of dispute resolution, and this action was taken to encourage institutions of higher education to adopt the use of mediation for disputes at all levels - faculty, staff, and administrative (Warters, 2011).

By 1980 the University of Hawaii, the University of Massachusetts, Iowa's Grinnell College, Utah's Brigham Young University, and Ohio's Oberlin College had established campus mediation offices created predominantly to resolve student disputes. A 1981 survey by Folger and Schubert found that more than half of the 741 U.S. institutions surveyed had instituted some type of formal or ad hoc third-party process for managing student-initiated grievances even if they didn't have an official ADR program (Warters, 2011).

The 1984 formation of NAME (National Association for Mediation in Education) was significant due to its initial promotion of conflict resolution at elementary and secondary school levels. Eventually NAME merged with the National Institute for Dispute Resolution (1995) and became the Conflict Resolution Education Network (www.CRE.net) expanding to include all educational levels for curricula and ADR services. Several studies and publications were instrumental in breathing new interest into the campus mediation process and shined a spotlight on the previously untapped ADR resources available on academic campuses. Girard, Rifkin and Townley (1985), Folger and Schubert (1986), Holton (1998), Volpe and Chandler (1999), and Warters (2000) all addressed the potential benefits of conflict resolution in higher education.

In 1985 Professor Neil Katz and Bill Warters co-founded the Syracuse (NY) Campus Mediation Center and in 1990 hosted the first National Conference on Campus Mediation Programs with over 100 participants from 18 U.S. institutions attending. At Syracuse, the services offered clearly expanded the range of conflict management interventions to include action research, process consultation, mediation, and facilitation for a variety of clients ranging from the dean and faculty of one of the professional schools, to several of the major service units, to academic support staff, and to one of the medical units (Katz, 2000). Alternative or appropriate dispute resolution practices such as facilitation, conciliation and negotiation made their entrance into the mainstream of large group disputes with the help of Collison's article published in *The Chronicle of Higher Education* entitled Negotiation, Not Violence, Is the Rule Today When Students Clash with Administrators (1990) discussing a shift away from using police and force to end student protests and promoting dialogue for peaceful resolution.

In 1993 The Association for Student Conduct Administration (ASCA, formerly the Association for Student Judicial Affairs) created their Ethical Principles and Standards of Conduct, with the preamble specifically stating:

> "…enforcement of such standards is to maintain and strengthen the ethical climate and to promote the academic integrity of our institutions. Clearly articulated and consistently administered standards of conduct form the basis for behavior expectations within an academic community. The enforcement of such standards should be accomplished in a manner that protects the rights, health and safety of members of that community so that they may pursue their educational goals without undue interference" (www.theasca.org/files).

To balance student individual rights with risk management and mitigation, and to balance community education with social justice, these professional responsibilities were adopted jointly in 1993 by the ASCA, the National Association of Student Personnel Administration (NASPA), and the American College Personnel Association (ACPA). These principles are expanded on the ASCA website (http://www.theasca.org).

In *The History of Campus Mediation Systems: Research and Practice*, Warters (1999) published a definitive timeline of various initiatives nationally across campuses. Warters, then a professor and one of the founders of Nova Southeastern University's campus mediation services, suggested conflict resolution practices are a type of 'due process' to mitigate the risks involved with potential litigation, thus, the need to expand ADR to include the entire university population from administration to staff, faculty and students (Katz, 2013).

Sara Lipka (2009) postulated educational institutions offer prime opportunities to utilize restorative justice as a blend of mediation and restitution where the harms are identified and the parties agree how to repair the harms. Lipka even suggested restorative actions are alternates to

the punitive conduct systems of higher education that no longer resonate with the institutional mission involving development and community (2009). In taking conflict to a more productive place where the turbulence of conflict can be navigated, Mayer (2015) brought to the forefront seven dilemmas at the core of all conflicts whether institutional, personal or familial: competition versus cooperation, optimism or realism, avoidance or engagement, emotion or logic, neutrality versus advocacy, and autonomy or community; thus, the ability to resolve a conflict rests on the pathway chosen and the ability to navigate the chaos (Mayer, 2015).

Initiatives in Law Schools and 21st Century Developments

According to the American Association of Law Schools' ADR Section (AALS), by the mid-1990s more than 30 law schools had entered the area of court-annexed alternative dispute resolution by establishing mediation clinics geared towards mediating referral cases from local courts and the campus community (Warters, 2011). Beyond law school initiatives, developments included the Association for Student Judicial Affairs (ASJA, formerly ASCA) supporting the use of mediation by university student conduct programs. Some campus mediation programs have received national recognition. The Campus Conflict Resolution Project at The University of Texas, San Antonio, received the first award from the National Association of College and University Business Officers (NACUBO) in 1998 for reducing costs while improving the quality of higher education (Warters, 2011).

In the 21st century, interest and programs in ADR services have proliferated as the costs of litigation and the number of lawsuits have escalated. Increased understanding of the benefits of ADR services has been presented in a multitude of publications including the influential *Chronicle of Higher Education.* One article featured psychologist Sandra Cheldelin, a member of the George Mason University's Institute on Conflict Resolution and Analysis, and her efforts consulting with educational institutions on value, interpersonal disagreements, and discrimination conflicts, and suggests the need for conflict resolution consultants in higher education institutions (Fogg, 2003). Within the University of Georgia system 3,000 members received conflict resolution skills training at 34 of the university institutions, and 385 designees received extensive third-party assistance mediation training (Fogg, 2003).

The Association for Student Conduct Administration (ASCA) has "endorsed alternative forms of conflict resolution models as viable conduct administration options" (Schrage & Giacomini, 2009, p. xiii). Along with the endorsement, the ASCA has embraced best practices for training student conduct professionals, promoting alternative dispute methods, mediation and other forms of conflict resolution (Taylor & Varner, 2009). Lipka suggested in her three-part series (2009) that conduct officers are less focused on the traditional punitive, legalistic and disciplinary systems, and rely now on appropriate resolution strategies giving further evidence to the results of our study.

The Competitive Advantage: Mitigating the Costs and Risks of Conflict

The growth and development of ADR practices was also influenced by greater attention to financial concerns for university officials. Recent studies have indicated that effective conflict resolution services are important in influencing recruitment and retention decisions (Garrido, 2015; Volpe & Chandler, 2001). When conflict intervention policies are not effective, there can be a negative impact on student loyalty, alumni relations, and the decision to attend the particular

institution (Garrido, 2015). Institutions of higher learning are now increasingly aware of the effects of a "stakeholder dissatisfaction culture" that can negatively influence their competitive advantage (Garrido, 2015). Institutions are concluding that providing services to manage student issues is a minor investment to make for a long-term return (Garrido, 2015; Warters, 2000).

Risk management is cyclical from identification of potential risks or threats, to the qualitative analysis and quantitative assessment or evaluation process, through the mitigation or control phase, to the monitoring or transfer of the risk potentiality, and finally the review process to capitalize on institutional objectives. Unresolved conflict can result in "substantial financial, human, and credibility costs to the organization" (Buss, 2011, p. 54). In the absence of effective conflict management systems there is growth in the attrition rate and related costs influenced by decline in productivity, absenteeism, turnover, and loss of reputation (Buss, 2011). The effect of employee and student attrition on costs can be broken down into three categories (Betts & Sikorski, 2008). Direct costs can be calculated for the recruitment and retention of employees and students. According to Swail (2004), a total of nearly twenty-four percent of four-year students will leave their initial institution before or after their sophomore year (Swail, 2004). Student happiness affects the economic future of the institution. Swail (2004) postulates the institution can calculate the loss of the student by multiplying the lost tuition charges with the remaining years to degree; gauging graduate student retention rates and guesstimating degree granted completion rates are even more difficult. Graduate students drop out, drop off, transfer, delay or change concentrations often without advising their graduate offices thus affecting the calculations.

