4-1-2003

How Mediation is Used by Alternative Dispute Resolution Organizations to Resolve Racial Conflict

Pam Hogan
University of San Francisco

Follow this and additional works at: https://repository.usfca.edu/thes

University of San Francisco
Gleeson Library/Geschke Center
2130 Fulton Street
San Francisco, CA 94117-1080 USA

How Mediation is Used by Alternative Dispute Resolution Organizations to Resolve
Racial Conflict

A THESIS SUBMITTED

by

Pam Hogan

In Partial Fulfillment of the Requirements

for the Degree of

Master of

Nonprofit Administration

The University of San Francisco

April 1, 2003

How Mediation is Used by Alternative Dispute Resolution Organizations to Resolve
Racial Conflict

This Thesis written by

Pam Hogan

This Thesis written under the guidelines of the Faculty Advisory Committee, and
approved by all its members, has been accepted in partial fulfillment of the requirements
for the degree of:

Master of Nonprofit Administration

at the

University of San Francisco

Research Committee:

_____ Ph. D.
Chairperson

_____
Second Reader

_____ 30 May 2003
Program Director   Date

_____ June 5, 03
Dean   Date

TABLE OF CONTENTS

ABSTRACT

This study reports findings of interviews with volunteer mediators for Community Boards, a dispute resolution organization in the city of San Francisco, California, describing their approach to participating as panel members in multiethnic mediations.

The study demonstrates a notable difference in the approaches taken by mediators when race is identified as a point of contention in a mediation. The data show experience and ethnicity as variables in these responses. The findings further suggest that most mediators believe they require further training to feel equipped and comfortable in their handling of such mediations.

VITA AUCTORIS

Name	Pam Hogan
Date of Birth:	May 11, 1962
High School:	Alain Leroy Locke High School Los Angeles, California
Graduated:	1980
Baccalaureate Degree:	Bachelor of Arts Degree
College:	University of California at Berkeley Berkeley, California
Graduated:	1997

ACKNOWLEDGMENTS

LIST OF TABLES

LIST OF APPENDICES

CHAPTER ONE: INTRODUCTION

Background of the Issue

For as long as there have been humans coexisting on the planet's surface there has been conflict. Conflict, a word used to describe both the day-to-day minutiae and the declaration of war, is an acknowledged byproduct of living. There is no escaping the fact that coexisting involves communication, sharing of communal property and resources, collaboration, competition, and many other potentially contentious elements. Few of us, therefore, escape contending with conflict on one scale or another. In some cases, the skills required to bring such a conflict to resolution is lacking, and the assistance of a third party is utilized.

Conflict often stems from a simple breakdown in communication, a misunderstood point, improperly heard or interpreted words, an unvoiced grievance that time and further interactions compound.

> The process of communication is extremely susceptible to distortion and disruption because, among other reasons, it is a serial process, a step-by-step process. If you are interested in interfering with or preventing a communication, you need attack it at only one phase. As a chain, the entire process is as strong as its weakest link. (Haney, 1992, p. 221)

Since conflict is a natural aspect of human interaction often resulting from the most minor provocation in the course of day-to-day interaction, and since those interactions have increased over the years due to population growth, immigration, and other changes in the composition of society, conflict is a factor to contend with. Given this fact, there now exist various means by which to address conflict. Rabie (1994)

1

describes conflict resolution as

> an approach to dealing with severe harmful competitive processes with a view to
> changing them or lessening their intensity and impact on conflicting parties. It is
> an intervention by a third party to reform existing relationships by effecting
> institutional and attitudinal change. Fostering peace and peaceful coexistence
> largely means dealing with issues and initiating social processes to strengthen
> cooperative relationships and promote new ones to expand and deepen
> cooperation. (p. 5)

In the last few decades conflict resolution has taken many forms to augment the standard policing and judicial system. One such form, alternative dispute resolution (ADR), entered the conflict resolution scene in the 1960s to provide an alternative to these traditional governmental avenues of conflict resolution.

This period "had witnessed an attack on the courts for their bias in dealing with the lower class and minorities, and their failure to redress inequalities in society. Furthermore, the antilawyer sentiment that characterized much of the 1980s was just beginning" (Scimecca, 1991, p. 30). These elements, coupled with congested courts and overburdened judicial resources, sparked "the creation of neighborhood justice centers or community mediation centers." One of the first such centers, the San Francisco Community Boards, was founded by Raymond Shonholtz, a former attorney for the California Rural Legal Aid program. This became a model program for neighborhood self-governance (Scimecca, 1991, p. 31). The goals of the movement included creating a "new sense of community, community empowerment, decentralized judicial decision making, and the replacement of professional dispute resolvers with indigenous

community members" (Burton and Dukes, 1990, p. 55).

ADR consists of third-party intervention in the form of mediation and conciliation.

> Mediation is a voluntary process in which the parties to a dispute attempt to resolve their differences through discussion, clarification, and orderly negotiation. Unlike an adjudicated settlement of disputes, successful mediation does not consist of 'winners' and 'losers' but of parties who have carefully examined and resolved a defined set of issues and practices. (Burton and Dukes, 1990, p. 34)

The Community Boards model of mediation includes conciliation as opposed to straight mediation, and all of their volunteer mediators are trained in this approach. Conciliation, in contrast to mediation, explores concerns peripheral to the immediate problem, such as racism or sexism. If such attitudes become apparent in a mediation session that does not utilize a conciliatory approach they would be de-emphasized to avoid further aggravation that might impede an efficient reaching of an agreement. Conversely, mediators trained in conciliation, or "conciliators," as they are referred to, seeing the potential for these factors to significantly affect the quality of the relationship, are taught to identify and encourage the expression of these attitudes in an effort to promote greater understanding between the parties. Both forms of intervention coexist in the field of dispute resolution.

In the United States there are said to be over 700 community programs of various kinds specializing in dispute resolution (Burton and Dukes, 1990, p. 55). "At the community level, which relies primarily on volunteers, mediation is being practiced by professionals in related fields— attorneys, counselors, social workers—as well as

individuals from virtually all walks of life" (Burton and Dukes, 1990, p. 28).

Now, as never before, neighborhoods, work places, and schools reflect the many varied races and ethnicities that compose the populace of this country. When interpersonal communication involves parties who do not share a common culture the risk of experiencing a breakdown in communication increases, and, subsequently, so does the potential for conflict. This factor is of great relevance to a country like the United States, where the diversity of cultures is at an all-time high, and is predicted to increase. "America's ethnic diversity is growing. In 1980, blacks were 11.7 percent of the total population, and Hispanics were 6.4 percent" (Allen and Turner, 1990, p. 34). By July 2003 census data project an increase to a respective 12.7 and 13 percent, while the Asian population reaches four percent. "Blacks, Asians, Native Americans, and Hispanics [together constitute] a majority in New Mexico, Hawaii, and many large cities . . . according to Equifax National Decision Systems in San Diego" (Edmondson, 1996, p. 17).

This ever increasing diversity taxes communication between groups who do not share a common schema, and leaves society vulnerable to cross-cultural conflicts. Further aggravating the potential for conflict are unresolved racial tensions in this country. "Given the competitive tensions between ethnic and racial groups found in this 'nation of nations,' conflict occurs often and is more the norm than cooperative intergroup relations" (Bayor, 1993, p. 15). Racial conflict is still a prevalent issue in this country. "Despite the 'changing face' of recent immigration, patterns of racial discrimination, epithets, and stereotypes established decades before are still potent" (Shanahan and Olzak, 1999, p. 60). Some of these conflicts will go before third-party interveners in

search of resolution.

Many alternative dispute-resolution organizations, recognizing the ethnic diversity of the communities they serve, offer their mediators training in multicultural awareness. Some also engage in neighborhood outreach efforts in matters related to race relations.

Conciliators who volunteer for Community Boards provide their services to residents of the city and county of San Francisco, the most diverse county in the nation (Allen and Turner, 1990). Such a diverse county means that it is likely to require mediations which involve disputants representative of its various, co-existing cultures. In 1999, 40% of the disputants who came before Community Boards' conciliators were of non-white ethnicity. The data available do not specify how many of these mediations involved interethnic mediations.

When conciliators mediate for disputants of different cultures their conciliation training is put to the test. Often the disputants make no reference to racial tensions that exist between them at the scheduling of the mediation, but it becomes apparent in the session. All mediators, including those with conciliation skills, want to help the disputing parties reach an agreement. A conciliator may be tempted, therefore, to ignore an underlying race-related issue that presents itself for fear that it may thwart the resolution process. On the other hand, this fear may be countered by the concern that a resolution derived without addressing the race issue could be artificial and unstable, at risk of quickly unraveling. When concerns regarding race or ethnicity are represented as the source of conflict prior to the mediation, conciliation training is called upon as the intervention now focuses heavily on feelings and intangible issues not typically addressed by other forms of mediation.

This study examined how conciliators trained by and utilizing the conciliation model of Community Boards perceive the role of mediation and ADR organizations in addressing community race relations.

Statement of the Issue

This study involved individuals trained in the Community Boards model of conciliation. Community Boards was chosen as the exclusive source from which the respondents were drawn to allow for consistency in, first, the examination of how ADR organizations and community based mediation can address racial contentions and, second, in the conciliation model conducive to that exploration.

Conflict is a common occurrence among humans. Whether it is played out between family members, co-workers, friends, or neighbors, it exists. Some conflicts come to immediate resolution, while others become entrenched and threaten to damage relations between the disputing parties. Many individuals locked in intractable disputes utilize mediation to help them resolve their differences. It is within this forum that their grievances are heard, their feelings around the issue or issues explored, and an approach to a middle ground is made. A successful mediation process leaves the parties feeling they have reached some kind of agreement, and in some cases it can provide a learning experience that helps them avoid repeating the behavior or something similar.

