

Students as Partners in Campus Mediation

By Andrew Chadwick

Among the judicial affairs officers with whom I work, the use of mediation as a solution to some student conduct problems is quite popular. Many judicial affairs offices also employ mediators or other alternative dispute resolution coordinators to oversee a mediation option. Most institutions that actively use mediation have developed procedures and policies for managing the movement of complaints through the campus judicial system and when appropriate, into the mediation track. As I'm sure you know, much research into the value and successes of mediation exists both in and outside of higher education.

So it should come as no surprise to anyone that students will want to get in on this act as well. On several campuses where I have worked, student governments, and other student groups have actively formed peer-mediation organizations with the hope of providing mediation services to other students. Initially these student groups were interested in providing support for peers with issues such as landlord-tenant disputes, or other quasi-legal problems. Recently, there has been a pleasing (if somewhat anxiety-causing) trend which sees these student mediation groups asking to be more and more involved in complaints which were once the exclusive purview of the campus judicial process.

Many U.S. high schools offer peer mediation as an extra-curricular activity, so some subsection of today's entering first-year students understand or have at least heard of mediation. Mediation as a tool benefits from a societal reputation as a kinder, gentler solution to legal woes. Students may feel more comfortable with the concept of mediation than with the campus conduct system. There are, of course, caveats to this which we'll look at in this article. I'll also spell out a few quick tips for working with or even integrating these student-peer mediation groups into your campus judicial process. By integration I mean to consider that such a group may be asked to play a formal part in the role of the judicial affairs office. This may seem a little scary to some at first, but with proper planning and care, it can be done well.

The Philosophy Trap

The first step in working with student mediation groups is to be sure that your mission statements and values line up in a way that does not cause you to shoot yourself in the foot when joining forces. Students usually have their hearts in the right place in organizing their mediation efforts, but there are times when they will not initially understand some of the subtleties of a campus judicial system. This naivety shows itself through wishy-washy goals, or even mission statements which fly in the face of what you believe. At one large public high-profile university, the student mediation program was established by student activists in an attempt to convince administration that a formal campus judicial system was not necessary. This would be an extreme case of incompatible values. At another college, the student mediators wanted to provide an alternative to the formal campus judicial process. This might be seen initially as an incompatible philosophy if your institution's code of conduct is rigid about the resolution of student misconduct. However, if your campus judicial process's mission statement is to provide a diverse set of dispute resolution options for students, this might be a good relationship in which

to invest. Often by sitting down and working with the student group, you can reach some understanding on a common mission. What you may also experience in this sit-down is how much the students may come to appreciate your advice, experience, and expertise in this field.

Advise Me, Please!

I've found that while the drive and desire on the part of students to provide great mediation is strong, they frequently do not have the experience, time, or know-how to organize a successful program. The strengths of these student mediation organizations include a wealth of energy, exuberance, and willingness, but are tempered by significant inexperience when it comes to organizational management. If your student mediation organization is reticent to accept your involvement in their normal operations, this is a sign that their program either already has very organized and charismatic leadership, or more likely, its doomed to eventually mediocrity. From the largest university to the smallest liberal arts college, a successful student peer-mediation program needs high structure and consistent operations to be successful. Judicial affairs offices have the professional experiences and staff needed to help with these needs for consistency and structure! The trick is getting the two together.

Typically for the student group, this is easier to accept than it is for the student affairs office. Student affairs professionals know that developmentally, traditionally aged college students are hungry for mentorship and advising. If judicial affairs officers are willing to present themselves as potential advisors (rather than supervisors--the difference here is important!) they are likely to be received with open arms by students. With the stability of a physical office and staff, a judicial affairs unit can provide the time, place, and resources that a student organization needs. It may be possible for the judicial affairs office to even 'adopt' the student mediation group in much the same way in which a relationship exists between the Student Activities and Leadership offices and the student government. The student group is free to set its own course, and with close and constant interaction with the judicial affairs staff, they will begin to pick up the habits of success and best practices which our offices use everyday. The negotiations about the use of time, space, and staffing can be tricky especially in these days of tight budgets and scrutinizing leadership. However if performed properly, you'll come away with a powerful partnership which will certainly benefit students as a whole, and may also benefit your bottom line!

Student Organizations as Cash Cows?

Many who work in judicial affairs probably feel over-worked either because they are the only one on the campus doing the work (small institutions) or because their case load is so voluminous that keeping track of what is happening from day to day is seemingly impossible (large institutions). If, as some organizational theorists posit, program success is dependent on three factors (enough staff, enough space, enough technology), then student affairs units have to wonder about their futures. Little new money is becoming available to charter specialized programs like peer-mediation, so judicial affairs offices have to find ways to do more with less.

Partnering with a student mediation organization might be one way to defer some of those costs while continuing to innovate and offer new services. As was said before, student groups of this type often have the warm bodies and energy to staff a new program. While they are not paid,

they do benefit from professional development, networking opportunities, and resume builders. A smart judicial affairs office will play up these aspects in return for a commitment from students to staff the mediation-request telephone number or e-mail account. Since the best mediation occurs in a time and place which is most conducive to the disputants in question (college students), it should not be impossible to find mediators willing to work after business hours and in strange living environments. Imagine offering services to arguing roommates at 9pm when both disputants' calendars suddenly align?

In return for advice and organizational aide, these student groups provide your office with the ability to reach more students, with more options, with new methods--all with little new money needing to be spent.

So What Do I Have To Do?

In order for judicial affairs offices to successfully partner with student mediation organizations, a few realities must be faced:

- The student affairs unit leadership is going to have to be comfortable dropping the need for the formal judicial process for some complaints which might be good candidates for mediation. This requires the development of a schema for what kinds of complaint can and should be mediated. This means that the student affairs staff may have slightly less say in the outcome of some kinds of complaints.
- Written mediated agreements, the logical outcome of mediation, may not satisfy your institutional definition of a student record as defined by FERPA. Some administrators become nervous when there is no formal record documenting the process.
- If the student affairs unit is to support mediation as a legitimate resolution technique, taking the place of the campus judicial system in some instances, students and mediation-purists will have to accept some caveats to the traditional mediation philosophy:
 - Mediated agreements must dove-tail with the policies and procedures of the student code of conduct.
 - Disputants may not have as much freedom of time, place, and manner in which to conduct the mediation, especially if there is the perception of a victim or other pressures that must be addressed.
 - Student affairs units may wish to keep copies of mediated agreements to 'enforce' the outcome. This presents a privacy problem if the disputants are agreeing to some sensitive stuff.

But the benefits to the judicial affairs office are also tempting:

- A de facto decrease in case load which means more staff time and resources for other endeavors.
- Good will with the student body, who perceive mediation as a more favorable method for dealing with student misconduct vis-à-vis the judicial system.
- Opportunities to connect with faculty and other units on the campus who are interested in peace studies, alternative dispute resolution, and social justice.

- Mediation contributes to a shift in student culture which both holds students accountable to each other for their acts, and combats the current problems of student apathy and entitlement which we're all facing.

There are many great organizations out there offering mediation training for student affairs units. If you're interested, I suggest the Association for Student Judicial Affairs Don Gehring Training Institute's mediation track. For more info visit <http://asja.tamu.edu>

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