A study by Gmelch and Burns (1993) provides support that department chairs cite intercollegiate conflict as the major category of stress and dissatisfaction with their job. Effective conflict management systems are shown to positively influence team cohesion and task completion by teams, yet within institutions of higher education, studies indicate attention to destructive or escalated conflict encompasses between 25% and 40% of otherwise productive time putting more stress and pressure on those not involved in the conflict to conduct departmental business, including time spent with students. In order to insure that those who are recruited stay with the institution long enough to pay the costs that persuaded them to join the institution in the first place, Katz and Flynn discuss a strategy known as prevent strategy, providing dispute resolution practices for prevention purposes and team success. Proactive internal conflict management systems should include mediation, organizational ombuds, and a system-wide implementation that facilitates positive change (Katz & Flynn, 2013).

Opportunity costs, an extension of direct costs, are associated with the loss of business and students. As a direct consequence of reduced resources and decreased quality of teaching due to faculty or adjunct attrition, this negativity affects the campus climate by creating difficulties with social and academic integration (Betts & Sikorski, 2008; Swail, 2004). Fewer new or available courses correlate with programs not meeting baseline operating costs, the loss of current and potential students, and the loss of potential or collaborating business partners. The negative spiral of unresolved institutional conflict affects the institution's reputation, deters potential faculty and staff from seeking positions with the institution, negatively affects student enrollment and recruitment, limits research, reduces faculty publishing and external grant opportunities, and finally, decreases donations and contributions.

Indirect costs relate to productivity, morale, and the climate of the workplace or overall institution that reduces employee performance and customer satisfaction, including the services to students (Betts & Sikorski, 2008). Avoidance or punitive measures do not address the factors

associated with the conflict itself. Imposing a settlement on disputing parties without their involvement, consent and commitment might very well contribute to the possibility that the conflict will surface again, or be exacerbated while spreading to others. Poor performance that might negatively affect students is often directly attributed to strained relationships with coworkers rather than deficient skills. When conflict persists, increased absenteeism and "presenteeism" (giving less than 100% effort to tasks) occur which also can have a direct impact on services to students.

ADR Services Currently Utilized

The study's 100 institutions are indicative of a variety of services. Multiple target populations identified faculty, staff and students, the community, governmental and regional agencies that provide ADR services. Most programs offer traditional mediation and facilitation interventions, yet many expand their efforts to include conflict coaching, restorative practices and the design of conflict management systems.

   Schrage & Giacomini postulate in *Reframing Campus Conflict: Student Conduct Practice Through a Social Justice Lens* (2009) that living models are needed to assist campus administrators in removing barriers to meet the needs of diverse and ever-changing campus populations. Archaic conduct rules and traditional processes often increase disparate and destructive treatment and outcomes especially when individuals are from a different culture or a marginalized group oppressed by the rigidity of a one-size-fits-all perspective. Stressing social identity and cultural diversity, Schrage & Giacomini (2009) note that traditional structural responses to misconduct predetermine punitive outcomes. Following pathways along the Schrage Thompson (2008) continuum provides opportunities to tailor more equitable responses to teach communication skills and self-control, encourage empowerment and ownership of actions, and ultimately boost self-esteem which are part of our higher educational learning goals.

Relevance of the Spectrum Model

The Spectrum of Resolution Options Model (Schrage & Thompson, 2008) often referenced as the "Spectrum Model or Spectrum Continuum Model" offers flexible options for disputants seeking solutions. The Spectrum Model conceptualizes resolution pathways starting at the optimum, less structured and informal lowest level where stakes are minimal for both parties and increase to the highly structured formal legal processes where often there is one winner and one loser determined by an authority outside the dispute. Schrage (2009) refers to intangible space as the 'magic real estate' time frame between the issue and the parties' selected pathway--a time when relationships can be salvaged and discussions between the parties themselves are more open to address the issues at the heart of the dispute. The Spectrum begins with the informal, intentional option of no conflict management involvement by campus administrators then proceeds through open dialogue/debate/discussion to conflict coaching and facilitation with a neutral 3rd party. Mediation marks the midpoint moving into the more formal stages of restorative practices, shuttle diplomacy, informal adjudication and the formal adjudication where the stakes are the highest and the potential losses are greatest. Pathway options might be likened to those available to intimate partners acknowledging a breakdown in the relationship then discussing the next step--should they try to work out their problem(s) themselves, should they ask for assistance of a counselor or mediator, or should they hire attorneys immediately; the

'magic real estate' is the lull between issue, thoughts and recognition, and the disputants' choice of constructive actions forward.

The Schrage Thompson Spectrum Model is an "intentional, deliberate and thoughtful educational approach aimed at increasing access and improving student learning…to return to individualized incident management focused on learning, student development and the unique needs of the involved parties" (p. 67) and is based on two foundational assumptions moving away from the punitive to assure the usage of all available appropriate and flexible resolutions methods, and the building and restoration of those involved and affected by the harms of the conflict itself (Schrage & Giacomini, 2009). An added feature of the Spectrum is that options are not set in stone meaning disputants are free to explore multiple options at any stage of the dispute before the issue is resolved formally or informally.

The 100 institutions identified as having working and successful ADR practices incorporate a variety of strategies along the Spectrum Model's continuum. Most institutions have student mediation services emulating the Spectrum mid-point where resolution is still possible using a 3rd party's expertise. Facilitation and negotiation, training and staff development, along with consultation, fall at the Spectrum mid-point where the dispute can still be resolved amicably and reasonably by the disputants themselves. Restorative practices and shuttle diplomacy are the next stages and often involve more formal techniques and additional harmed parties beyond the disputants and continue to focus on individual rights more so than risk mitigation or risk management.

As one moves along the Spectrum Model options, the focus shifts toward both conflict resolution and risk management. Arbitration becomes an option at the more formal level of the Spectrum where a 3rd party recommends or dictates a settlement. The most formal procedure of the Spectrum involves adjudication through the student judicial or conduct system where a decision is rendered by a campus hearing officer or panel. All stages of the Spectrum Model remain flexible until the parties reach the adjudication phases where negotiations and decisions focus on a legal interpretation.

The institutions in our study incorporate appropriate and alternative dispute resolution strategies to focus on the student's rights to resolve issues, and to drastically reduce the potential of conflict escalation outcomes that can result in tangible and intangible losses to the institution and to at least one of the parties.

Variety of ADR Services

The 100 institutions in the study offer a variety of diverse services for students and occasionally for the extended community. Services range from mediation and conflict facilitation to academic offerings, conflict coaching, restorative practices, training workshops and systems design. Institutional offerings are influenced by resources, locations, collaborative partnerships, and targeted populations.

Academic Programs

At the outset, the study reveals hundreds of institutions with graduate and undergraduate level conflict management coursework offerings, certificate and certification options, and doctoral programs including Virginia's George Mason University, Florida's Nova Southeastern University, and Georgia's Kennesaw State University. While not the focus of this study, these

are common and offer a bevy of resources for volunteers to help staff and train service centers in conflict resolution.