Mediators intervene in a broad range of conflicts. With our expanding globe and heightened racial sensibilities, mediated disputes where race is a component of the conflict, whether as an explicit or underlying issue, are to be expected. Conciliators are trained to identify issues that are peripheral to the stated source of conflict, but which are

nevertheless apparent and may have an impact either on the conflict or the ongoing relationship of the disputants.

Community Boards recruits individuals of all professions and walks of life, age groups, and cultural representation to participate in its mediation training and, subsequently, to volunteer to serve in the organization. Regardless of their background, all volunteers must complete a minimum of 20 hours of training before offering their services. It is through this training that the Community Boards model of conciliation, and the panel process is learnt.

A Community Boards mediation involves a panel of two or more trained volunteer conciliators from the San Francisco community. The panel is designed in such a way as to create diversity. Whenever possible, the disputants will see either their gender, sexual orientation, age, or ethnicity represented before them by one or more conciliators. Typically, the panel will also embody a mixture of experience levels.

The panel takes the disputants through a four-part process. The first phase is designed to allow the parties to share their stories one at a time with the panel without interruptions from the fellow disputant. The second phase is the opportunity for the parties to address each other while adhering to agreed-upon guidelines that foster a safe, respectful, and productive environment for resolving the conflict. In this part of the process, the conciliators ensure that each party is listening to the other, at times directing a party to paraphrase concerns previously stated by the other party. This phase also allows an opportunity to have the underlying feelings surrounding the issue acknowledged and validated; this is often the first glimpse either party has had of the emotions their actions have generated. This aspect of the mediation process is critical to a conciliation approach

as it seeks to address the feelings fueling the argument before addressing possible solutions. Phases three and four of the process encourage the parties to notice the new understandings they now share about the circumstance and each other, and to acknowledge the emerging solutions. Throughout the process, the conciliators are trained to validate each party's points of contention, and to summarize their common concerns. Whether a written agreement (which has no legal significance) materializes from the mediation is a decision made by the disputants.

The Community Boards model of conciliation is heavily focused on the emotions behind the details. The following scenario attempts to demonstrate this difference: Party A repaired a fence shared by himself and his neighbor, Party B. Initially, Party B agreed to share the expense until the repairing process destroyed Party B's flower garden. The result was conflict. A mediator not utilizing a conciliation approach might direct the parties to find a middle ground believed to be fair taking into account the cost of the fence and the countervailing cost of the damaged garden. A conciliator is taught not to assume that the conflict is limited to the disputants' inability to detail a fair accounting of the losses involved. Instead, through the panel process described above, they would look for what lies underneath the details that have caused the snag in the monetary resolution, that is, the underlying feelings at the heart of the dispute. Once the feelings are uncovered and given a hearing, the details of the dispute, in this case the financial responsibility, tend to fall into place with less resistance.

Research Questions

This study explored how Community Boards trained conciliators utilized

mediation as a process to help disputants from different races or ethnic groups resolve

disputes and how they perceived this process.

This study addressed the following questions: How, if at all, do community based

mediations involving disputants from different races or ethnic groups differ from those

involving disputants from the same group? What dynamics are at work for all parties

involved when race is a source of conflict in a mediation? This study also questioned the

role, if any, which dispute resolution organizations should play in addressing race

relations.

Definitions of major concepts

Conflict

"In everyday language conflict denotes overt, coercive interactions in which two,

or more, contending parties seek to impose their will on one another" (Bercovitch, 1984,

p. 3). Conflict can also be "simply defined [as] a relationship perceived by one or more

concerned parties as unfair, unworkable or both" (Rabie, 1994, p. 3).

Conciliation

There are many aspects to third-party intervention, all with the aim of helping the

disputing parties reach agreement on the issue or issues which are the source of conflict.

Conciliation involves third-party intervention through a mediation process that looks

beyond the most expedient route to agreement with the aim of achieving something more

important: bringing to the surface issues "crucial to reaching a new level of

understanding." "The primary focus of Community Boards conciliation is building or

rebuilding a relationship so that the disputing people themselves can agree to address

their differences." Conciliation also has an "educational component," whereby "ideally,

the disputants leave the session with new skills and knowledge that will empower them to

deal more effectively with each other" in the future (Community Boards Training

Manual, 1993, p. 1)

Panel Process

Community Boards utilizes a panel process in their mediations. Rather than one

volunteer acting as conciliator, typically three individuals, who balance each other in

skills and experience, work as a team. The panel members reflect the characteristics of

the disputants whenever possible in areas of age, gender, sexual orientation, and ethnicity.

Members of the panel share responsibilities that are a part of the mediation process and

work cooperatively and collaboratively.

Underlying Issue

The issues that are peripheral to the immediate problem, but which have an impact

on the relationship are the underlying issues. These factors may be implicit and may not

surface at the first investigation into the conflict, but they can greatly affect the mediation

process.

Importance of the study

Research investigating "ethnic conflict" is predominantly devoted to the civil

uprisings and wars of foreign countries. When the topic is expanded to include third-party

intervention in ethnic conflict, again the research is centered on negotiation tactics used

with various warring factions. Third-party intervention, as it is used in this country, has

received primary attention as it applies to labor disputes; research about nonviolent

domestic ethnic conflict is scant. There is a great need to explore the racial, ethnic, and cultural ills that are very real at the community level as presented to community-based alternative dispute-resolution organizations. This study provides a first step in that exploration.

The field of alternative dispute resolution grew out of a community-based need for help in countering failed communications which resulted in entrenched differences between individuals who have an ongoing relationship with each other, that is, with neighbors, family members, landlords, and tenants. With more and more cultures interacting with each other on a daily basis, with life involving more day-to-day interactions with individuals who represent cultures foreign to each other, the need for learning healthy ways to communicate cross-culturally is critical to preventing and addressing conflict successfully. The process of community-based mediation as implemented through conciliation not only allows two disputing parties to find agreement on the current issue, but it models the communication skills that might have avoided the entrenchment of the conflict to begin with, and it offers new information to enhance the relationship.

The way in which racial conflict and tension are handled at the community level is an important concern. Looking at the mediation process as it is used for this purpose sheds light on this issue. The mediation process as utilized by parties of different ethnicities provides an outlet for discussing racial tension and a forum for exploring peaceful solutions to ongoing problems, while offering a learning opportunity for future interpersonal communication between the disputants. An investigation into how conciliators perceive the unfolding of this process potentially informs a broader

11

exploration of methods by which organizations can work to improve the health of race

relations in multicultural communities.

CHAPTER TWO: REVIEW OF RELATED LITERATURE

Conflict, being the broad subject that it is, encompasses a large body of work. "The plethora of scholars writing about conflict from different disciplinary backgrounds and focusing on different types of disputes has given the study of conflict a fragmented appearance" (Deutsch, 1994, p. 13). A great deal of attention has been given to some aspects of conflict—for example, to international uprisings and labor disputes—while far less attention has been directed at other areas, such as the use of third-party intervention outside the realm of labor. This literature review focuses on mediation as one form of third-party intervention specifically designed to enhance interpersonal relations. It also deals with three other areas—whose subjects have bodies of literature of their own—which greatly influence conflict resolution.

Mediation

While some people are aware of mediation resources in their community and choose this peaceful approach to conflict resolution, it cannot be ignored that others choose to resolve their conflicts through violent means. Studies have been done to explain violence as a conflict resolution option. While some studies point to structural factors or even social class to explain the decision to become violent, Bell and Forde, in their factorial survey of interpersonal conflict resolution, posited that "interpersonal violence is explained better by situational factors than by structural factors." Young people were found to consider aggression to be a legitimate choice in a large number of circumstances (1999, p. 369).

For those who choose mediation it is generally after the emotions of a conflict have been ignored for a time, and the conflict seems intractable, that parties seek

mediation in an effort to resolve their dispute peacefully. A mediator utilizing a process such as conciliation, which addresses the ongoing relationship of the disputing parties, makes an effort to identify and acknowledge the feelings and underlying issues at work in the conflict. Such a process "acts to increase the flow of facts and information, and to encourage expression of feelings and emotions which parties seek to suppress or exclude from their conscious awareness" (Bercovitch, 1984, p. 121). Often individuals look only at what seems to be the apparent source of the conflict. This approach, however, overlooks the underlying feelings exacerbating the issue, and usually the feelings are the link to the entrenchment, the reason for the impasse. The more the feelings are overlooked, denied, negated, or excluded from the dialogue, as disputants focus instead exclusively on the details of the argument, the more entrenched the conflict generally becomes. Ignoring the "emotional involvement" associated with a conflict can "hinder the capacity of individuals to engage in a serious conflict management effort, or to establish and maintain positive attitudes between them" (Bercovitch, 1984, p. 121). It is necessary to speak to both the "substantive issues at hand and to the real threats that the conflict poses to each party's deeply rooted dispositions" (Ross, 1991, p. 181). Bercovitch (1984) explains:

> One of the most important aspects in successful conflict management is the ability to understand the perceptions, expectations, and choices of other parties. A third party can reduce perceived discrepancies by insisting on summarizing issues, restating positions, disseminating positive information, etc. All this may lead to parties defining their relationship not as us v. them, but as us v. the conflict. (p. 123)

One of the key elements when intervening is acknowledging that there may be more involved than the overt conflict at issue, warranting investigation into this possibility (Ross, 1991). Conciliation, which this research focused on, is designed to do as Ross states, namely, to look beyond the overt conflict for underlying issues that can impede the resolution process and impact the ongoing relationship.

