

What is the "Community" in Community Mediation?: An Overview of NAFCM's 9 Hallmarks and What They Look Like in Practice

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Data in this presentation is from:

Charkoudian, Lorig and Bilick, Michal. "State of Knowledge: Community Mediation at a Crossroads." *Conflict Resolution Quarterly*, 2015, 32 (3), 233-276



Nine Hallmarks of Community Mediation Centers

Community Mediation Centers are Characterized by, and/or Committed to:

1. A private non-profit or public agency or program thereof, with mediators, staff and governing/ advisory board representative of the diversity of the community served.
2. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.
3. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.
4. Providing service to clients regardless of their ability to pay.
5. Providing service and hiring without discrimination on the basis of race, color, religion, gender, age, disabilities, national origin, marital status, personal appearance, gender orientation, family responsibilities, matriculation, political affiliation, source of income.
6. Providing a forum for dispute resolution at the earliest stage of conflict.
7. Providing an alternative to the judicial system at any stage of a conflict.
8. Initiating, facilitating and educating for collaborative community relationships to affect positive systemic change.
9. Engaging in public awareness and educational activities about the values and practices of mediation



Hallmark One

A private non-profit or public agency or program thereof, with mediators, staff and governing/advisory board representative of the diversity of the community served.

Hallmark Two

The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.

What does this really mean?

- I. Mediators, staff and governing/advisory board representative of the diversity of the community served.
- II. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.

- Gender
- Race
- Educational Background
- Income levels
- Experiences (Addiction, Veterans, High School Drop-outs, Incarceration)
- **Everyone is a possible user of mediation and everyone is a possible mediator**

Why does this matter?

- I. Mediators, staff and governing/advisory board representative of the diversity of the community served.
- II. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.

- Matching race and gender in the mediation may affect participants' experience
 - Charkoudian, Lorig. What Works in Day of Trial District Court Mediation: Effectiveness of Various Mediation Strategies on Immediate and Long Term Outcomes. Report for the Maryland Administrative Office of the Court, October, 2015.
<http://www.marylandadrresearch.org/publications>
 - Charkoudian, Lorig, and Wayne, Ellen. "Fairness, Understanding, and Satisfaction: Impact of Mediator and Participant Race and Gender on Participants' Perception of Mediation." *Conflict Resolution Quarterly*, 2010, 28 (1), 23-52.
- Buy in to the belief that "mediation is for me": The "cousin factor"
- Impact on Learning within mediator community and on program development

How are we doing?

- I. Mediators, staff and governing/advisory board representative of the diversity of the community served.
- II. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.

Comparative Demographics between Volunteer Mediators and the General Population		
Variable	U.S. Volunteer Mediators	U.S. General Population
Female	60%	51%
Male	40%	49%
Age 50-69	57%	24%
African American	6%	12%
White	85%	64%
Hispanic or Latino	3%	16%
Asian	2%	5%
Graduate/Professional Degree	72%	11%
Income of Less than \$25,000	5%	23%
Professional, Scientific, or Management Services Professional Background	41%	11%
Unemployed	1%	8%

Source: J. Corbett and W. Corbett (2013).

How are we doing?

I. Mediators, staff and governing/advisory board representative of the diversity of the community served.

II. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.

Demographic Match between Mediators, Board, Staff, and Participants and Community Being Served										
Board of Directors or Advisory Board										
	Age	Race	Gender	Sexual Orientation	Economic Status	Educational Background	Culture	Religion	Profession	Political Affiliation
Strongly Agree	6%	7%	18%	4%	3%	3%	5%	3%	6%	5%
Agree	44%	45%	59%	25%	33%	36%	43%	38%	29%	28%
Neither	14%	4%	4%	36%	25%	16%	21%	37%	25%	36%
Disagree	31%	35%	14%	17%	28%	36%	25%	7%	33%	12%
Strongly Disagree	4%	6%	4%	4%	9%	6%	2%	1%	3%	3%
N/A	2%	2%	2%	13%	3%	3%	5%	14%	4%	17%

How are we doing?

I. Mediators, staff and governing/adv isory board representative of the diversity of the community served.

II. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.