Mediation Services

Mediation services are available at a majority of the universities and colleges reviewed and are the mid-point between the informal and formal continuum of the Schrage Thompson Spectrum Model. The traditional problem solving mediation process includes a mediator (a neutral 3rd party) who facilitates a collaborative process that often results in a party-driven agreement while helping bridge relationships going forward. A unique variety of mediation services offered include:

- *Family mediation* (University of North Dakota, Fresno Pacific University, University of Colorado, West Virginia University)
- *Team Accord and University Accord* (Eastern Mennonite University)
- *Peer mediation* (University of New Haven, Southern Methodist University (SMU), North Central College, Missouri State University)
- *Restorative justice mediation /victim-offender mediation* (University of Illinois, Missouri State University)
- *Court annexed mediation* (University of Illinois, SMU, Fresno Pacific University, Columbia University)
- *Community mediation* (Howard Community College, Fresno Pacific University, Columbia University, University of Alabama, University of Wisconsin, Loyola University of Los Angeles, Harvard University)
- *Workplace mediation* (Syracuse University, Fresno Pacific University, University of Georgia, University of Minnesota, Eastern Mennonite University, Virginia Tech University, University of Florida, Kennesaw State University, Dickinson College, Kent State University, many others),
- *Tort claim mediation* (Fresno Pacific University)
- *Elder mediation* (Fresno Pacific University)
- *Estate mediation* (Fresno Pacific University)
- *Social justice mediation* (University of Michigan, University of Massachusetts, Oberlin)
- *Corporate, public and international mediation* (Harvard University)

The mediation services offered by the various colleges and universities deal with several matters including:

- Campus disputes or matters involving students, faculty and other staff members including student disciplinary matters
- Civil, family and community disputes involving individuals, businesses, churches and other organizations
- Adult and juvenile crime and other such matters dealing with offending behavior which results in damage to property, minor injury to the person or loss of income
- Matters arising from student conduct proceedings
- Public policy issues

- Corporate disputes
- Landlord-tenant disputes
- Government and group disputes
- EEOC employment discrimination disputes referred by Administrative Law Judges.

Noteworthy among the types of mediation services offered are re-entry mediation services for people formerly incarcerated who aspire to higher education and offered by Maryland's Howard Community College through its Mediation and Conflict Resolution Center, and Social Justice Mediation services offered by the University of Michigan through its Office of Student Conflict Resolution under the guidance of Dr. Erik Wessel.

Re-entry mediation services are often offered in a correctional facility to inmates preparing to re-enter the community outside the penal system. Facilitation encourages discussion of critical issues involving the successful re-entry of the inmate who often will return to a collegiate setting to resume their educational goals.

Restorative Justice

Restorative justice (RJ) is an innovative process of conflict resolution with the indigenous roots of Native American culture gaining popularity with potential benefits for the offender, the victim and the community. Restorative justice involves teaching offenders important life lessons about the impact of their actions on individuals and the community alike. Given the opportunity to tell his or her side of the story, the offender can collaborate with those affected in a structured way to find options to repair the harm. This allows the offender to develop empathy while recognizing that even though his actions brought harm, the injured parties might be willing to forgive and accept the offender as a productive member of the community. The restorative justice process is a structured educational process that can take many forms including victim-offender conference and restorative justice circles, but the central theme is respect for the dignity of all people while meeting the needs of the victims.

A trained facilitator or co-facilitator would be present in these restorative processes as the injured party or community members meet the offender(s) often for the first time to participate in a hostile-free discussion where victims express their hurt or disappointment in the offender's actions. Hearing the offender apologize and show remorse for the harm done is a form of atonement and part of the healing process that often brings closure for the harmed party(ies). Traditionally an offender might be expelled from the institution or incarcerated, but the face-to-face meeting with the offender encourages exploration of alternate formats to right the wrong.

According to *Restorative Justice Online Blog* (http://www.restorativejustice.org), there are four key values that characterize RJ programs:

- opportunities for encounter should be created for victims, offenders and community members to meet to discuss the offense and the consequences
- offenders should be expected to take steps to repair the harm done
- both the victim and the offender should be reintegrated into society to become solid contributing members of society, and
- opportunities should be created for all parties involved as a part of the solution

Restorative justice focuses on the offense committed, by whom, and what can be done to repair the harm. The educational aspect inherent in the RJ process encourages effective dialogue and communication rather than punishment. According to Howard Zehr, considered the grandfather of restorative justice on campus (2002), restorative justice practices promote individual responsibility and community restoration, sometimes immediately and sometimes long after an incident has affected the community.

Howard Zehr from Virginia's Eastern Mennonite University, Mark Umbriet from the University of Minnesota, Toran Hansen from Maryland's Salisbury University, Richard Olshak from Illinois State University and David Karp of New York's Skidmore College are among those leaders who specialize in victim-offender services. They promote restorative justice approaches on campus as an alternative to traditional legalistic conduct systems to provide learning opportunities for the offenders as well as realistic, non-punitive alternatives to make the victim 'whole again' and restore relationships within communities (www.restorativejustice.org/webtour/alphalisting/rjandpeacemaking).

Versions of restorative justice practices were uncovered in our study and include the following: Community group conferences are the most traditional of restorative justice models and are called circles because of the placement of the individuals. This approach has proven to be effective resolving many violations including alcohol and other drug related offences. The circles may include victims themselves and offender supporters who have an opportunity to speak and all must listen. The community group conference creates a non-defensive and open atmosphere. Since there is no back and forth adversarial argument, the process fosters an atmosphere of understanding of the impact of the offender's actions. Counselors or wellness professional may be present to participate in the circle if needed. The group will discuss the incident, identify the harm and brainstorm options to resolve the harm satisfactorily.

Restorative justice circles are offered at numerous institutions including Clemson University, Colorado State University, Michigan State University, the University of Michigan, Florida University, the University of South Carolina, Illinois State University, Skidmore College, and the Massachusetts Institute of Technology. At the University of Rochester Center for Student Conflict Management, when there is an incident or conflict involving a group of community members and interpersonal or intergroup conflicts, the Center director will determine whether to offer restorative justice over the traditional disciplinary process. At the University of Michigan restorative justice is offered as part of its Adaptable Conflict Resolution Pathways program in response to a party engaging in conduct that violates the values of the university. The focus in the circle is the identification of the parties impacted by this conduct and the consideration of ways in which the harm can be repaired while successful resolution means the offending party will not incur a disciplinary record.

Restorative dialogue is a form of restorative justice. At Howard Community College the dialogue provides an opportunity to victims of specified minor assaults or property damage to talk to the person who committed the assault or damage, in a safe environment. This process allows for increased understanding between the parties as to the situation and facilitates many possible outcomes including an apology and restitution.

At Eastern Mennonite University, an affiliate organization of the Center for Justice and Peace building called "Coming to The Table" provides leadership, resources and a supportive environment to persons wishing to acknowledge and heal wounds from racism rooted in the history of slavery in the United States. In addition, Eastern Mennonite University promotes

restorative justice conversations, connections, and learning through its Zehr Institute for Restorative Justice.

Restorative reflection is a service provided by Howard Community College involving only one participant per session. The participant, usually a juvenile, is guided through a reflection regarding the incident and their thoughts before and after the incident. Support is offered as the offender reflects on the person who was harmed by these actions and the ways in which the offender can contribute to making the situation better. The participants are also assisted in this process with creating a plan and utilizing tools which would allow them to deal with conflicts in the future in a more positive manner.

The Fresno Pacific University Center for Peacemaking and Conflict Studies has pioneered a Restorative Justice Project serving both as a resource and training center with restorative justice implementation services. According to the University's website, the mission of the project is three-fold:

- To assist churches and other groups in their commencement of new Victim Offender Reconciliation Programs
- To assist government and non-profit agencies in the implementation of restorative justice principles in their programs, and
- To assist in reconciliation at the societal, national and international levels

Fresno Pacific University's 'Discipline that Restores' provides a unique blend of theory, strategies and conflict resolution education, peacemaking and restorative justice best practices. This program offers curriculum, training and consultation in the development and implementation of restorative justice principles in schools to positively affect discipline by increasing cooperation and mutual respect among students as well as empowering students to be responsible and accountable.