A study by Arnold and Carnevale (1997) explored the conditions under which individuals are inclined to choose mediation to resolve disputes. They examined "intentionality, expected future interaction, consequences, and power difference" (p. 373), and found that "formal grievance procedures may be most prevalent in situations involving high consequences and intentional behavior" (p. 393). They also found that once people in the study were educated about the benefits of mediation having been provided a description of the process, participants who initially did not choose mediation to resolve the dispute subsequently changed their minds" and indicated that they would choose" it (p. 392). Arnold and Carnevale's work stresses the importance of alternative dispute resolution (ADR) organizations to make the public aware of the services they provide. The role conciliators believe ADR organizations should play in the area of race relations was explored in this research.

Gire and Carment (1993), in their study, created scenarios designed to test how conflict would be addressed by individuals from a collectivist culture (Nigeria) and an individualistic society (Canada). Provided with the description of an interpersonal and intergroup condition, the 230 Nigerian and Canadian subjects were asked to rate their preference for handling the dispute. The choices they were given as responses included threatening the other party with damaging their reputation, accepting the situation,

negotiating with the other party in hopes of reaching a compromise of some kind, seeking the third-party assistance of a mediator, or seeking the assistance of an arbitrator "with the power and authority to settle the dispute decisively" (p. 85). The examination revealed, "that Canadian subjects tended to prefer negotiation more than Nigerian subjects did. However, the Nigerian subjects showed a greater tolerance for threats and accepting the situation than the Canadian subjects did. The two groups did not differ in their preference for mediation and arbitration" (Gire and Carment, 1993, p. 87). Regardless of the choice, and despite the different cultural background, "for both samples, harmony-enhancing procedures were preferred over those likely to cause friction between the disputants" (Gire and Carment, 1993, p. 90). Ross (1991) refutes the notion that ethnic conflicts as seen through the lens of popular culture and social science are intractable because they are a part of human nature. Instead, he posits that "integrative solutions exist in most cases, including even many of the most intractable ones," and we must, therefore, reject the notion "that intense intergroup conflict is by nature unresolvable" (p. 182). If conciliators subscribed to this way of thinking it would be difficult for them to approach an interethnic dispute with the open-mindedness needed to participate fairly in a mediation. Ross notes that:

> one of the serious obstacles to conflict resolution can be the inability of parties to translate vague grievances into concrete demands that another party can understand and, possibly, respond to. Perceptions of threat and feelings of being abused or taken advantage of are common in group conflicts, such as those between ethnic communities, but until the parties convert such grievances into concrete demands, the chances for effective processing of the concerns are very

low. A significant barrier here is affective—the aggrieved party believes what it wants should be obvious, and it is ready to perceive the refusal to recognize its grievances as a personal rejection. (Ross, 1999, p. 180)

The job of the third party is to unravel the misperceptions and prejudices that the disputing parties may possess about each other, often at an unconscious level (Bercovitch 1984). This research explored the approach conciliators take when they identify such misperceptions or prejudices. Without addressing these elements of the dispute, it is difficult, if not impossible, to find any real, lasting resolution to a conflict. When disputing parties comprise different ethnic groups, the issue of culture may be lying in wait for discovery and discussion. One or both parties may be hesitant to consider or acknowledge that this may be a component of the dispute. The likelihood of such hesitancy is increased by the fact that we now live at a time when it is "socially unacceptable" to express prejudice (Mackie and Smith, 1998, p. 514).

Mediation involves exploring the positions and interests of the disputing parties. Although it has been argued that to do this a mediator must have "intimate knowledge of the cultures of the adversaries" (Rabie 1994, p. 136), I contend otherwise. While I agree that a mediator familiar with social norms attached to a culture might be able to quickly recognize a culturally offensive behavior, I believe it is possible for a mediator less familiar with the culture to get to the same place even if perhaps with more effort and less quickly. A mediator with empathy who asks probing questions sensitively will uncover both the positions and interests relevant to the dispute and the culture. This approach reduces the risk of making presumptions regarding the influence of culture on the dispute and on the individual.

Communication

As a vital element in the topic of conflict and conflict resolution, communication has been given attention in this literature review. When communication breaks down and is not restored, that breakdown leaves the contending parties ripe for conflict. Most conflicts can be traced back to a failed communication of one kind or another.

A breakdown in communication is similar to a driver attempting to find a location having received the wrong directions. The farther the driver proceeds with this misinformation the farther away from the intended destination he or she will be. Likewise, when there is a breakdown in communication, the receiver of the information is as misguided as the driver, believing that the received information is as the speaker intended it, and all subsequent actions, responses, opinions, and decisions will be based on wrong information and can only lead to an unintended outcome of some kind. Whether this misunderstanding is cleared up, or continuously built upon from its erroneous foundation, will determine how far afield the two parties will become. The role communication plays in conflict is critical.

It is an act that requires accurate execution of many components, even though it is an interaction whose frequency of occurrence can tend to minimize its complexities. Not only must the speaker determine his or her intention and the clearest way by which to convey the message, (Haney, 1992, p. 216) but this conveyance will be influenced by the speaker's style of communication, for example, by the use of sarcasm, facetiousness, metaphor, or idiom. Communication style notwithstanding, the message is now in the hands of its receiver to decipher not merely the original intent of the speaker, but the intent as filtered through the speaker's chosen communication style, and as colored by the

significance that the style employed holds for the listener. All of this decoding takes place in the time a typical face-to-face conversation allows for a response.

Successful communication can be further impeded by regionally specific linguistic idiosyncracies and colloquialisms, and it is hampered further still when there is more than one culture involved. "The culture in which individuals are socialized influences the way they communicate" (Gudykunst, 1997, p. 327). "When individuals are socialized, they learn various patterns of interaction that are based on the norms, rules, and values of their culture. These patterns of interaction form the basis for individuals' communication styles" (Gudykunst et al., 1996, p. 510).

Cohen (1997) speaks of an "intercultural dissonance" that exists among varied ethnic groups. Using a model proposed by Lorand Szalay to discuss the elements intrinsic to communication, and highlighting the distinction that exists between the message that is sent and its meaning, Cohen describes the transfer of information from one source to the other as only the beginning of a successful communication. The real work begins at "comprehension" and "interpretation" (Cohen, 1997, p. 25). The difficulty centers around "whether the receiver is able to discern the ideas contained within the message, the intention behind the words." A message is not "correctly understood" unless there is "sufficient similarity, if not identity, between the intention of the sender and the meaning attributed by the receiver." Successful communication hinges on individuals sharing "similar frames of reference" (Cohen, 1997, p. 26). Clearly then, the potential for miscommunicating is far greater when more than one culture is represented by the parties. This research explored the dynamics conciliators perceive to be at work in interethnic disputes. The increased potential for miscommunication in such mediations is an example

of such a dynamic this research explored.

Group Dynamics

Group dynamics is another issue that deserves attention in the examination of conflict. In a society in which the respect for individuality and the embracing of uniqueness overshadow group influence, it can easily be overlooked by society at large. It is, however, a very real component of life, even in a country where individuality is appreciated if not promoted. Perhaps it is because of its covert presence that group dynamics can be insidious in nature.

> The sense of group position is most readily revealed and becomes consequential in so far as dominant group members believe that subordinate group members are encroaching on their rightful prerogatives . . . . The dominant racial group construes the crossing of the line, or preparations to cross the line, as threats to its status, its power, and its livelihood. It thus develops fears, apprehensions, resentments, angers, and bitterness which become fused into a general feeling of prejudice against the subordinate racial people or peoples. Herein lies the intrinsically positional nature of racial prejudice. (Bobo, 1999, p 450)

The group or groups from which we gain an aspect of our identity, to which we characterize ourselves as belonging or pledge an allegiance, can influence our role in a conflict. Often, when the group with which we identify is challenged, suddenly the strength of this affiliation tends to become manifest, and the manner in which we address the conflict can be different than if the association did not exist. The influence that group dynamics imposes on conflicts makes it important to this review.

Whether it be a religious, ethnic, socioeconomic, professional, or political

affiliation, humans tend to claim kinship with one or more groups. "Exchange among like-minded individuals leads to extremitization and ossification of their ideas. Thus, group processes may contribute to qualitatively different behaviors than beliefs or attitudes measured at the individual level might lead one to predict" (Mackie and Smith, 1998, p. 516). "At the most fundamental level, people partition the social world into groups of which they are members (in-groups) and groups of which they are not members (out-groups)" (Thompson, 1993, p. 305). "We are told by our groups who and what to like and dislike, but in a process generally subtle enough to allow us to feel that we have arrived at these judgments individually and logically" (Faris, 1962, p. 43). Such a group or groups can become an integral aspect of our identity and character. Our tendency is to scrutinize members of other groups through the lens of what is considered the norm for the group to which we belong. When a member of another group violates those qualities, or values, that have come to be "upheld, defended, and cherished" by our group, we react with "corrective, defensive, and at times, offensive measures" (Sherif, 1966, p. 69). "An unfortunate and powerful consequence of social categorization is intergroup discrimination, or negative attitudes toward members of out-groups. More specifically, people show in-group favoritism by evaluating in-groups more positively than out-groups" (Thompson, 1993, p. 305).