Demographic Match between Mediators, Board, Staff, and Participants and Community Being Served										
Volunteer Mediators										
	Age	Race	Gender	Sexual Orientation	Economic Status	Educational Background	Culture	Religion	Profession	Political Affiliation
Strongly Agree	7%	10%	12%	5%	5%	5%	6%	3%	5%	2%
Agree	45%	21%	58%	32%	47%	45%	41%	35%	43%	26%
Neither	14%	10%	9%	35%	17%	19%	28%	39%	21%	44%
Disagree	27%	31%	15%	11%	24%	23%	18%	5%	23%	9%
Strongly Disagree	3%	5%	2%	2%	1%	3%	0%	0%	2%	0%
N/A	5%	5%	5%	15%	5%	5%	6%	19%	5%	19%

How are we doing?

I. Mediators, staff and governing/adv isory board representative of the diversity of the community served.

II. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.

Demographic Match between Mediators, Board, Staff, and Participants and Community Being Served										
Staff										
	Age	Race	Gender	Sexual Orientation	Economic Status	Educational Background	Culture	Religion	Profession	Political Affiliation
Strongly Agree	15%	10%	12%	6%	8%	6%	7%	5%	3%	3%
Agree	44%	41%	33%	26%	48%	41%	45%	36%	27%	26%
Neither	11%	15%	16%	37%	19%	18%	25%	34%	31%	35%
Disagree	24%	24%	28%	12%	16%	25%	14%	5%	24%	15%
Strongly Disagree	0%	2%	2%	1%	0%	3%	0%	0%	1%	1%
N/A	7%	8%	9%	17%	8%	7%	10%	19%	15%	21%

Strategies

- I. Mediators, staff and governing/advisory board representative of the diversity of the community served.
- II. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.

- Every outreach message: You can use this service. You can be a mediator.
- Constantly recruit for mediators
- Offer training at no/almost no cost
- Advocacy with referral agencies: remove bachelor degree/criminal background check requirements
- Creative solutions for other barriers to volunteering
 - E.g. Childcare: give out stipend;
 - Transportation: coordinate carpools



Hallmark Three

Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.



Hallmark 3

SELF-REFERRALS

Why does it matter?

III. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.

- Empowerment: people can come directly to a process in which they can get support to resolve their own conflicts without going through courts or government agencies
- Reflection of a cultural change toward a collaborative, non-violent culture

How are we doing?

Hallmark 3

➤ 100% accept self-referrals, but...

III. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.

Percentage of Referrals to Community Mediation Actually Received from Each Referral Source			
Referral Source	%	Referral Source	%
Court Referred (Small Claims)	19%	Self-referral (Individual or Business)	7%
Court Referred (Family, including Custody and Divorce)	17%	Government Agency	7%
Court Referred (Criminal)	7%	Housing Association	2%
Court Referred (Juvenile)	5%	Legal Services Organization	2%
Court (Problem-Solving Court)	1%	Non-profit organization	3%
Court Referred (General Civil)	6%	Parole and Probation	1%
Correctional Facility	1%	Private Attorneys	3%
Department of Juvenile Services (before Court involvement)	3%	Prosecutors Office	3%
Employer	2%	Police and Law Enforcement	3%
Former Client	3%	Public Defender's Office	1%
Schools	5%	Religious Institution	1%

How are we doing?

III. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.

Level of Direct Access to Community Mediation Services					
	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
Community members can access mediation services at any stage of the conflict	70%	27%	3%	1%	0%
Community members can access mediation prior to involvement in the judicial system	73%	21%	4%	0%	1%
Most community members know how to access community mediation services	1%	11%	25%	52%	12%
Most community members understand the mediation process we offer	1%	12%	20%	57%	11%

What can we do about it?

III. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.

- Consider why you did not take your last conflict to mediation.
- What would it have taken to get you there?
- Our strategy building can start there.



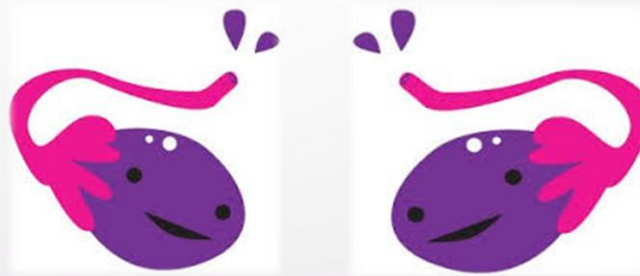
Hallmark 3

LOCATION OF MEDIATION: Physical Access & Comfort

Why does it matter?

III. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.

- What do the places where mediation is offered say about who we are and what we are about?
- How far do people have to physically travel?
- How comfortable is the space?
- A few words on metal detectors...
- **What message does our fear and lack of trust send to participants whom we are asking to be courageous and build trust through face to face dialogue?**



Mediation sites are part of the movement!

How are we doing?

III. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.

- ▶ 47% of centers hold mediations in the courthouse on the day of trial
- ▶ 24% of centers hold mediations in the courthouse even for cases that are not being heard that day
- ▶ 70% of centers hold mediations in the primary office of the community mediation center
- ▶ 69% of centers hold mediations in locations other than our primary office and other than the courthouse



Hallmark Four

Providing service to clients regardless of their ability to pay.

Why does it matter?

IV. Providing service to clients regardless of their ability to pay.

- Crucial to ensuring access and removing access
- The case for “positive externalities”: education, vaccinations, firefighting, public safety
- Do people only value what they pay for?
 - Public Education, public parks, roads, sex
- Can publicly funded and for profit companies exist side by side?
 - NPR and commercial radio, libraries and book stores
- Prices charged by our “competition”: calls to police, court, picking up a baseball bat, throwing a punch, severing a relationship

How are we doing?

IV. Providing service to clients regardless of their ability to pay.

Cost of Mediation and Conflict Resolution	
Cost of Service	Percentage of Respondents
All Services are free	23.4%
All services are offered on a sliding scale.	12.6%
All services are offered for a standard hourly fee.	0.9%
All services are offered for a standard one-time fee.	1.8%
Some services are free; others are offered on a sliding scale.	19.8%
Some services are free; others are offered on a standard hourly fee.	5.4%
Some services are sliding scale; others are a standard fee.	10.8%
Some services are free, some services are offered on a sliding scale, and others are offered for a standard hourly fee.	25.2%



Hallmark Five

Providing service and hiring without discrimination on the basis of race, color, religion, gender, age, disabilities, national origin, marital status, personal appearance, gender orientation, family responsibilities, matriculation, political affiliation, source of income.

- V. Providing service and hiring without discrimination on the basis of race, color, religion, gender, age, disabilities, national origin, marital status, personal appearance, gender orientation, family responsibilities, matriculation, political affiliation, source of income.



Hallmark 5

Without discrimination is a low bar. We need to ask ourselves about barriers.

Who are we serving?

Providing service and hiring without discrimination on the basis of race, color, religion, gender, age, disabilities, national origin, marital status, personal appearance, gender orientation, family responsibilities, matriculation, political affiliation, source of income.

Demographic Match between Mediators, Board, Staff, and Participants and Community Being Served

Mediation Participants										
	Age	Race	Gender	Sexual Orientation	Economic Status	Educational Background	Culture	Religion	Profession	Political Affiliation
Strongly Agree	26%	28%	32%	16%	25%	24%	20%	14%	18%	14%
Agree	61%	54%	61%	37%	49%	51%	52%	34%	38%	26%
Neither	5%	6%	4%	34%	11%	12%	16%	33%	25%	36%
Disagree	6%	11%	1%	3%	13%	12%	7%	3%	12%	5%
Strongly Disagree	0%	1%	0%	1%	2%	1%	0%	0%	1%	1%
N/A	1%	1%	3%	9%	1%	1%	5%	16%	6%	18%

What are the barriers?

- V. Providing service and hiring without discrimination on the basis of race, color, religion, gender, age, disabilities, national origin, marital status, personal appearance, gender orientation, family responsibilities, matriculation, political affiliation, source of income.



- Location
- Time of day
- Method of communication for intake
- Etc.

“It’s never too early, it’s never too late,
don’t fight with your neighbor, mediate!”

Hallmark Six

Providing a forum for dispute resolution at the earliest stage of conflict.



Hallmark Seven

Providing an alternative to the judicial system at any stage of a conflict.

What does this mean?

VI. Providing a forum for dispute resolution at the earliest stage of conflict.

VII. Providing an alternative to the judicial system at any stage of a conflict.

- How we engage

- Messaging, Intake, how we close cases that don't go to mediation

- Where we engage

- Courts, prisons, communities

- What we offer

- Conflict management training, conflict coaching, mediation, dialogue circles, restorative processes, large group and policy facilitation

- Where referrals come from...