The Community Accountability Board (CAB) at the University of Colorado focuses on repairing harm to individuals and the community, educating students on community living and allowing students to accept responsibility in a safe constructive environment. The CAB process is typically used for quality-of-life violations including excessive nuisance, unreasonable noise, and fraudulent identification. The CAB is comprised of trained restorative justice facilitators and other community members such as landlords, business owners, police officers, and university faculty and staff. The outcome of a successful CAB process is educating the parties, repairing the harm, and re-establishing a harmonious living environment.

In addition to forms of restorative justice options, our study sample revealed a bountiful use of other ADR practices found in The Spectrum Model (2008). We discuss some of the most commonly used practices.

Facilitation Services

Facilitation services are offered by many of the Universities studied such as the University of North Dakota, Penn State University, Southern Methodist University, Missouri State University, Nova Southeastern University, Fresno Pacific University and the University of Michigan. These services are offered to various groups and basically follow the standard process of having a neutral 3rd party (the facilitator) provide assistance to groups to increase their effectiveness by helping to improve their process and relationship effectiveness. Generally, the services include

facilitating meetings, discussions, strategic planning and visioning sessions for businesses, and on and off campus organizations. At the University of North Dakota, facilitation services are also offered in areas such as mission statement creation, effective meeting facilitation and large group communication facilitation. In mission statement creation, business owners are assisted in the process of determining who they are and the manner in which they want to present that message to their customers and clients. Effective meeting facilitation services are offered from planning through execution and evaluation strategies. Through large group communication facilitation, groups of 50 or more people are assisted in effectively communicating on a shared topic.

Facilitation services are provided at the University of Illinois through a team action plan that follows a four-stage process to enhance group productivity and the interaction of the group members. At the Center for Peacemaking and Conflict Studies at Fresno Pacific University facilitation services are combined with business mediation, church mediation and workplace mediation. The University of North Dakota's facilitation services are combined with conflict management training geared towards team development to assist groups in moving beyond their differences. Facilitation strategies based on sound conflict management principles are used to teach skills that help participants deal with the conflicts they face in their groups or at their workplace. Continued support and training are provided so as to achieve sustainable change.

Conflict Coaching Services

The University of North Dakota, Nova Southeastern University, Temple University, University of Illinois, Nova Southeastern University, Southern Methodist University, Missouri State University, the University of Rochester, Fresno Pacific University, the University of Michigan, and others offer conflict coaching.   Conflict coaching is a one-on-one process by which parties are assisted in developing skills and strategies for interacting with others. Coaches work with parties to enhance their understanding of conflict. Temple University in Philadelphia is regarded as the pioneer in conflict coaching on campus, and through the leadership and innovative program pioneering of Tricia Jones, their Conflict Education Resource Team (CERT) trains undergraduate students to coach other students under the guidance and auspices of the counseling center.

Eastern Mennonite's Accord training through their on-campus practicum includes conflict coaching from the faculty which is a real-time experience in dealing with others while learning conflict resolution techniques as a practitioner using dialogue, debate and discussion. Adding a facilitator or 3rd party unbiased individual moves the disputants to the next stage of the continuum. Kent State's program in conflict coaching includes students, faculty and staff while Southern Methodist University's Conflict Resolution Center conflict coaching service has been found to be particularly effective in instances where one disputing party refuses to attend mediation. This is also the case at the University of Illinois where they use a conflict coach when the parties to the conflict are not interested in participating in formal mediation or where the conflict is not appropriate for mediation.

At the University of Rochester conflict coaching is offered to students to assist them in identifying and applying conflict management strategies that are targeted specifically to their particular situations without a 3rd party facilitator. The students of Missouri State University Center for Dispute Resolution also benefit from the conflict coaching services offered at the Center as do students and employees at the University of Michigan. Conflict coaching services are initiated in community-based programs to equip members of the community with the skills

and strategies for dealing with conflict. At the Center for Peacemaking and Conflict Studies at Fresno Pacific University, negotiation coaches are offered to assist in analyzing various conflict situations and helping the parties to move beyond impasse.

Training Services

The University of Texas, University of North Dakota, Penn State University, University of Rochester, University of New Haven, Syracuse University and Eastern Mennonite University provide training and development to students and staff of the campuses as well as to the community members on methods to manage conflict, understand, and identify underlying issues surrounding a conflict. The University of Illinois offers certification upon completion, while Syracuse University offers conflict resolution training for Freshman Forum classes and a one-credit life skills class required for all first year students. At North Central College specific training on effective conflict management is offered in the residential halls with hands-on training opportunities available to mediate disputes for local business, churches and other organizations. At Nova Southeastern University, the Student Mediation Services Department offers customized presentations and training based on the needs and interests of the group or class.

Some of the 100 institutions extend conflict resolution and ADR training to staff members. The Center for Student Conflict Management at the University of Rochester has training opportunities for students and staff members who are interested in mediation, conflict coaching, restorative circles and general conflict resolution skills. Customized strategies at Penn State University include strategic planning training provided to the College of Agriculture, organizational development and teambuilding training provided for the Penn State's Health Services as well as negotiation training for the Outreach and Continuing Education Department.

Syracuse University's Conflict Management Center offers training workshops and outreach services beyond the institution and into the greater Syracuse community where large group participation in conflict resolution can be accomplished cost-effectively as evidenced by training the entire staff of residential services at Marist College in Poughkeepsie, NY. Syracuse University's Public Safety division of 120 members focused on emotional intelligence and workplace mediation, while over 50 administrative and supervisory staff participated in ADR training at the University of Belize (Katz, 2014). Regardless of the level of trainee, the ADR training was found to enhance rapport, communication and conflict management skills.

The University of New Haven provides approximately six training workshops per semester in peer education, cultural competency, and sexual misconduct policy training. Nova Southeastern University, through its Community Resolution Services, offers training and workshops to individuals, families, groups and organizations to assist in resolving conflicts on the campus as well as in the wider community.

Missouri State University's Center for Dispute Resolution offers highly advanced mediation training in parenting coordination, victim-offender training and construction mediation. Campus workshops focus on topics like conflict in classroom, crucial conversations, workplace bullying, conflict with health care providers, resolving conflict in advising, managing emotions and diffusing anger, personality types and conflict, problem students, problem parents, conflict during holidays, and managing conflict within departments.

Missouri State University offers public workshops to the general public addressing areas such as managing conflict effectively, dealing with difficult people, managing high-conflict

clients, family conflicts, teacher/student conflicts, managing conflict and change, and conflicts with volunteers. Their specific audience services provide training for parents through workshops in co-parenting, communication, discipline and managing conflict. Training for children between the ages of 8 years to 16 years deals with communication, perception, emotion, listening, conflict styles and making choices, and negotiating. Missouri State also partners with state departments for the training of non-profit organizations.

Howard Community College's Mediation and Conflict Resolution Center targets audiences with intriguing titles such as "Out with the Old – In with the New: Working with Youth in Conflict", "Are You in Your Right Brain?", "Be Your Best Athlete" and "Coaching Conflict – Help Your Athletes Avoid Red Cards".

The Center for Justice and Peace Building at Eastern Mennonite University offers a Women's Peace Building Leadership Program focused specifically on the development of female leaders by educating women in conflict analysis, prevention and transformation. Highly experienced international peace building practitioners individually mentor the participants. The Center also offers the "Strategies for Trauma Awareness and Resilience" (STAR) training program tailored to meet the needs of trauma-impacted individuals and communities. The STAR program combines theory and practices from neurobiology, conflict transformation, human security, spirituality, and restorative justice. STAR specifically focuses on individuals and organizations who through their jobs come in contact with persons dealing with trauma (whether current or historic) including mental health, medical and legal professionals, clergy, peace builders and humanitarians.