When we consider the daily interactions that occur simply as a byproduct of functioning in society—for example, living in a neighborhood, participating in the workforce, receiving an education, tending to the daily chores of life, developing and maintaining friendships, against the backdrop of group dynamics—the potential for conflict is apparent and ongoing. With subtle group processes at work we can easily find

ourselves at odds with members of an out-group without being fully aware of the dynamic at work. This dynamic can be further inflamed when there are a significant number of members from either group fueling the grievance. When a mediation involves only two parties the group dynamic may not be as pronounced or as easily recognized by the conciliators.

Grant (1991), in a study "specifically concerned with ethnocentric reactions to threat expressed by members of an in-group in an unequal power relationship with an out-group" (p. 22), found that "[a] perceived threat to the attainment of valued group goals motivates an ethnocentric reaction toward an out-group" (p. 26). Mackie and Smith (1998) look at the power of group dynamics through their work on "intergroup relations," defined as "any aspect of thought, feeling, or action that occurs because of group membership" (p. 499). The authors postulate that there are times when we put "self-representation" aside for the sake of group representation, and that we toggle back and forth, with both identities depending on the interaction.

> Imagine, for instance, an interaction in a racially mixed setting such as a
> neighborhood bar. An African American and an Asian American begin arguing
> over purely private matters. The interaction is at the interpersonal level, and
> bystanders have no reason to feel that they are involved. However, imagine that as
> the argument grows heated, one of the participants utters a racial slur or
> contemptuously sneers, 'You people are all alike.' The whole affair is instantly
> transformed into an intergroup situation, and the onlookers may feel themselves
> unwillingly yet inevitably becoming part of the dispute. Situational factors seem
> able to rapidly transform a situation (and shape the self-concepts of the

participants) along interpersonal or intergroup lines. (p. 509)

When these same situational factors are applied to mediations it would be reasonable to expect that varying degrees of self-scrutiny would be needed. Mediating a dispute that has an intergroup component can create an undesired bias from a conciliator who is a member of one of the ethnic groups being slurred, for example. Conciliators, therefore, need to take into account the fact that they are not immune from a sense of group representation and they must take extra care to maintain appropriate neutrality.

Multiculturalism

Cross-cultural interactions further increase the risk of generating a conflict because they may add to the difficulties of communication and group dynamics. The strains an individual experiences when interacting with those who do not share his or her vernacular, are unfamiliar with a colloquialism, or who miss allusions, can easily go from being a simple source of frustration to a source of conflict. We are likely to experience failed communications, find insult where it was not intended, and exacerbate disputes that might otherwise have been readily resolved. Added to these complexities is the increased aggravation bigotry and prejudice can create in cross-cultural interactions. Race and ethnicity as they relate to intergroup contact are a vital element of the topic of interpersonal conflict.

One study on the meaning of multiculturalism found that while "mainstream Black and White Americans agreed that it is appropriate for heritage cultures and languages to be maintained in the home . . .there was strong support for the belief that in the public domain U.S. culture and the English language should predominate" (Taylor and Lambert 1996, p 739). When conflicts between Blacks and Whites are looked at there

are hypotheses that suggest "economic and political conflicts between blacks and whites lead to both white killings of blacks and black killings of whites after contact measures are held constant" (Jacobs and Wood, 1999, p. 159). Olzak and her associates (Olzak, 1990; Olzak, Shanahan, and McEneaney, 1996) and Beck and Tolnay (1990) suggest that intergroup violence expands as competition between the races increases and blacks and whites become more equal (Jacobs and Wood, 1999, p. 157). Competition has not only been found to be a cause of violence between races but it has also been found to be at the core of racial prejudice (Bobo, 1999, p 448).

There has been a shift in this country from the concept of the melting pot, where all ethnicities were expected to channel their culture through the sieve that is Americanism to create the ideal amalgam, to the concept of multiculturalism. Merelman (1994) notes:

> Where the melting pot projected an image of diverse ethnic and racial groups assimilating to a common public culture, multiculturalism not only asserts the viability, merit, and durability of multiple cultures, but also calls for public support of these cultures within a democratic framework. (p. 12)

Clearly, multiculturalism requires a different level of acceptance than the mind set of the melting pot. It entails a person's right to unabashedly play the music, retain the language, and don the garb of his or her country of origin, and still be an American. It entails sharing neighborhoods, workplaces, and schools with individuals who may have no intention of shedding their culture for the sake of assimilation into a dominant culture. As multiple cultures co-exist together, the members of each group secure in their right to fully express themselves, the pressure on the cultural acceptance barometer is turned up.

When individuals representing two different ethnic groups enter into a conflict, they may question how much, if at all, race or culture is at issue. This research explored whether or not conciliators ask the same question.

The work of Link and Oldenick (1996) sheds light on what helps drive attitudes about multiculturalism by White Americans. Although attention is typically drawn toward stereotypes in the discussion of racial attitudes, the authors contend that social constructions are of greater significance. Adopting the definition ascribed to social constructions by Schneider and Ingram as "cultural characterizations or popular images that serve to define certain groups in society" (1996, p. 151), Link and Oldenick explain why "the concept of social constructions . . . is more complex than that of simple stereotypes":

> Stereotypes tend to be loosely held images highly susceptible to change given new information about the target of the stereotype. Social constructions, by contrast, involve clusters of cognitive images about a target group C images or attitudes that tend to reinforce each other, thereby making the social construction more resistant to change. The stronger or more firmly held the social construction, the more resistant this set of attitudes will be to new information. It is this attitudinal resilience which makes understanding social constructions an important part of evaluating racial attitudes. (p. 152)

The authors then looked at the social constructions of minorities by white Americans and found that they tend to be less positive than their view of their own race, resulting in less positive views about multiculturalism (p. 163). As individuals continue to express their ethnicity, no longer feeling the need to hide or diminish their cultural traits, social

construction and negative attitudes toward multiculturalism may be fueled. This internal

negative feedback, experienced by an individual at a less than conscious level, can be the

extra push needed to ignite a conflict. The power of group dynamics can be at play

unnoticed, simply because a group's moral codes have become such a central aspect of

the person that it is no longer recognized as a group component. At the interactive level

we simply see another individual we assess as lazy, untrustworthy, or unclean without

stopping to consider that the moral yardstick we are using as a measuring device is a

result of group norms we have absorbed from our own ethnic group.

This failure to recognize the ethnic identity associated with the judgment can

especially be true for white Americans for whom the concept of ethnic group identity can

easily be overlooked. However, just "as in the case with subordinate groups, dominant

group ethnicity serves as a unifying ideology in intergroup interactions" (Doane, 1997, p.

380). If white Americans see themselves as belonging to the dominant standard-setting

group, they may judge behavior as atypical not simply for their ethnic group but

universally standard, resulting in a harsher judgment. If instead, white individuals see

themselves as members of one of several ethnic groups there could be more reason for

acceptance or tolerance. "The higher the level of power and influence of dominant group

hegemony—the more group identity is likely to be taken for granted" (Doane, 1997, p.

380).

Although the face of the nation, and San Francisco specifically, has changed

dramatically over the centuries, little has been done in any far reaching, comprehensive

effort to better equip the populace for embracing this change. Without a wide-reaching

educational design for consciousness raising and diversity training meant to foster not

simply tolerance but acceptance of ethnic diversity, most people are left to their own designs for adaptation to our multicultural society.

Conclusion

Intercultural conflict and mediation have been examined through the lenses of communication, group dynamics, and multiculturalism in a selection of relevant literature. While each of these three areas influences interactions differently, a breakdown in any one of them can lead to conflict. A conciliator mediating a dispute that has more than one culture in play will be working with all three of these components at some level.

CHAPTER THREE: METHODOLOGY

Subjects/Respondents

Mediation can take many forms, one of which is predominantly directed at achieving a resolution to the dispute without regard for the ongoing relationship between the disputing parties. Conciliators, however, use a form of mediation designed to help the disputants gain a new understanding about each other in addition to facilitating a resolution to the dispute. This study involved conciliators who were trained to acknowledge underlying points of contention in keeping with the Community Boards' conciliation model.

I conducted 20 interviews with adult men and women of various ethnic backgrounds and age who were trained in the Community Boards' model of conciliation. The level of experience of those interviewed varied. Those who had mediated 20 or more mediations, regardless of the time span in which this had occurred, were called experienced conciliators, and those who had participated in 15 or fewer mediations were labeled less experienced. The time period over which conciliators had volunteered for Community Boards was weighed against each individual's current status—active or inactive—within the organization. Only conciliators who were currently active were included in the pool of potential participants.

Research Design

The study design was qualitative based upon structured interviews. It was cross-sectional, and included 20 conciliators trained in the Community Boards model of conciliation and panel process. The participants were asked to reflect on past mediations to provide their perception of the process as it related to the questions under discussion.

Instrumentation

A qualitative research method was most appropriate for this study as it allowed the subjects to freely explore the issues of race and ethnicity. The in-depth interviews included open-ended questions. This method allowed the participants the freedom to explore trains of thought as they emerged from their reflection upon past mediations as well as from their current perceptions. The questions are in the Appendix. They were meant as introductory questions, with probes to follow when found necessary. The aim of this study was to draw from the participants' perceptions as conciliators, as they drew upon their range of mediation experiences. For this reason, I interviewed conciliators rather than observe individual mediations.

Procedures

Names and phone numbers of Community Boards-trained volunteer conciliators were obtained from the Program Director. To ensure a diverse pool of experienced and less experienced volunteers, I used the most recently updated list so that it included the newest volunteers.