Where referrals come from

VI. Providing a forum for dispute resolution at the earliest stage of conflict.

VII. Providing an alternative to the judicial system at any stage of a conflict.

Percentage of Referrals to Community Mediation Actually Received from Each Referral Source			
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Former Client	3%	Public Defender's Office	1%
Schools	5%	Religious Institution	1%

Hallmark 6 & 7

- VI. Providing a forum for dispute resolution at the earliest stage of conflict.
- VII. Providing an alternative to the judicial system at any stage of a conflict.

Generally, the challenge is to get the earliest stage of conflict.

Where do people gossip in your community?

- Nail & Hair salons
- Barber shops
- Bars
- Places of Worship
- The Gym
- ...



Go there and engage!



Hallmark Eight

Initiating, facilitating and educating for collaborative community relationships to affect positive systemic change.

Community Mediation is a Grassroots social change movement:

How we do things is as important as what we do.

Using collaborative processes in response to social challenges

VIII. Initiating, facilitating and educating for collaborative community relationships to affect positive systemic change.



Hallmark 8

Training Baltimore City Mediators in Police Complaint Mediation, December 2015

Tenth Annual David Thomas Peace Vigil

Connecting our work to community challenges

VIII. Initiating, facilitating and educating for collaborative community relationships to affect positive systemic change.



Hallmark 8



Hallmark Nine

Engaging in public awareness and educational activities about the values and practices of mediation

Why does this matter?

IX. Engaging in public awareness and educational activities about the values and practices of mediation

- ▶ Public Health PSA's can change behavior
 - ▶ Smoking, Designated Drivers, Seatbelts, Eating Kale...
- ▶ We're the only ones putting out the message "*The reptile brain does not have to be in charge – you have a choice other than fight or flight!*"
- ▶ Lots of competition: there's a great deal of money to be made by the media in portraying more destructive approaches to conflict

How are we doing?

IX. Engaging in public awareness and educational activities about the values and practices of mediation

Hours Spent on Community Outreach Per Month

Hours of outreach	Percentage of respondents per hours range
None	4.5%
1-10	62.5%
11-25	25.6%
35-50	4.5%
51-75	1.8%
More than 75	1%

What can we do?

- IX. Engaging in public awareness and educational activities about the values and practices of mediation

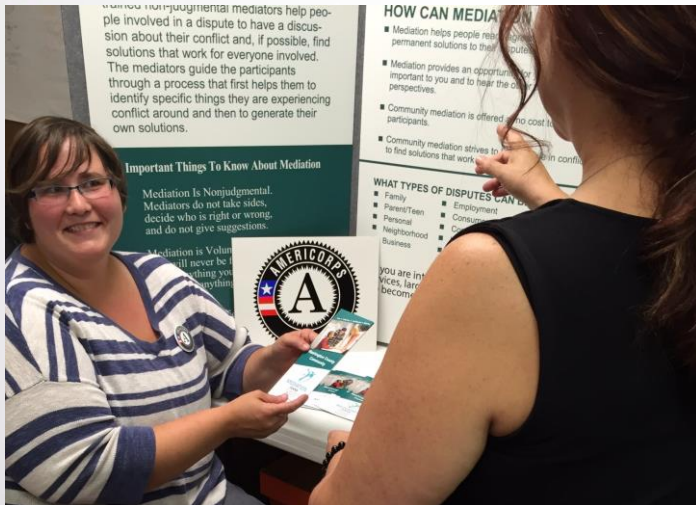


Parades, street theater, "Adopt a Spot", flash mobs...

What can we do?

Hallmark 9

IX. Engaging in public awareness and educational activities about the values and practices of mediation



mediators do it until everyone is satisfied

Contests for kids, T-shirts, Bumper Stickers, Tabling, Door to door flyerling...

What can we do?

- IX. Engaging in public awareness and educational activities about the values and practices of mediation



Presentations, Coalition Meetings, Bagging Groceries, Serving at Homeless Shelters...

Will people who used the service tell their story?

- Social media
- Traditional media
- The message is always....

**You can use this service,
You can be a mediator,
You can be a part of the
movement!**



**For more information on
NAFCM, visit us at
www.nafcm.org**

NATIONAL ASSOCIATION FOR
COMMUNITY MEDIATION