Consultation Services

Several of the study's 100 institutions provide consultation services from which several other services flow. The range of services provided is diverse and so is the target population. The consultation services are offered to individuals, state and local governmental agencies, courts, policy makers, public interest groups, businesses, institutions, and community organizations. These services include:

- providing information related to all facets of conflict resolution to the community (the Dispute Resolution Center of the North Central College);
- planning, design and evaluation of dispute resolution/conflict management systems/programs (University of New Haven, Fresno Pacific University and University of Texas);
- organizational evaluation (Fresno Pacific University);
- grant performance evaluation (Fresno Pacific University);
- process consultation (Fresno Pacific University);
- conflict and situation assessment for alternative dispute resolution appropriateness (Fresno Pacific University);
- referral services (Fresno Pacific University, University of Texas);
- drafting alternative dispute resolution contract clauses (University of Texas);
- assisting with legal research on alternative dispute issues (University of Texas);
- providing publications for guidance on several specific public policy alternative dispute resolution topics (University of Texas),

- intervention services (Fresno Pacific, Nova Southeastern University)

Arbitration Services

Arbitration services are offered sporadically in the study's 100 institutions. At the Southern Methodist University's Conflict Resolution Center trained arbitrators along with trained students offer a public service and community outreach format as well as a practicum for students and graduates who are supervised by the experienced arbitrators. They are designed to be low cost services to the clients that use these services. The University of Michigan offers arbitration services to the student-body as part of its formal conflict resolution process. The arbitration allows the students to tell their version of the dispute, produce information, present witnesses, and to ask questions of each other. A determination is then made by the arbitrator who may be either from the faculty, staff or a student panel as to culpability.

Unique Services

A few of the study's 100 institutions initiate services that are unique not only in strategy but also in the population to be served. The University of Michigan created Circles of Support and Accountability, and Adaptable Conflict Resolution for students. Other combinations of conflict resolution processes provide flexible and adaptable approaches to conflict resolution created to meet the needs of the target population. Fresno State University's Mediation Associates offers early neutral evaluation, private settlement conferences, a combination of a voluntary settlement conference and a mediation session known as VSC-Med, a combination of a deposition and mediation known as Depo-Med, and a combination of mixing processes referred to as Mix and Match. Mediation Associates is a professional private conflict resolution service offering a diverse range of dispute resolution processes. These services are offered through Mediation Associates at the university who are experienced professional neutrals providing services nationally and globally.

Fresno State University's innovative program trains over 7,000 elementary and middle school children and teachers in mediation. The Mediation Mentors Program partners with future teachers, counselors, social workers and school psychologists to develop conflict resolution skills in the public school system.

Funding, Staffing and Training

Universities have always found novel ways to fund program initiatives including ADR services across campuses in the United States. The current research found no set pattern for how the programs should be funded nor how the funds are acquired. Overwhelmingly, the majority of programs are allocated funds through the University budgets or tuition revenues. Warters (1991) suggested a variety of options such as on-campus clinics, student fee-funded groups, multi-party funding from student/faculty/ staff groups, program development funds, and external funding sources such as grants and foundations. Over the years numerous pay-as-you-use and sliding fee scales for services have gained momentum. Occasionally an altruistic judge or retired executive will donate operating funds or alumni might sponsor program initiatives that bear their names as donors. Local, state, federal governments and private foundations offer grants, especially when

collaborative partnerships are formed with outside stakeholders like those at Morgan State University in Baltimore.

Missouri State University receives funding through the university and partly through grants received primarily for training and community outreach initiatives, and generates revenue through court mediations. North Central College uses endowments and charitable trusts to fund their program. The University of North Dakota's Conflict Resolution Center is a non-profit organization and receives tax-deductible financial contributions as a means of funding their program. Harvard University and Fresno Pacific University charge fees for some of the services, while the University of Central Florida provides for-fee mediation services to alumni and the community to help fund their programs. Eastern Mennonite University's Accord Director and Ombuds, Jane-Ellen Reid, generates revenue through their unique summer conflict training institute, the Bridges Program, and the Seminar in Trauma Awareness and Resilience (STAR) Program. Eastern Mennonite University is one of the cutting edge developers of innovative world-class conflict programs affiliated with Howard Zehr and other notable conflict experts, especially John Paul Lederach and his conflict transformation approach.

External funding sources benefit the University of Texas and Boise State University which receive public funding through legislative action by their respective state governments. The state of Maryland provides funding to some state institutions through the "Safe School, Healthy Students" initiative. On the national level three agencies are instrumental in the development of ADR educational services especially the Hewlett Foundation, The Fund for the Improvement of Post-Secondary Education (FIPSE) and the Judicial Arbitration and Mediation Services Foundation (JAMS).

Staffing

Review of college-supported ADR programs selected for this study indicates predominately small program staffing. Although large state universities like the University of Georgia, Florida State University and the University of Colorado have multiple ombuds, most institutions might have one omsbuds and then have one or two full time workers who are supplemented by a rotation of part-time workers or variously trained graduate or undergraduate student workers.

According to The University of Michigan Office of Student Conflict Resolution's Director, Dr. Erik Wessel (2015), their extensive staff includes an Associate Director, 2 full-time program mangers, a half-time program manager for sexual misconduct, a full-time program specialist, a records specialist, an office supervisor, and 10 undergraduate student facilitators even producing annual reports available on their website (https://oscr.unmich.edu). Their originally delineated roles have evolved over time and now serve as a living Schrage Thompson Spectrum Model where program managers are familiar with the overall Spectrum pathways but assume leadership in specific areas including sexual misconduct, alcohol and substances, and adaptable conflict resolution options. Rendering services primarily to University of Michigan students, support is extended to conflicts with faculty or staff involving the students. Through a collaborative resolution process on campus, the ombuds office, academic human resources personnel and other collegiate stakeholders interact with the Office of Student Conflict Resolution staff to resolve disputes while pursuing the mission of the office to "build trust, promote justice and teach peace" (2015).

Syracuse University has a graduate student-led program for peer student training in conflict resolution though there is a paid staff of professionals to deal with faculty and staff disputes;

trainers for Syracuse's conflict resolution education include faculty, staff, graduate students and community members with experience and interest in conflict resolution. Morgan State University's staff includes a psychologist, a coordinator of peer education, and an outreach coordinator.

Innovative strategies for staffing and fund raising are evident at Howard Community College with another large department in our research sample. Howard's College Mediation and Conflict Resolution Program on the campus is currently staffed by a part-time director, a part-time program coordinator, and a part-time training coordinator/case manager who oversee 150 trained volunteers providing mediation and restorative dialogue services. Similarly, the University of North Dakota's Conflict Resolution Center has 3 full time employees and offers a paid membership to allow professionals to gain additional practical experience and extends internship opportunities to students who are interested in learning about conflict resolution processes and non-profit organizations. Students are supervised by the experienced professionals and are afforded opportunities to work with mediation clients, campus entities, and other local community organizations. Professionals also staff Missouri State University's ADR program where a staff of 30 professional mediators volunteer to train graduate assistants for peer mediation and juvenile court mediations. Austin Community College's ADR program is part of their Human Resources Department that trains and uses employees and faculty from various offices throughout the campus to provide mediation services campus wide.

Training

The study's 100 institutions use different methods to provide training for service providers including their full-time staff with many institution's hiring only those specifically trained as an ombuds with membership in accredited ombuds' associations or professional mediators. Limited training was associated with lesser positions.

Training of volunteer mediators, facilitators, and conflict coaches varies widely. Skidmore College requires a minimum of 30 hours of formal training as well as New York State certification in basic mediation skills also qualifying as a one-credit hour course for students. Skidmore offers a three-day training course in restorative justice while Illinois State University offers trainings to staff and other interested parties. The University of Texas-Arlington staff mediators receive extensive training to be certified by the state of Texas.

Collaborative partnerships with professional groups are cost effective. Morgan State University collaborates with a Baltimore community group receiving mediation training through the Community Mediation and Conflict Resolution Center of Baltimore County. New York University has weekly meetings with coaches who are experienced conflict resolution and mediation professionals within the New York Court system. The University of California at Berkeley and the University of Nevada Las Vegas both have affiliations with community mediation centers.