Candidates for the research were contacted by telephone to inquire whether they would be interested in participating in the study. The topic was described and an appointment scheduled with those who agreed to participate. Only one candidate declined the offer to participate. Prior to the interview a copy of the questions was sent to each participant to allow time for reflection. Prior to the start of the interview I asked the participant to sign the consent form and obtained permission to tape record the interview, informing them that it was being done for transcribing purposes only. Recognizing the

obstacles associated with interviewing, especially interviewing across gender and ethnic backgrounds, I followed the advice of Lofland and Lofland and made an effort to be "non-threatening in regards to beliefs," showing no sign of "ridicule, sarcasm, disinterest," or the like (1984, p.38). I did not inform the participants that I was trained as a conciliator myself, so that there would not be any sense of additional scrutiny outside of the role as interviewer.

I incorporated the advice of Rubin and Rubin in overcoming the need some interviewees have to "make a good impression" (1995, p. 101), given the retrospective nature of the data collection and the sensitivity of the subject matter. I did this by working to make the interviewee feel comfortable from the initial contact to the interview itself, assuring him or her of the confidential nature of the interview. I also reassured the respondents about how the material would be used in an effort to make them feel more comfortable (Rubin 1995). My interactions were not as one conciliator assessing the views of another conciliator, but as researcher capturing the valued opinion of a respondent.

Having received permission to do so, I recorded the interview and transcribed it later. Once it was transcribed I provided a copy to each of the participants for any corrections or additions they might want to make. Once my contact with the respondents was concluded I mailed them a thank-you note.

Definitions of Relevant Variables

Because I used a qualitative approach to this data, I have not defined variables as strictly as I would were I using a quantitative research method. The interview questions

were designed to allow each participant an opportunity to freely discuss their perception of race and mediation. The questions explored what the utilization of conciliation—highlighting the new understandings that had been uncovered by the disputants, and addressing underlying issues that surfaced, specifically in this case racial issues—meant to the participants, as reflected in the mediations in which they had participated. The questions were also designed to get the respondents' perception of the role ADR organizations should play in the community in matters of race, since such organizations are frequently put in the position of acting as a race relations vehicle.

Experience and race were variables that were analyzed for relevance. Race was defined by the respondent. Experience was defined by the number of mediations the respondents had participated in.

The variables race and experience were present in the following questions: a question which examined the approach a respondent took when race was identified as a point of contention, and a question about the dynamics believed to exist in interethnic mediations. The intention was to provoke discussion of the basic issues I was seeking to explore.

Treatment of Data

Having transcribed the taped interviews, I utilized Strauss' (1987) method of coding to evaluate the data. I sifted through the data for relevance to the study, making a conscious effort to keep an open mind without taking an interpretative approach to the data. I analyzed the transcripts line by line, asking specific questions of the phrases, words, and sentences until concepts and themes began to emerge, while staying alert to comparative concepts within the data. I made an effort not to assume the relevance of

information such as gender, race, or mediation experience until the analysis phase. My aim at this stage of the coding phase was to think of a category each incident might indicate, and to analyze the fundamental problem the participant was addressing.

Once I completed the initial coding and established provisional categories, I began a more intense analysis of the material. Making modifications as needed, I examined the provisional categories one at a time. In time I obtained a cumulative knowledge base about the relationships that existed between the potential categories and subcategories as well as links with categories that were later chosen as core. Finally, with core categories established, the analysis involved looking at the data with these categories in mind. I also looked at the data to see if ethnicity and experience were major categories and for ways to chart the data (Table 1).

All conciliators bring a part of themselves and personality to a mediation. It was thought very likely, therefore, that the ethnicity of the conciliator would emerge as a category under which to analyze the data. In regards to experience, it typically takes awhile before a conciliator feels sufficiently comfortable in the role to be able to progress from addressing the current conflict to the point of considering the ongoing relationship as well. In time, many conciliators begin to follow intuitive hunches and explore underlying concerns that are alluded to by a disputant. For this reason experience was predicted to emerge as a potential category for analyzing the data.

Table 1: The Categories of Race and Experience among Respondents

	Less Experienced White Conciliators	Experienced White Conciliators	Less Experienced Conciliators Of Color	Experienced Conciliators Of Color
Approach to Interethnic Disputes				
Role of ADR				
Role of Conciliation in Interethnic Disputes				

Proper training in handling challenging mediations could help new volunteers as they struggle with their discomfort in tackling sensitive topics such as race. Intuition, backed by specific techniques for addressing racially charged mediations, provides added confidence in the decision to pursue a particular direction in a mediation. The last thing anyone wants to do is derail a mediation; therefore, apprehension can be associated with pursuing a racially charged issue that is peripheral to the dispute under discussion, but which can negatively impact the relationship. If conciliators are given guidelines to follow they may be able to view the approach of sensitive topics not as a potential derailment, but rather as simply a challenging stage in the birthing process of a resolution which will ultimately result in healthy progress. Uniform and unambiguous training in handling mediations that are racially charged will also allow individuals to feel that they are working in accord with the panel.

The influence of panel structure on the respondent was something I looked for in the coding process. Conciliators who volunteer for Community Boards form panels of

two or more conciliators to perform a mediation. My intent, however, was to explore the respondents' perception of their role as conciliators not as mediation panel members. My questions were intended to probe the individual's approach, not the approaches of the various panels the conciliator had been a part of. Despite this intent, I was aware of the fact that working as part of a team impacts ones mediation style. I, therefore, paid attention in the coding process to references about working as part of a team.

Limitations of the Study

Limitations of this study include the following. First, retrospective self-reporting is invariably subject to inaccuracy. However, the intent of this research was to document the perception of conciliators, thereby excluding the input of the disputants themselves. Second, the respondents may have provided responses that were closer to what they perceived as the ideal handling of a given situation, rather than the manner in which they had actually addressed it. Third, the race of the researcher was not representative of all respondents and could have possibly influenced the responses to questions involving race. In addition, the study was limited to one organization with volunteers in one city, and therefore, may not be generalizable to other conflict resolution situations.

CHAPTER FOUR: RESULTS

I received a list from Community Boards' program director of 115 currently active volunteer conciliators. The list gave basic demographic information such as gender, ethnicity, and the year the individual was trained. Although such information occasionally proved to be incorrect, I used it as a guide for attempting to acquire balance in the ethnic breakdown and in the area of experience.

Of the 115 names of active conciliators, 81 were female and 34 were male. There were 84 listed as White, 13 as African-American, 11 as Latino, 6 as Asian, and one did not disclose race. At the time of the interview, three individuals who were listed as African- American, Latino, and Asian self-identified instead as Mixed Race. In an effort to obtain a diverse sample, in terms of gender and ethnicity, I started at the top of the alphabetized list with the intention of finding five participants from each of what I believed at the time to be four ethnic groups, namely, White, African-American, Latino, and Asian. I alternated between gender and ethnic group as I made my calls and received agreement.

The ethnic breakdown of the individuals finally selected for the sample was 5 African-American, 5 White, 4 Latino, 3 Chinese, and 3 Mixed Race. The original pool had been 73% White and 11% African American, whereas in the final sample each of these two groups represented 25% of the total. Latinos had made up 10% of the original pool but were 20% of the sample. Asians, 5% of the pool, were 15% of the sample, and while no one had been listed as Mixed Race in the pool, the sample consisted of 15% Mixed Race individuals. Although the initial population from which the pool had been drawn was almost 75% White, I believed, given the small size of the final sample, it

would be better to create a more balanced ethnic distribution. Therefore, the sample was not random, but was intentionally designed to present a broader picture of the relevant ethnicities.

Of the sample's 20 participants 13 were females and 7 were males, a ratio of 65% female to 35% male, which was on par with the respective 70% to 30% of the original list of conciliators. Seven of the sample were less than 40 years old, and 13 were 40 or older. Since a large majority of the volunteers had failed to list their ages on the list I utilized, I was unable to determine whether the sample reflected the age-balance of the conciliators as a whole. But neither gender nor age was predicted to be an important variable in this research, and neither proved to be so.

I labeled respondents as experienced conciliators or less experienced conciliators depending on the number of mediations they estimated they had participated in. Nine of the sample had participated in 15 or fewer mediations, and so were classified as less experienced; the mean number of mediations participated in by the members of this group was approximately seven. Eleven were classified as experienced conciliators, the members of this group having participated in 20 or more mediations. The number of mediations participated in by members of this group ranged from 20 to over 100, with a mean of 50. The volunteer list had not provided this information, leaving no way to determine whether the sample was representative of the original list.

Having tape-recorded the interviews and subsequently transcribed the tapes I read through each transcript in search of what could be considered the fundamental answer to the question when distinguished from extraneous information. I then underlined the core answers to the questions in preparation for my next reading. My next approach to

analyzing the data involved focusing on one question at a time, reading only that answer

for all 20 respondents. At this time, I began to identify what looked like emerging themes,

which I highlighted. As similar themes were identified in the responses of other

participants, I used the same highlighting system to indicate that theme. In time, a distinct

color-coding surfaced that allowed me to readily identify themes. Once I had distinct

themes, categories became apparent and I grouped the data accordingly. Once the data

had a specific category grouping, I reread the responses once again for the sole purpose of

ensuring that the grouping of each response accurately reflected both the context and

sentiment of the statement. This chapter details the results of this analysis.

The question of what conciliation meant generated responses that fell into five

different categories. Conciliation, as defined by eight of the respondents, five experienced

and three less experienced, and representing every racial group except Chinese, meant

that parties did not have solutions imposed on them, but, rather, were helped to reach

their own solutions.

Four respondents, all less experienced, who were African-American, Latino, and

Mixed Race, defined conciliation as helping people reach an agreement.

