

Montclair State University

Campus Mediation Center



Procedural Manual ©2006

Montclair State University
1 Normal Avenue
Montclair, New Jersey 07043
Dickson Hall, Room 348
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Mediation Policy:

1. Mediation will take place in Dickson Hall Room 348, in the Student Center or other convenient locations.
2. All meetings will be kept confidential.
3. All parties involved in mediation will be provided an INFORMATION SHEET FOR PARTIES PREPARING FOR MEDIATION.
4. All parties must sign the AGREEMENT TO MEDIATE with copies provided for their records.
5. Mediation If an agreement is reached, a MEDIATION AGREEMENT will be completed by the mediator and signed by the parties with copies given to the parties. The original copy will be kept in a secured location.
6. Post Mediation Follow-Up In the event of a mandatory referral, a CASE MEDIATION FOLLOW-UP FORM will be sent to the office of Residence Life. On all mediation, a POST MEDIATION REPORT FORM will be completed and kept in a secured location.
7. Within 48 hours after the mediation session is conducted, a MEDIATION FOLLOW-UP FORM will be sent with a self-addressed envelope to the participants for anonymous data collection.
8. After 3 – 4 weeks the Campus Mediation Center will contact the parties to the mediation to follow-up.

Volunteer Mediator Policy:

POLICY FOR STUDENT MEDIATORS

Mediators have one of the most important roles on campus: assisting others in resolving the disputes that prevent a peaceful coexistence. They are often entrusted with confidential and highly sensitive information. Therefore, they must be carefully selected, trained, evaluated, and held to the highest standards of honesty, good faith, and sound judgment. The following policies address many crucial concerns:

CONFIDENTIALITY

† All matters handled by, or referred to, the Montclair State University Campus Mediation Center are confidential. All information regarding people who use, request the use of, or are referred to the program must be treated as absolutely private and highly sensitive. Mediators may not divulge any such information to anyone outside the program in any way. This policy applies to all current and former mediators and should be enforced rigorously. Violation of this policy should result in dismissal from the Campus Mediation Center and should lead to formal disciplinary action.

CONFLICT OF INTERESTS

† In order to ensure the fairest possible dispute resolution system, mediators are required to excuse themselves from cases assigned to them when a conflict of interest is present. It is impossible to describe every possible conflict of interest, so mediators are advised to consult with a faculty advisor and to request a replacement if they have any doubt about the actual or apparent impartiality of their work.

COMPLIANCE WITH UNIVERSITY POLICIES AND RESPONSIBILITIES

† Mediators are expected to maintain the highest standards of conduct and reputation. Because the position of mediator is one of great trust, the faculty advisor has broad latitude in determining whether the conduct of a mediator disqualifies that mediator from continued service.

SELF-EVALUATION

† In all cases, the mediator must complete a brief MEDIATOR POST ASSESSMENT SHEET. These forms will be used by the Campus Mediation Center faculty advisor to plan further training and to assist mediators in developing important skills. All forms will be treated as confidential.

ASSIGNMENT OF CASE

† The assignment of a case to co-mediators will be done by the faculty advisor on a case by case basis. In assigning a case to co-mediators, the faculty advisor will consider many things including the complexity of the case, the time-frame within which a mediation conference must be scheduled, and the need to provide a mediator who is absolutely impartial. The faculty advisor will attempt, as well, to provide a co-mediators who is best able to provide the disputants with a conference setting which is conducive to productive settlement discussions.

APPEAL

† In very rare circumstances parties may appeal the outcome of the mediation process. Because the process is voluntary, the mediator makes no decision, and the outcome was crafted by the parties, the only real grounds for such an appeal is mediator misconduct.

UNSUITABLE CASES

When should solutions to conflict NOT be negotiated?

- † Harmful future conduct;
- † Strong due process considerations;
- † Preservation of legal rights;
- † Lack of capacity;
- † Repeated conduct;
- † Non-negotiable outcomes, (i.e. alcohol); or
- † Domestic violence

Standard of Practice:

Montclair State University Mediator Guidelines

These guidelines represent the obligations the mediator has towards the campus community and toward the parties. The items listed are to be considered as morally binding, not merely a list of “rules of the game.”

Ethical Concerns: The Mediator & Campus Mediation Center

1. To keep an open mind, an intellectual impartiality. To clearly formulate issues, not conclusions.
2. To give a full, best effort to each case: good faith.
3. To make a principled decision to decline or withdraw from a case if you know the parties and/or if you feel you cannot mediate it in good faith. There is further responsibility to look for any reasonable probability of bias or other interference occurring due to the nature of the case.
4. To represent the Campus Mediation Center and the process competently and professionally.
 - a. Become and remain proficient in the skills of mediation.
 - b. Accept and follow through efficiently on all assigned cases.
 - c. Maintain loyalty to the process.
 - d. Maintain the spirit as well as the appearance of confidentiality and honesty.
5. To provide the mediation service as a volunteer, not amenable to payoffs, outside entrepreneurship, etc.
6. To represent the Center in a professional manner when talking to individuals or the press, and to direct members of the press to the faculty advisor if they intend to print a story about the program.

Ethical Concerns: The Mediator & the Parties

1. To encourage but not manipulate or coerce settlement. Agreement is up to the parties.
2. To give each party a fair hearing.
 - a. Facilitating, supporting communication.
 - b. Maintaining and defending the rights of each party to be heard.
 - c. Listening: there is frequently real virtue in not speaking.

3. To keep confidences unless a party gives permission to share the information or the law demands a non-confidential response.
 - a. Being candid, sincere in responses.
 - b. Not exposing unnecessary weaknesses or factors extraneous to the negotiation.
4. To respect parties' rights to disagree and to work out their own result or their right not to work out a result.
5. To refuse to mediate a case if it becomes apparent that there has been a pattern of repeated domestic violence or intimidation in an interpersonal relationship, and to suspend mediation if it becomes apparent in the course of the mediation session itself.