Housing and Location of ADR Services

The study found a correlation between the physical and administrative location of the ADR services and the system design, the services delivered, and the target population served. When considering the implementation of a new ADR program, it is imperative to understand the implications, obligations, and expectations that come with its physical location at the institution.

Alternative Dispute Resolution (ADR) higher education programs nationally are created to occupy the physical space and the platform from which individuals and communities can promote a proactive conflict culture to encourage learning in a safe environment. The integration of ADR services into an existing administrative conflict model adapts to the goals and core values of the university to establish and cultivate new skills for understanding and managing conflict. To effectively integrate ADR into any institution, the process of effectively creating, operating, and maintaining a newly implemented ADR system must be carefully considered since the physical and administrative location in which the ADR is housed will impact the overall design and effectiveness (Katz, 2014). Zinsser and Reid both agree the value of ADR programs will not be obvious until the services mature (2014) so the return on investment will not be immediately evident.

The study's institutions house and administer ADR programs differently. Locations are in law schools, human resource departments, academic affairs offices, counseling offices, intercultural relations offices, and one was in a small renovated storage area away from campus walkways to insure privacy and confidentiality; some institutions have their own free-standing center or building dedicated specifically for ADR services. Each program is unique in its physical and administrative location, and the choice seems to have played a significant role in the ADR system's design and focus, services rendered, and population served. Analysis shows some ADR services are created spontaneously, while highly successful offerings receive significant leadership attention and collaborative focus to consider the scope and depth of proposed services, stakeholders served, and future expansion potential.

The department overseeing the implementation of ADR services selects the physical and administrative location. The housing of the ADR will help determine whether the focus is on code of conduct violations or a broader spectrum of conflict resolution initiatives and skill building. The categories of housing centers seem to be threefold: 1) ADR programs housed within law schools or human resource departments, 2) ADR programs that are separate academic centers, and 3) ADR programs that have been integrated into various other departments or administrative offices.

In the sample study of schools, ADR programs housed in law schools or human resource departments develop a stronger focus to address code of conduct violations, utilize significant legal language, and are more grounded in the traditional punitive methods of managing conflict, modeled after our judicial system (guilt vs. innocence) as a standard corrective or disciplinary response to guilty behavior (Taylor and Varner, 2009). Northwestern University, Rutgers University, New York University, Columbia University, Washington University of St. Louis, the University of Nevada Las Vegas, the University of Alabama, the University of Wisconsin, and the University of Toledo have similar affiliations, staffing and funding from the law schools that not only influence their ADR processes but focus on the judicial impact of services offered. Focusing on the traditional judicial process appears to limit the target populations, the issues, and the referral source as code of conduct violations and court-mandated mediation cases.

Universities with stand-alone ADR service centers transition beyond traditional conflict management to provide a range of conflict management services with a broader vision of influencing the conflict culture and climate of the institution while serving a variety of stakeholders. Unique objectives are evident in those services not affiliated with a particular department. Motivated to expand the understanding and grow the conflict management skills within their communities, these centers provide ADR services, offer a wider array of opportunities to manage those conflicts, and also provide services outside the realm of code of

student conduct violations. Pennsylvania State University, the University of North Dakota, the University of Minnesota, Guilford College, Brigham Young University and Missouri State University maintain individual centers interacting with a variety of populations such as students, faculty, businesses, community members, and the court systems. These programs are less bound by departmental stakeholders or department affiliations that may constrict their scope of work.

   Numerous programs and system designs are unique to their institution including those in academic affairs, public policy, intercultural relations, student affairs or residential living, and counseling. A gap analysis or assessment determines the ADR service needed to fill a void, which is then designed to serve as an additional benefit to the program or department. Community Resolution Services (CRS) at Nova Southeastern University is sponsored by the Graduate School of Humanities and Social Sciences (SHSS) as an ADR training and service program unique to the academic graduate Department of Conflict Resolution Services (DCRS) focusing predominantly on not-for-profit organizations. The University of New Haven blends services through a Center for Dispute Resolution housed within Legal Studies offering mediation training and ADR services, as well as an Office of Intercultural Relations housed within Student Affairs offering conflict prevention services. New Haven's diverse population is the focus of "Safe Zone" promoting cultural awareness and inclusion.

   At Syracuse University, the Office of Human Capital Development's mission is to "develop our people to their highest potential" and "provide an organizational bridge to reach across institutional boundaries, departmental silos, and departmental cultures to support and advance the University values of opportunity, access and inclusion" (2014). An associate vice–president of Human Capital Development is also the Chief Officer for Equal Opportunity, Inclusion, and Resolution Services (EOIRS) and provides leadership and guidance for the collaborative effort. Syracuse's successful interventions include training, facilitation, conciliation, conflict coaching and mediation. The EOIRS office works across all divisions of the University to build community and cultivate a culture of respect, safety and equity…beyond legal compliance…to educate members about their rights and responsibilities with regard to how they are treated and treat others, and assisting those with concerns or complaints (Syracuse University, 2014).

Marketing Strategies

Conflict resolution programs in higher education vary in their systemic approach and the types of services they offer, but all of the programs need clients to which they can provide services. Unfortunately, our research yielded a common disappointment among staff in ADR programs believing their services were severely underutilized. Although these programs offer alternatives to legislative and punitive systems, as well as provide students in a transitional phase of their lives with options for their interpersonal conflicts, ADR processes are confronted with the serious challenge of overcoming the stigma associated with admitting one is in a conflict situation and seeking help. Students and staff may face a real or perceived sense of inadequacy. Overcoming this stigma can only be done through education and exposure. Conflict resolution centers must use marketing techniques to promote essential concepts that may be unfamiliar to their campus and community, attract positive attention, and target students, staff and the community to promote understanding and reach them personally. Five promotional categories are suggested.

   Branding is utilized globally to set suppliers and businesses apart from their competition. While most universities use their institutional logo on all correspondence and marketing,

Missouri University's Center for Dispute Resolution logo incorporates a discrete handshake in the backdrop of the bold letters "CDR" short for Conflict Dispute Resolution. Southern Methodist University uses a slogan as their logo, "CHANGING MINDS" in eye catching blue and red colors similar to election voting logos. Pictures and symbols are easy to recognize and remember, send a message, and are more easily identifiable when seen around campus or in the community. Logos like symbols are thought to generate a positive image and evoke a sense of trust that is needed to gain the confidence of those in need of conflict resolution services.

Print media is a traditional form of advertising used by the majority of the study's campus programs including newsletters, handbooks, brochures, advertising posters, and promotional items. Flyers and posters advertise services to residential and commuter students most often displayed on bulletin boards in residence halls, building hallways, and other high traffic areas. Nova Southeastern University advertises their student mediation services in the residence halls by publicizing the mediator's picture. The resident mediator thereby gains recognition and ideally the trust of residential students.

Newsletters are cost effective when sent electronically, are instantly available to keep the campus community up to date on current ADR events and opportunities, and serve as a continuous reminder of the program. The University of North Dakota's Conflict Resolution Center's monthly newsletter offers enrollment opportunities for upcoming trainings on subjects such as "Identifying Bullying" and "Negotiation Skills for Women." Newsletters that are timely and accessible on the institution's website home page for easy access encourage dialogue and word-of-mouth advertising. Networking with reading groups and bloggers also is highly utilized. North Central College's student-run newsletter is circulated to the Illinois State Bar Association while the University of New Haven distributes information through the student email list serve. Pennsylvania State University and Fresno University publish on their Facebook accounts.