Four respondents, two less experienced and two experienced respondents who

were White, Latino, and Chinese, defined conciliation as the parties coming to some kind

of understanding.

Three respondents, all experienced, who were African-American and Chinese,

defined conciliation as bringing people together.

An experienced, Chinese respondent defined conciliation as a form of mediation

that helped disputants work out their issues while also focusing on building the

disputants' skills, knowledge, and rapport so they could resolve their own disputes in the future.

When they discussed the role they believed conciliation played in these mediations the same experienced Chinese respondent explained:

The role of conciliation is pretty ideal for assisting people who are of different backgrounds . . . . It's not focusing on trying to resolve the problem, it's focusing on building that rapport, trying to find out what their underlying needs are, and then it will resolve miraculously. I feel that the people have then moved to a different place, so that when they look at the conflict again they're going to see that the solution isn't that far away, that they can come up with some kind of resolution.

Five respondents, three experienced Latino, White, and Chinese, and two less experienced, Latino and Chinese, agreed that language or communication was a critical element for a conciliator to facilitate. Two experienced, White and Latino respondents spoke of the role of conciliation as helping the disputants see each other as the people they were rather than the group they were a part of. One less experienced, African-American, and one experienced, Mixed Race respondent spoke of the mediation process as establishing a common goal of some kind that the respondents could see that they shared. A less experienced, Mixed Race respondent and an African-American, experienced respondent shared the view that, theoretically, being of different races was irrelevant. The focus should be on reaching an agreement on the issue they came to resolve whether they were of the same or of different races.

All of the conciliators had participated in mediations that involved disputants who

were not of the same ethnic background in at least 20% of the cases. Table 2 presents the frequency with which the respondents recalled participating in such mediations.

Drawing from their experience with mediations that involved disputants of different ethnicities, the respondents detailed the dynamics they perceived to be at work in mediations of this kind. Six of the respondents, two less experienced, White, one experienced and one less experienced, Chinese, one experienced and one less experienced, African-American, listed communication or language as a dynamic that influenced the mediation process.

Table 2: The Incidence of Multiethnic Mediations among Respondents

Percentage of mediations with disputants of different ethnicities	WHITE		AFRICAN AMERICAN		LATINO		CHINESE		MIXED RACE	
	Less Exp'd N=2	Exp'd N=3	Less Exp'd N=2	Exp'd N=3	Less Exp'd N=2	Exp'd N=2	Less Exp'd N=1	Exp'd N=2	Less Exp'd N=2	Exp'd N=1
20 - 29%		2			1		1			1
30 - 39%			1	2	1			1	1	
40 - 49%	1	1		1						
50 - 59%	1					1		1	1	
Over 60%			1			1				

Communication was discussed not only as a challenge that could present itself when the disputants were not fluent in the same language, but also in cases where a language was shared. In the latter case, the dynamics at work could include such things as vocal tone or level, or the manner in which someone expressed him or herself which might have a negative impact on the other party or prevent the communication from being clear.

Racism was discussed by two African-American respondents, one experienced

and one less experienced, as a dynamic they had observed in mediations with disputants

of different ethnicities. Additionally, four respondents, two experienced, White, one less

experienced and one experienced Latino discussed how they had seen disputants come

into mediations with prejudices, stereotypes, fear or mistrust about the other party who

was of a different racial group. These factors could fuel the dispute. Respondents stated

that prejudices and stereotypes could "cloud people's perceptions of each other and how

they interacted." This meant one more element required uncovering "to get to the heart of

the problem," which could be time consuming and "difficult."

The discussion moved into the effects such dynamics had on mediations. Two

respondents, one White, experienced, and one African-American, less experienced, had

similar views. For them mediation entailed peeling away the pieces to get to the root of

the problem. Mediations involving disputants from different cultures required more

peeling to get to the "core" issues. This meant more patience was needed and maybe even

a second session. The same White, experienced conciliator concurred with an African-

American, experienced conciliator regarding the need for an additional level of self-

awareness in mediations of this kind to stay cognizant of any personal issues that might

surface. The White, experienced respondent also agreed with a Chinese, experienced

respondent and a Latino, experienced respondent who discussed the need for more

checking in with fellow panel members to ensure and maintain cohesion. An experienced,

African-American and experienced, White respondent both spoke of the need to create a

non-threatening environment where the disputants could feel free to express themselves.

A less experienced, White and less-experienced, African-American respondent mentioned

the need for conciliators to try to minimize the effect of communication differences in mediations of this kind.

One experienced, Mixed Race respondent spoke of the fact that individuals of different races or cultures had different "beliefs that are a part of the culture," and helping the disputants to see these cultural aspects as "different, not bad" could be an important "learning experience." One Mixed Race, less experienced respondent explained that many issues which looked basic on the surface were complicated by the added barrier race created:

> I think every single situation is different, but I think that many times because
>
> mediators feel uncomfortable bringing up race, and aren't trained in how to
>
> discuss issues of race, and because of their own discomfort with it, then many
>
> times it's not brought to the table when it's not an overt issue. The issue might be
>
> noise, or parking your car, the issue might be hanging out in the street, but the
>
> perception of the disputants could come into play on how they react to that or how
>
> they don't react to it based on race. So, for example, if it were two people of a
>
> similar race they might just go and talk to the kids, versus if it's someone of a
>
> different race they might call the police. Or, if it's someone of a similar race they
>
> might go talk to their parents, whereas if it's someone of a different race they
>
> might think, 'I can't talk to their parents.' So it creates a lot of barriers, but many
>
> of them are subtle and not talked about.

A Latino, experienced respondent agreed with the impact lack of training can have in mediations of this kind. It was explained that not having a consensus nor a good sense of how to proceed on racial issues had resulted in a "fractured panel." An experienced,

African-American respondent also discussed receiving insufficient training: "Community Boards' process is general, I had no training in what to do if there is an Asian disputant or Black disputant, it was just, 'here is our process, try to be sensitive to whomever.'" A less experienced, Mixed Race respondent had this to say about training:

> I think any organization doing [alternative dispute-resolution] ADR has to have a sensitivity component when training mediators and that sensitivity component has to be used not as a 'for your information,' but more as 'this is something you will use and you will use it often in this metropolitan area.'

Three respondents, two less experienced, Mixed Race and Latino respondents, and an experienced, African-American respondent held similar views in regard to the belief that when mediating disputes between disputants of different ethnicities it was critical to address the issue of race at some point in the mediation. Those issues needed "to get on the table" or the mediation would be "superficial." One less experienced, Mixed Race respondent described her experiences, "There were a couple of rare times when race was involved when the disputants knew it was there, were edgy about it being there, but once it was addressed there was almost a transformative experience and the genesis of the dispute changed."

The respondents did not have a general consensus about an approach to be taken when race was identified to be a point of contention. In fact, two views were opposing in nature: of the 20 respondents 15 spoke in terms of addressing race when it was identified as a source of concern and five described downplaying race as an issue. The data showed experience and ethnicity as variables in these responses (Table 3). All of the African-American and Mixed Race respondents believed it was important to acknowledge the

racial issue if they sensed it as a dynamic in the mediation. When looking at experience as a variable, the data showed 100% of the experienced, Latino, Mixed Race, and African-American respondents, 67% of the experienced, White respondents, and 50% of the experienced, Chinese respondents agreed with the need to acknowledge racial issues that surfaced.

Table 3: Approach to Interethnic Disputes

	WHITE		AFRICAN AMERICAN		LATINO		CHINESE		MIXED RACE	
	Less Exp'd N=2	Exp'd N=3	Less Exp'd N=2	Exp'd N=3	Less Exp'd N=2	Exp'd N=2	Less Exp'd N=1	Exp'd N=2	Less Exp'd N=2	Exp'd N=1
Do not concentrate on race	1	1			1		1	1		
Acknowledge the racial issue	1	2	2	3	1	2		1	2	1

Of the five respondents who voiced the view that they do not concentrate on race one White, less experienced respondent explained:

> I don't know that race plays that big a part in handling things very differently . . . I think racism is very ingrained in people and you're not going to change that. I think the best you can do is to get people to admit, 'yes we do have a problem and we see things differently, and we need to find a way to compromise and work it out.' But that's true in any mediation."

In later discussion this respondent voiced the belief that it was not "the mediator's role to necessarily address race." Two respondents shared similar views: a White, experienced respondent spoke of "downplaying differences" and concentrating instead on issues the

disputants "might share" regardless of race. A less experienced, Latino respondent described how she avoids discussing the issue of race: "I try to avoid making it a racial thing. I go to the base of the problem and I try to get them to talk about the problem itself, not about the other ideas they have about each other." An experienced, Chinese respondent spoke of how he has worked to help the disputants feel that they were "all in this together," that there was "no race involved here." His focus was getting the disputant to believe it was "a common problem that [could] exist in any race." One less experienced, White respondent went on to explain her view:

> If there is someone in the room who feels frustrated by something that very much has a lot to do with racial differences then I think it could potentially be helpful for the mediator to talk about their limitations of understanding based on their own racial background, and that this might even help both parties see that they can only go so far. There may be a place where [the mediators] have to say, 'you know what, I can understand this to a certain degree, but I feel sorry that I can't fully step into where you are and I apologize for that and I now see things differently and I'm glad to have learned all of this, but it's not my experience and I know you don't share my experience either.'"

For the 15 respondents who stated that they acknowledged a racial issue when they saw it as a point of contention, their approach was to flush it out, "name it," and ask questions to get the disputants to explore it. One less experienced African-American respondent described it this way:

> Depending on what the behavior is I try to identify that behavior and focus on it in one way or another, whether it be to ask the responding party, 'how does it make

you feel when so and so raises her voice?' Just kind of identifying it, putting it on

the table, giving someone the opportunity to process it, I think internally and

externally, we're bringing the realization to the person that this is an issue . . . .