Referral Procedures:

Referrals to the Campus Mediation Center may be voluntary or mandatory.

Voluntary Referrals

1. One party of the conflict must initiate contact with the Campus Mediation Center.
2. Referrals will be answered within 48-72 hours after initial contact.
3. An intake person will complete a CASE INFORMATION SHEET.
4. An assigned mediator or intake person will contact both parties within 24 hours to set up mediation session.
5. The mediation session should take place within 7 days from the assigned mediation contact.

Mandatory Referrals

1. Designated personnel from Residence Life will initiate contact with the Campus Mediation Center.
2. Referrals will be answered within 48-72 hours after initial contact.
3. An intake person will complete a CASE INFORMATION SHEET.
4. An assigned intake person will contact both parties within 24 hours to set up a mediation session.

5. The mediation session should take place within 7 days from the assigned mediation contact.
6. Residence Life will be advised that the parties have agreed to a scheduled mediation date.

Referral Guide for Resident Assistants:

How do I make a referral?

Voluntary Referrals

† In order for the process to work, you have to have at least one party to the conflict who is willing to initiate contact with the Campus Mediation Center. This can be accomplished by talking with one or both parties about the mediation process, and encouraging them to call the Intake Person at 655-5245 to find out more about the service. You do not have to go to the resident director in order to make a referral, and the Campus Mediation Center will not involve them in the process if that is your preference. If a resident director is involved, she or he can make a mandatory referral to the parties, perhaps as an alternative to the judicial process. You may want to call the Campus Mediation Services yourself and discuss the case with the Intake Person before recommending it to the parties involved. The Campus Mediation Center staff can help you think about whether the case is appropriate for mediation, and of ways to approach the parties that might increase the likelihood that they would be willing to try it.

Mandatory Referrals

† The referral will come from the Office of Residence Life. The Residence Life Director can be consulted to see whether one matter requires a mandatory or voluntary referral. If no agreement is reached in the case of mandatory referrals then the Office of Residence Life will be contacted for further disposition.

Under either Voluntary or Mandatory Referrals

† Once at least one of the parties has called the Campus Mediation Center, an intake worker will talk with them about their conflict, and describe how the service operates and assess whether or not mediation makes sense. If the first party is interested in trying mediation, a brief intake questionnaire will be filled out over the phone or in person, and then the second party will be contacted, either by letter and then phone, or directly by phone if they are already expecting the call. If the second party is willing to try mediation after they have heard a description of what it is and how it works, a mediation session will be scheduled as soon as is possible. At the session, the parties will meet together with the mediator team and go through a problem-solving process designed to assist disputants in coming up with a solution to their conflict that is satisfactory to all parties.

What happens afterwards?

† Although the session itself is confidential, upon completion of the case, a form will be sent to the person or office that made the referral, informing them whether the parties actually showed up for mediation, if an agreement was reached, and if any other referrals were made. The particular content of the agreement remains confidential, and it will be up to the parties if they want to share it with others or not. After approximately three to four weeks, the Campus Mediation Center will follow up with both parties to see how the agreement is holding up, and to offer further assistance as required.

Information on Preparing for Mediation:

Preparing For Your Mediation

This sheet was prepared by the Campus Mediation Center to aid you in preparing for your mediation. It contains useful information to help you understand the process as well as your own role in mediation. Please read this sheet prior to your mediation.

What Is Mediation?

† Mediation is an effective means for people in conflict to work through their issues and arrive at a solution everyone can live with. Mediation involves impartial mediators helping you and the others in your dispute. At the mediation, each party will identify their needs and interests, as well as solutions for the future.

† Our mediation services are free and confidential, and are scheduled to accommodate all parties. Mediation is not about right and wrong. It is about working out past problems and looking at future possibilities.

What Will Happen At The Mediation?

† The mediation process starts with each party having an opportunity to share their view of the conflict, with no interruptions. You should be prepared to discuss what has brought you to mediation and what your needs and interests are in this conflict. This is an opportunity to lay out your concerns, not to “make your case.” Mediation is not about proving anything; it’s about resolving differences and finding a workable solution.

† The mediators will then help you to shift gears to problem solving. Problem solving involves all parties looking at possible ways to resolve the issues at hand. As there is usually more than one issue to work on, this part of mediation demands creativity and flexibility on the part of you and the other parties. Your mediators will help you to arrive at an appropriate solution that all parties can agree to.

† When you reach a solution that meets everyone’s needs, the mediators will write up an agreement for all parties to sign. Everyone who signs will receive a copy of the agreement. This agreement is a contract, and all those who sign it are expected to live up to its terms.

Your Role In The Mediation

† Mediation will be only as successful as you make it. Your responsibilities in mediation are to:

1. Decide what the issues are for you in this conflict.

2. Look for solutions.

3. Work with the other parties to determine which solution is most appropriate.

† Remember: you construct the agreement; the mediators run the mediation. You should come to the mediation ready to work toward a resolution of the problems involved in your dispute.

Confidentiality Is Important in Mediation

† Confidentiality allows people to be comfortable working on tough issues. Mediation creates an environment where you can honestly and openly address the issues of the conflict.

† Confidentiality is important because it allows people to work out issues and problems that they might not wish to share with others. Only those people present at the mediation know the content of the session, and the mediators are bound not to share any information relating to the content of the session outside of the mediation.

If You Have Any Questions or Concerns:

† Please call the Campus Mediation Center staff at 973-655-5245. We are committed to making your mediation a successful one.