Brochures, cards, and promotional items are less frequently relied on as a method of disseminating program information on a regular basis but are commonly used as a part of outreach efforts in trainings and presentations. Print media is costly even when printed using the institution's printing office but creativity can have high dividends with minimal investment. The University of New Haven uses jellybeans at open houses, trainings, and campus events with their logo for their Intercultural Relations office and for their Safe Zone program. Giving away logo tee shirts, dry-erase wallboards, sticky tabs, pencils, pens, coffee mugs, and calendars are also cost effective since these items are used continually by the campus community.

Campus and community outreach are the most popular forms of marketing. Missouri State University does not utilize any form of traditional marketing; instead their ADR staff participates in presentations at campus events, leadership conferences, provides faculty trainings, partners with community organizations, provides non-profit workshops, and also collaborates with the juvenile court system, the county mental health department, and youth organizations to provide training as well victim-offender mediation services.

The review of the conflict resolution services being offered reveals numerous opportunities for community engagement and outreach. The majority of the dispute resolution services offered by Southern Methodist University's Conflict Resolution Center are geared towards community outreach, are offered as low cost services, and are provided by program alumni, faculty, and current students, as well as local dispute resolution professionals who volunteer their services to the public. Syracuse University's focus on outreach and on-campus training is open to the non-profit community and outside stakeholders. Many of the services offered by the University of North Dakota Conflict Resolution Center are community-based offerings to

schools, non-profit organizations, children and youth, families and the elderly. Missouri State University has partnered with many community organizations such as the County Mental Health Department, and the Green Country Juvenile and Youth organizations to offer free services to non-profit organizations and low cost mediation services to the community through its volunteer mediators.

Creative outreach is found to have a positive effect. The University of North Dakota also provides public workshops on a variety of subjects ranging from "Difficult Conversations" to "Employment Mediation". Howard Community College, Syracuse University, and University of Texas provide and promote workshops and trainings to integrate the fundamental ADR concepts and skills into the overall culture of the university. Syracuse University utilizes their campus radio station to promote mediation services by airing a dramatization of a dispute and the subsequent mediation giving listeners the opportunity to listen to the conflict unfold and understand the concepts of mediation from a safe distance which is more engaging than a mediator explaining the process to the disputants (Warters, 2000).

The Dispute Resolution Center of North Central College also engages in community outreach through its Campus Outreach Program where assistance is provided in mediating disputes for local courts, businesses, churches, and other organizations in the community. In addition, the Center provides a resource center from which members of the community can access information related to all facets of conflict resolution. At Nova Southeastern University, Community Resolution Services (CRS) offers conflict resolution services through its family intervention program "Voices Family Outreach Program" assisting families struggling with low to moderate levels of conflicts and violence. Over 100 trained volunteers from Howard Community College provide mediation and conflict resolution services to the community including workshops and presentations.

The University of Colorado, Maryland's Salisbury University, Georgia's Kennesaw State University, and Virginia Tech University are all examples of service centers that offer considerable outreach opportunities to citizens and groups outside the university community. Both Kennesaw and Salisbury work locally and globally to research conflict management practices, assess conflict management programs, and provide training in conflict management skills. Colorado offers assistance in neighbor conflicts, landlord tenant disputes and family conflicts while Virginia Tech offers workplace mediation services to state government agencies, institutions and employees.

A web page is easily created to provide informative, up to date, and interactive resources for ADR programs with basic information about services, location, and contact information. Some of the study's institutions are limited to basic, general information, while others are more interactive with hyperlinks and icons offering in-depth explanations of services available, hyperlinks for appointment schedules, comments from leading ADR experts, Question and Answer (Q&A) icons with examples of campus conflict issues and possible resolution scenarios, and articles in downloadable form from national conflict experts. Several institutions also divide their website into specific applicable areas for faculty and staff, current students, parents, and a general information section for those individuals just perusing the campus website.

The University of North Dakota has access to different types of services, resources, pictures of past events, upcoming events or trainings, links to social media and much more. Similarly, Missouri State University provides an extensive list of services, trainings, networking opportunities, and ADR resources, but their most unique feature is an interactive platform called "Ask the Expert" in which an individual can post a confidential question regarding conflicts with

coworkers, neighbors, roommates, family members, friends or others, and within days receive a professional response from the 'Conflict Expert' (http://www.missouristate.edu/cdr/Expert.html). Eastern Mennonite University's Team Accord and University Accord units offer training opportunities with compensation for a semester's commitment as a student mediator.

In the 21st century quick access to information, staying connected and relevance are the top three strategies for all marketing. Most of the schools are catching on to the trend although staying connected and relevant pose challenges. The University of North Dakota, Missouri State University, Southern Methodist University, Syracuse University, and University of Michigan all use Facebook and some also use Twitter. Austin Community College and the University of Michigan have blogs that never expire, keeping conversation current and increasing visibility. Twitter, Instagram and Facebook are commonalities among campuses and new sources are added daily.

Social media sources can be used to disseminate trending academia, promote special events with minimal spending, and engage students in dialogue. Most importantly it allows the program to have a growing presence. The University of North Dakota's Facebook features easy links to register for "Essential Skills" workshop, photos from CRC conferences, family mediation service information, motivational quotes, and more. The University of New Haven in Connecticut invites those connected to participate in American journalist Michele Norris' "Race Card Project" which involves six-word sentences or stories about race and identity, contribute to New Public Radio's trending discussion, and view videos on "Hard Conversations" (http://theracecardproject.com). Social media allows programs to develop a personality that can gain followers and a chance to disseminate fundamental concepts of conflict resolution.

ADR Program Effectiveness

Our study found very few institutions use evaluation processes for ADR services. Evaluation is the review of what transpired to assist in determining relevance, efficiency, effectiveness and impact so as to strengthen future programming, provide evidence of success, and also deepen understanding of how and why things work (Church & Rogers, 2006). Warters (2011) suggests evaluation research serves many different purposes, including: (1) justifying and explaining the program, (2) program planning and decision making, (3) improving services, (4) addressing a specific problem area, and (5) assessing volunteer needs and impact. However, the study found no consistency and little data in program evaluation as to numbers of cases handled, the characteristics of the clients or disputants, the way the cases were treated, and the results of the intervention. The lack of documented results indicates basic documentation should be supplemented by evaluation of the effectiveness of the intervention followed by ongoing assessment about the long term outcomes of the service provided and the specific utilization of the different types of services offered.

One good example of the uses of documentation and evaluation comes from Eastern Mennonite University where the ombuds maintains statistics which are considered in policy decisions using four recognizable evaluation approaches including a needs or gap analysis element, process monitoring, ongoing evaluation of Team and University Accord trainings, coaching of student mediators during practical internships, and evaluation of agreements; all categories are documented and reported to the institution's leaders. Documentation of the ADR successes at each stage has assisted in the expansion of services, added to the student population

because of the additional disciplines incorporated into Eastern Mennonite's conflict resolution degree programs with global recognition for excellence.

ADR Research Opportunities

Despite evaluative and research shortcomings noted above, our study found several programs with a major research emphasis. Syracuse University's Program for the Advancement of Research on Conflict and Collaboration (PARCC) provides dissertation funding for research on conflict resolution topics, and graduate assistantships to coordinate and foster student research. In addition, PARCC offers monetary awards for research leading to educational material such as case studies and simulations, which are prime examples of activities that bridge research, theory, and practice. Pennsylvania State University's Center for Research in Conflict Negotiation (CRCN) is an interdisciplinary, academic center that creates opportunities for student and faculty research, training development, conflict management design, and consultation experiences. Harvard University's Program on Negotiation (PON) is well known for its many publications and resources including books, articles, training films, simulations, role-plays and various other teaching and research materials.