Even if they don't say much about how they're feeling at that time, just bringing it

to their attention raises their awareness about what's going on.

These respondents discussed how they work to draw out the feelings from both

sides of the dispute. An experienced White respondent described her approach in this

regard:

My approach is to really go slowly when each person is telling the story from their

point of view, to take the time and not rush that portion of it; that's critical. And,

by the time you get to the third part [of the four phase process] you have a better

idea of whether a racial issue will prevent them from coming to some kind of

solution, and if you think it is you have to go back and deal with that. You're not

going to change the world in a mediation, but you can at least create some

awareness and ask a question so people can think, 'am I stereotyping here,' or

whatever.

Beliefs surrounding race could be a difficult area for people to examine: "many

people have their notions ingrained" and to "challenge these concepts can feel dangerous"

to them. An experienced Latino respondent shared how he has seen the process work in

such cases:

A lot of times you're dealing with a fear of the intention, it has nothing to do with,

'oh you slammed my gate.' It's about what does that really represent, and how am

I threatened by that, how does that impact me? And, then with the undertone of

45

me being a member of this group and you being a member of that group, 'what does that mean when my Latin neighbor comes and slams my gate, what does that really mean, and oh my goodness I'm afraid to say anything because they're so hot tempered,' or whatever their ideas are. So, when we set an example for the disputants in a community kind of cooperative setting I think it allows people to open up a bit and feel more like, 'wow, maybe it was an accident, maybe they're really not trying to hurt me.' And, it really opens the door."

When these two groups, those who acknowledged racial issues which presented themselves in mediations and those who did not, were analyzed separately for their views on the role (ADR) organizations should play, if any, in addressing race relations, the acknowledging group, with one exception, saw the role as one of community building. The one exception to this group was a White, experienced respondent who viewed the role of ADR organizations strictly as one that pertained to mediating disputes.

Six respondents, three African-American (one experienced, two less experienced), two Mixed Race participants (one experienced and one less experienced), and one experienced, White participant mentioned stimulating awareness through discussion groups or in an academic format of some kind.

One experienced, African-American respondent spoke of how ADR organizations should make themselves available to the courts for mediating hate crimes. Another, less experienced, African-American respondent also referred to hate crimes and their connection to immigration tensions which were disputes that ADR organizations should be involved in mediating.

Additionally, nine of the 15 who composed the acknowledging group discussed

the need for ADR organizations to improve the training conciliators received in areas of handling race relations. These nine included four experienced conciliators, of whom two were African-American and the other two were Chinese and Latino, and five less experienced conciliators consisting of two Mixed Race, one Latino, one White, and one African-American.

Among those who did not concentrate on race when discussing the role of ADR organizations in addressing race relations, two respondents, one experienced, Chinese participant and one less experienced, Latino participant, spoke of the importance of making sure the panel members represented the races of the disputants.

One less experienced, Chinese respondent spoke of organizing discussion groups that focused on racial issues, and one experienced, White respondent mentioned the importance of bringing people together, in whatever format possible, so they could gain familiarity with other racial groups they may otherwise not encounter in their social network.

CHAPTER FIVE: SUMMARY AND CONCLUSION

Review of the Problem

At the heart of the dispute-resolution field is the reality that on occasion individuals find themselves incapable of overcoming an impasse with each other and they call on the services and help of a third party to mediate their dispute. There are various approaches to the mediation process.

There are approaches that focus primarily on the immediate problem facing the disputants with little concern for the ongoing relationship. Conciliators, however, are taught to acknowledge barriers, such as racism or prejudices, which may harm the overall health of the relationship.

The purpose of this research was to engage in a discussion with conciliators about their approach to mediating disputes that involved disputants of different ethnic backgrounds. Through various open-ended questions this research was intended to explore how conciliators approached the issue of race when it was an underlying point of contention, that is, when it had not been stated as the immediate problem the disputants had come to resolve.

Important Findings

Conciliators who volunteer for Community Boards work as part of a panel which usually consists of three people. Critical to the panel process is the need for panel members to work as a team while bringing their personality, background, insights, intuition, and varying proficiency levels to the panel process.

Conciliation has a unique additional goal that distinguishes it from straight mediation. At the core of conciliation is a social change implication. According to

Community Boards' training manual, "The primary focus of Community Boards conciliation is building or rebuilding a relationship so that the disputing people themselves can agree to address their differences . . . . Ideally, conciliation does not merely resolve disputes, it also enhances social relationships" (1993, p. 1). Only one respondent, however, described conciliation in terms of this distinguishing component when asked the meaning of conciliation. Sixteen other respondents defined conciliation in terms of helping the parties reach their own solution or agreement, or helping them come to an understanding. Three respondents defined conciliation as bringing people together, no doubt in keeping with the Latin definition of conciliare (provided in the same manual) which means "to bring together."

How one understands conciliation would naturally impact how one applies that element in mediations with disputants of different ethnic backgrounds. A disparity in its connotation would allow for disparity in its application in racially charged mediations.

While all of the respondents agreed that there were additional dynamics at work when the disputants were of differing races, there was little agreement as to how or if the issue of race should be approached when it appeared to be an underlying point of contention. There were strong, opposing views. Some conciliators stated that unless race was the problem the disputants came to resolve it was not an issue to be raised, while others believed it critical to address racial tensions if they appeared to be affecting the relationship. The data indicated that 75% of the participants followed an approach that involved acknowledging racial issues once they became apparent, while the remaining 25% followed an approach that involved not addressing racial issues. As predicted, experience and ethnicity were notable variables. All of the African-American and Mixed

Race participants, regardless of experience level, believed it was important to address racial tensions that were evident. When experience was looked at, all of the experienced, African-American and Mixed Race respondents were joined by all of the experienced Latinos, and 67% of the experienced, White respondents. This disparity could jeopardize teamwork if conciliators with disparate views were to serve on the same panel. Of those respondents who said they believed it important to acknowledge racial issues, 60% voiced a need to receive more training in handling such mediations.

With regard to the effect of field experience on conciliators' opinions, experience appeared to bring about greater unanimity among the White respondents than among any other racial group. White respondents had one of the most balanced ratios of experienced to less experienced participants (three to two). But when examining the comments on 15 issues there was not one occasion when White, experienced respondents shared similar views with their less experienced White counterparts. This was in contrast to the other groups, where on these 15 issues both experienced, Latino and African-American respondents were in agreement on three occasions with their less experienced counterparts. Chinese and Mixed Race respondents, who had the most unbalanced ratio of experienced to less experienced, shared views twice and once respectively with less experienced counterparts.

In addition, only experienced conciliators mentioned self-awareness when discussing the dynamics at work in mediations with disputants of different races. Four of the 11 experienced conciliators spoke of the need for additional self-scrutiny during mediations that might be racially charged, across all racial groups except Mixed Race. No other viewpoint shared by more than two respondents was representative of only one

50

experience level.

When discussing the role conciliation played with disputants of different ethnicities, Latino and Chinese respondents most frequently introduced the element of language or communication barriers, with 50% of Latino and 67% of Chinese respondents including this element. Language and communication surfaced again among six of the respondents in the discussion of the dynamics at work in such mediations; one third of these respondents were Chinese, once again representing 67% of Chinese respondents.

When the discussion moved to the role dispute-resolution organizations could play, if any, in the area of race relations, 19 participants responded to the question, and all but three respondents expressed the belief that it should be an active role. The role as seen by the majority was one that involved addressing race relations not only in the mediation setting, but also outside of that setting as a preventative approach to resolving conflict. The respondents saw a need for these organizations to take the lead in a bridge-building and educational capacity within the community, bringing individuals together in one format or another for consciousness raising around the issue of race relations. African-American and Mixed Race respondents were the strongest advocates for an educational component of some kind, with 60% of the African-American and 67% of the Mixed Race participants voicing this view.

Conclusions

On a small scale the data revealed that experienced conciliators were more likely to agree with other experienced conciliators regardless of ethnicity; this was most evident

when it came to approaching the issue of racial tensions in mediations. This finding was not surprising, since, as is often the case, experience helps to dictate actions which can be consistent with others who benefit from the same or similar experiences.

Mediation, by definition, and as distinguished from arbitration, involves resolutions that are decided by the disputants as opposed to the arbiter (Burton and Dukes, 1990, p. 34). The data found that 16 of the respondents (80%) gave the definition of mediation when asked to define conciliation. A practitioner of straight mediation would approach a racially charged dispute differently from someone trained in conciliation. Community Boards' training manual provides clarity on this difference:

> If racism or sexism became apparent on the part of the disputants, a mediator might de-emphasize these issues to avoid inflaming hostility and to reach an agreement more efficiently. The conciliator, on the other hand, would identify these attitudes and encourage their expression to promote greater understanding, since these factors can significantly affect the quality of a relationship. . . . Within the framework of mediation, issues such as racism may be viewed as obstacles to reaching an agreement. However, from the perspective of the conciliation model, surfacing these issues is crucial to reaching a new level of understanding. . . . These distinctions are important because they are at the heart of the values which underlie the Community Boards approach to dispute resolution and to our training. (1993, p. 2).

The data revealed inconsistencies in the way conciliators approached racial tensions, ranging from not viewing them as a concern of the conciliator to seeing them as a critical element of the process. These inconsistencies could have stemmed from the

respondent's ignoring the distinction that exists between conciliation and straight mediation.