ADR campus based programs provide a multitude of opportunities for exciting action-research projects through collaboration with faculty from the undergraduate to the doctoral dissertation level. Examples of research conducted on applied ADR services include:

- The student decision-making processes that motivate one to utilize ADR services for their conflict issues.
- How the location and housing of ADR programs impact the use of services.
- Does mediation or arbitration appeal more to multi-generational conflict parties?
- Is ADR effective on conflicts between cultural organizations?
- What is the perceived impact of ADR on future collaborations or relationship building?
- Does ADR decrease recurring group conflicts?

Our study found the application and effectiveness of ADR processes needs to be continually evaluated and reviewed to adapt and evolve with the changing needs of society in terms of technology, population, economy, politics, and ecology, etc. Supporting research of campus ADR services provides opportunities for case studies, longitudinal studies, and educational studies which will add to the field's basic body of knowledge while developing and testing new theories, and increasing the institution's ability to improve existing processes to meet their particular conflict mitigation needs. Research of ADR services, programs, and applications enhances the practice and effectiveness congruent with the mission of higher education to increase knowledge and effectiveness through rigorous academic research. The authors would like to reemphasize that research supported ADR services can provide integrated opportunities that build bridges between theories, research, and practice.

Hybrid Model

Several institutions in our sample implemented hybrid models of ADR that allow for a variety of ADR services. We highlight here the University of Michigan's Office of Student Conflict Resolution (OSCR) as an unusually creative model and home to a living application of The

Spectrum Model. According to Director Dr. Erik Wessel, two central truths are at the heart of their efforts: One is to implant a view of conflict as a normal and natural part of life itself, and second, that "conflict, when approached from a position of humility and respect, can be an engine for constructive transformative social change… not as something to be eliminated, but rather as something that can transform community" (2015, personal discussion). Processes are offered and tailored to meet the differing needs and interests of the parties in conflict--supporting the premise Schrage and Thompson (2008) discussed in their Continuum Spectrum Model (Schrage & Giacomini, 2009). Disputants can choose from three main pathways: the Formal Conflict Resolution (FCR), the Adaptable Conflict Resolution (AdCR), and the Adaptable Conflict Resolution for Alcohol and Other Drugs (ACR-for-AOD).

The FCR process is applicable in instances where students have violated the Statement of Student Rights and Responsibilities after a complaint has been lodged. Once such a violation is alleged, the complainant (the person alleging the violation) and the respondent (the person alleged to have committed the violation) are given an opportunity to meet with the staff of the University of Michigan's OSCR to discuss the available options in the FCR process. In the FCR process, the respondent has the option of either accepting responsibility for the violations, in which case sanctions may be imposed, or contesting the complaint through arbitration. If the arbitrator rules the respondent is in violation, sanctions are imposed. Where there are violations of the Statement, the parties may opt to forgo the FCR and attempt resolution through the Adaptable Conflict Resolution Pathway. In this pathway, students are offered the following variety of services customized to meet individual circumstances:

- *Conflict Coaching* - if a party wants to explore constructive ways to deal with the *conflict on his/her own*
- *Facilitated Dialogue* – if a party is interested in having a constructive conversation with another and requires a facilitator to assist in having this conversation
- *Social Justice Mediation* – if a party prefers to communicate his/her needs and opinions to another through a mediator
- *Restorative Justice Circles* – if a party who has been impacted by the actions of another, wishes to confront that person in a safe environment, to understand what happened and the reason for it happening
- *Shuttle Negotiation* – if a party has proposals for resolution but does not want to directly deal with the other party. In this process, the party can have an indirect conversation with the other party which is facilitated by the parties each meeting privately with the facilitator who after assisting the parties to explore their needs, desires and options, shuttles each party's proposals between each other until there is an agreement.

The Adaptable Conflict Resolution for Alcohol and Other Drugs Program (ACR-for-AOD) provides assistance to students who may be involved in alcohol or other drug-related incidents. Through this program, students have the option of addressing their involvement in such incidents in a safe and confidential setting without incurring a disciplinary record. Students involved in alcohol or drug-related incidents are not obligated to choose the ACR-for-AOD pathway and can choose to contest any allegation made in this regard and request the FCR process.

Conclusion: Good News, Bad News, and a Look Ahead

The 100 higher education institutions studied provide evidence supporting the prevalence and variety of creative ADR services to more proactively and reactively resolve conflicts at their lowest and most effective levels, improve the campus conflict climate, and preserve relationships. In addition, alternative pathways are identified for enhancing personal empowerment, accountability, critical thinking and the promotion of new ideas and skill development in disputing parties. Conflict resolution services were established to assist in building a safe and inclusive community for its members, while building their constructive conflict capacity. The principles and skills embedded in these ADR practices are consistent with University values of diversity, inclusion and civility, and support the goals and objectives endorsed by The Association for Student Conduct Administration, the American Bar Association, the Judicial Arbitration Mediation Service (JAMS), numerous federal government agencies, and leading public and private sector educational groups including the Harvard Business Review, the International Ombudsman Association, and The Chronicle of Higher Education. Furthermore, these processes are more in line with state and federal accreditation and regulatory agencies that scrutinize how disputes are handled in higher education while looking for evidence of up-to-date best practices that balance individual rights, concerns for justice and fairness, and management of risks.

   Although the authors of this article and the many students who contributed their research are encouraged about the prevalence and variety of innovative ADR practices on campus for college students and others, they are concerned that the research found only isolated examples of these same ADR practices being made readily available and promoted for faculty, staff and administrator disputes. Some institutions seem to rely almost exclusively on traditional investigation and punitive measures in their university offices of legal affairs and human resources while neglecting the Spectrum-based options.

   This finding is disturbing because it raises serious questions as to why universities would offer and encourage dialogue, problem solving and possible relationship saving methods among transient student populations, but not promote these processes more publicly to their more permanent staff. Dr. Nancy Geist Giacomini from Kentucky's Sullivan University actively advocates and encourages ADR not only as a bridge between The Spectrum Model and student conduct administration, but as an opportunity for faculty and staff members to also learn, live and model ADR in their professional lives.

   Through this study, the authors conclude ADR practices mirror some of the most important widely proclaimed values, missions and visions of higher education and offer some responses to critics of higher education that question its benefits to individuals and society. Greater use of ADR principles and procedures offer educators a model for promoting individuals' capacities and responsibilities for making decisions that affect their lives and others, reinforces the healing power of empathy, understanding and forgiveness, and relies more on voluntary cooperation rather than power and coercion.   The mission statement for The Purdue University's Mediation and Conciliation Center is reflective of the skills that underlie ADR educational practices: "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. By building these processes into a method of mediating disputes, we teach citizenship" (Warters, 2011, p. 201).

As we look ahead, the environment in which colleges and universities operate are reflecting the major challenges and tensions in our society at large such as high standards vs. financial stability, reliance on technology vs. face-to-face interaction, and major conflicts over ethnic, racial rivalries, and tragic incidences of bullying, intentional violence, and sexual misconduct. With these issues and others, especially with high profile cases, campus leaders are walking a fine line between student conduct policies that protect the institution and its members while also recognizing individual rights, developmental needs of its members, and values of justice and fairness. Increasing use of ADR strategies, skills and principles can help mitigate some of the negative effects of these conflicts and assist all members of the higher education community address the inevitable differences and disputes that arise in our increasingly complex and demanding institutional environment.

Notes

The authors acknowledge the variety of terms used by current conflict resolution practitioners in the field who refer to the 'ombuds' as an 'ombudsman', 'ombud', or 'ombudsperson', and to 'appropriate' dispute resolution practices as 'alternate' or 'alternative' practices. For simplicity we are using the 'ombuds' even though plural in spelling, refers to a single individual. The use of 'alternative' indicates a variety of acceptable resolution options.

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A complete listing of the study's 100 institutions is available through an email request to: Dr. Neil Katz at: kneil@nova.edu or Linda Kovack at: lk503@nova.edu.

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