The data revealed that many respondents were uncomfortable addressing racial tensions in mediations and this could also have contributed to a conciliator choosing not to address such issues. Conciliators are expected, however, to push past this discomfort and the accompanying inclination to disregard issues that are personally bothersome. Under Cultural Differences in the training manual this issue is addressed as follows:

> Some of us may have been taught to ignore or to gloss over cultural differences, and we may feel uncomfortable talking about them. In many situations, acknowledging these differences as a source of conflict is a relief to the people involved. In fact, acknowledging them can often help people to explain their feelings and perceptions. (1993, p. 32)

Recommendations for Action and Future Research

The initial training a conciliator receives involves learning how to uncover elements of a dispute which at first glance are not always evident. Self-scrutiny is also a fundamental component of mediation so as to prevent ones personal discomforts or biases from getting in the way of the process. The more sensitive the issue, the more conciliators are expected to push beyond their own comfort level and rely on their training to do the work. One cannot ignore the fact that such a large number of respondents (45%) mentioned, without being prompted by question or probing, the need for more training in dealing with racially charged mediations. Although the training manual is very explicit in its discussion of the need to address racial tensions when present, it does not provide details of how to go about doing so. Having such details outlined in a prescribed approach

53

could prove beneficial. A more standardized approach should reduce the risk of team cohesion breaking down, and it would also facilitate examining the process for its effectiveness.

It is highly recommended that such a training be offered as a supplemental yet mandatory course following the initial basic training. There is a great deal to learn about working with the subtleties that are a part of the four-phase mediation process: how to draw out underlying concerns, how to explore feelings many people are either hesitant to share with strangers or haven't sorted out themselves, and how to follow a hunch. These are the elements that contribute to the success of the process, and are skills which take time to hone. Although the basic training serves as an excellent opportunity to demonstrate the importance of being alert to covert issues, it is not the time to instruct trainees in the additional work racially charged disputes entail. There needs to be time to absorb the basics before introducing something as challenging as this.

Trainees should have the opportunity to complete the initial 20 hour training, participate in an authentic mediation to experience how their personality interprets the process, and then they should be required to take the supplemental training that covers the handling of more difficult mediations. It is not recommended that newly trained conciliators participate in a mediation with disputants of multiple ethnicities until they have completed the supplemental training.

It is advisable that the training address the human element of the conciliator, namely, an individual's comfort or lack thereof in taking part in a racially charged discussion. While mediations of this kind can vary greatly in nature depending on several things ranging from how covert the racial issue is, to how volatile the disputants are, it

54

would, nevertheless, be wise for organizations to provide a uniform process (key phrases and questions that facilitate opening up a dialogue) by which panel members can jointly uproot the underlying issues. For organizations to achieve a consistent approach to mediations with multiethnic disputants they need to provide a supplemental training of this kind to all new as well as currently active volunteers.

Volunteers might also benefit from ongoing forums that allow them to keep their skills sharp and their confidence level high. One way this might be achieved is by having the volunteers participate in mock mediations that are racially charged and varied in nature. Structured role plays of this kind, that are facilitated by highly experienced conciliators and provided on a regular basis, would provide a safe place to help observers and participants both hone and maintain skills.

As these data come from a sample which was intentionally small in a single community setting, it is recommended that additional data be gathered from a larger group of conciliators in more than one setting, and possibly, using a random sample technique if that seems appropriate. Undoubtedly, the community wants to provide the same level of service to all the communities it serves; therefore future research might involve surveying the experience of clients to compare experiences between clients who were in dispute with someone of the same race against those who were in dispute with someone of a different race from their own. Interviewing either a random or deliberate sample of disputants would provide a useful supplement to the data collected here, and possibly a broader perspective on the issue.

Alternative dispute resolution organizations can be instrumental in helping to enhance the cultural competency of the communities they serve; communities where each

generation is entrusted with the tacit expectation of dealing with matters of race better than the preceding generation. The diversity of these communities dictates the need for such competency, and these organizations are in a prime position to create forums for this work.

References

Allen, J. P., & Turner, E. (1990). Where diversity reigns. American Demographics, 12, (8), 34-38.

Arnold., J. A., & Carnevale, P. J. (1997). Preferences for dispute resolution procedures as a function of intentionality, consequences, expected future interaction, and power. Journal of Applied Social Psychology, 27, (5), 371-398.

Bell, M. L., & Forde, D. R. (1999). A factorial survey of interpersonal conflict resolution. Journal of Social Psychology, 139, (i3), 369-378.

Bercovitch, J. (1984). Social conflicts and third parties. Boulder, CO: Westview Press.

Bayor, R. H. (1993). Historical encounters: intergroup relations in a nation of nations. American Academy of Political and Social Science Annals , 530, 14-27.

Bobo, L. D. (1999). Prejudice as group position: microfoundations of a sociological approach to racism and race relations. Journal of Social Issues, 55, (3), 445-472.

Burton, J., & Dukes, F. (1990). Conflict: Practices in management, settlement and resolution. London: St. Martin's Press.

Cohen, R. (1997). Negotiating across cultures: International communication in an interdependent world (Rev. ed.). Washington, DC: U.S. Inst. of Peace Press.

Deutsch, M. (1994). Constructive conflict resolution: principles, training, and research. Journal of Social Issues, 50, (1), 13-43.

Doane, A. W., Jr. (1997). Dominant group ethnic identity in the United States: The role of "hidden" ethnicity in intergroup relations. The Sociological Quarterly, 38, (3), 375-397.

Edmondson, B. (1996, October). The minority majority in 2001. American Demographics, p. 17.

Faris, R. E. L. (1962). Interaction levels and intergroup relations. In M. Sherif (Ed.), Intergroup relations and leadership: Approaches and research in industrial, ethnic, cultural, and political areas (pp. 24-45). New York: John Wiley & Sons.

Gire, J. T., & Carment, D. W. (1993). Dealing with disputes: The influence of individualism-collectivism. The Journal of Social Psychology, 133, (1), 81-93.

Grant, P. R. (1991). Ethnocentrism between groups of unequal power under threat in intergroup competition. The Journal of Social Psychology, 131, (1), 21-28.

Gudykunst, W. B. (1997). Cultural variability in communication. Communication Research, 24, (4), 327-345.

Gudykunst, W. B., Matsumoto, Y., Ting-Toomey, S., Nishida, T., Kim, K., Heyman, S. (1996). The influence of cultural individualism-collectivism, self construals, and individual values on communication styles across cultures. Human Communication Research , 22, (4), 510-543.

Haney, W. V. (1992). Communication and interpersonal relations text and cases (6th ed.). Homewood, IL: Irwin.

Jacobs, D., & Wood, K. (1999). Interracial conflict and interracial homicide: do political and economic rivalries explain white killings of blacks or black killings of whites? American Journal of Sociology, 105, (i1), 157-177.

Link, M. W., Oldendick, R. W. (1996). Social Construction and white attitudes

toward equal opportunity and multiculturalism. The Journal of Politics, 58, (1) 149-168.

Lofland, J., & Lofland, L. H. (1984). Analyzing social settings: A guide to qualitative observation and analysis. Belmont, CA: Wadsworth.

Mackie, D. M., & Smith, E. R. (1998). Intergroup relations: Insights from a theoretically integrative approach. Psychological Review, 105, (3), 499-529.

Merelman, R. M. (1994). Racial conflict and cultural politics in the United States. The Journal of Politics, 56, (1), 1-20.

Rabie, M. (1994). Conflict resolution and ethnicity. Westport, CT: Praeger.

Ross, M. H. (1991). The role of evolution in ethnocentric conflict and its management. Journal of Social Issues, 47, (3), 167-185.

Rubin, H. J., & Rubin, I. S. (1995). Qualitative interviewing: The art of hearing data. Thousand Oaks, CA: Sage.

Scimecca, J. A. (1991). Conflict resolution in the United States: The emergence of a profession? In K. Avruch, P W. Black, & J. A. Scimecca (Eds.), Conflict Resolution: Cross-Cultural Perspectives (pp. 19-39). Westport, CT: Greenwood Press.

Shanahan, S., & Olzak, S. (1999). The effects of immigrant diversity and ethnic competition on collective conflict in urban America: an assessment of two moments of mass migration, 1869-1924 and 1965-1993. Journal of American Ethnic History, 18, (i3), 40-61.

Sherif, M. (1966). In common predicament: Social psychology of intergroup conflict and cooperation. Boston: Houghton Mifflin.

Strauss, A. L. (1987). Qualitative analysis for social scientists. Cambridge, England: Cambridge Univ. Press.

Taylor, D. M., & Lambert W. E. (1996). The meaning of multiculturalism in a culturally diverse urban American area. Journal of Social Psychology, 136, (6), 727-740.

Thompson, L. (1993). The impact of negotiation on intergroup relations. Journal of Experimental Social Psychology, 29, 304-325.

APPENDIX A

1. How long have you been a mediator for Community Boards?

2. In that time, how many mediations would you estimate you have participated in?

3. How many of those mediations would you estimate involved disputants who were not of the same race/ethnicity?

4. Community Boards trains mediators in conciliation, what does that mean to you?

5. What role do you believe conciliation plays in mediations with disputants who are not of the same race/ethnicity?

6. Explain the dynamics, if any, you believe exist when the disputants are of different racial/ethnic background. How does this affect your work as a mediator, if at all?

7. What is your approach when you identify race/ethnicity to be an underlying point of contention?

8. What role, if any, do you believe alternative dispute resolution organizations should play in addressing race relations?