

The Community Mediator

National Association for Community Mediation

Summer 2004

1527 NEW HAMPSHIRE AVENUE, NW
WASHINGTON, DC 20036

(202) 667-9700
FAX (202) 667-8629
e-mail nafcm@nafcm.org
<http://www.nafcm.org>

Linda Baron, *Executive Director*
Joanne Galindo, *Associate Director*
Phyllis Lawrence, *Development Director*
Erika Acerra, *Membership and Program Manager*
Amber Hardin, *Research Assistant*

BOARD OF DIRECTORS

Kirsten Atkinson, *Vice Chair*
Community Mediation Center
of Cape Fear, Inc.
Wilmington, NC

*Hasshan Batts
Southmountain Children
and Family Services
Hickory, NC

*Connie Bear King
Nebraska Justice Center
Sioux City, IA

Mary Ellen Bowen
Mid South Mediation Services
Hohenwald, TN

*Lori Burkey
CASA Colorado
Denver, CO

*Sarah Calderon, *Co-Chair*
East Bay Community Mediation
Berkeley, CA

Steve Chang, *Treasurer*
CERJ
Pasadena, CA

Mark Collins, *Co-Chair*
CDR Centers Program
NYS Unified Court System
Cohoes, NY

*Irvin P. Foster
Dayton Mediation Center
Dayton, OH

Michele Gullickson Moore
Minneapolis Mediation Program
Minneapolis, MN

Joyce Jones
Dispute Mediation Service, Inc.
Dallas, TX

Mark Kleiman
Community Mediation Services, Inc.
Jamaica, NY

*Najeeba Syeed Miller
Asian Pacific Dispute Resolution Center
Los Angeles, CA

Barbara Timmons Strahl
Clark County Neighborhood Justice
Center
Las Vegas, NV

Thomas J. Wahlrab, *Secretary*
Dayton Mediation Center
Dayton, OH

*indicates volunteer affiliation
with community mediation centers

Evolution of *The Community Mediator*

by Craig Coletta

Welcome to the long awaited first issue of the new *Community Mediator*, NAFCM's member newsletter.

It's been quite a while since our last issue, and in that time, NAFCM decided to reformat and redirect the publication to make it more useful and relevant for mediation center staff and volunteers in the age of web-based communication.

In years past, *The Community Mediator* served as a fairly typical newsletter, letting NAFCM members know what was happening in the field, at other community mediation centers, at upcoming conferences, and so on. In addition (we hoped), it served as a means of building a sense of community within the field, letting mediators know that here were like-minded colleagues across the United States. Since the advent and explosive growth of the internet, however, these objectives have been largely taken over (and achieved more completely and quickly) through listservs and web pages, making the quarterly newsletter an anachronism.

We'd like readers to think of the new *Community Mediator* as a practitioner's mini-journal. In each issue, we will focus on a particular theme of importance to community mediators and seek articles that help us understand, work with, and respond to issues that might arise in our daily practice. We will introduce a "Friend in the Field" [p. 9] and highlight a NAFCM member center [p. 14]. Depending on the topic, we may include journalistic pieces, bibliographies, interviews, personal reflections, or other articles –

whatever most helps our readers make use of new ideas and information.

In keeping with NAFCM's policy of encouraging free exchange of information and of promoting serious discussion in the field, all material in this (and future) issues of *The Community Mediator* may be reproduced with permission of NAFCM and the authors.

The topic of this issue is one that has garnered lots of attention, thought, debate, and activity in the mediation field: diversity. While we don't claim in any way that the next 15 pages represent the "last word" on the subject, we hope that they might serve as an "opening paragraph" for community mediators to think about, talk about, and work with the vast range of human differences we experience in the course of our practice.

In keeping with our efforts to make best use of technology to maximize our services to members, *The Community Mediator* is available as both a print and on-line journal. We encourage you to visit the NAFCM website to see more complete biographies of our authors, a live-link resource list for materials dealing with diversity and community mediation and of course many other great resources including links to NAFCM member centers nation-wide. In the future we will explore creating an on-line bulletin board. We currently have open dialogue chats on our member listserv. Contact NAFCM to be added to the listserv roster. We hope you enjoy *The Community Mediator's* new look. Thank you for your continued membership and support.

Inside This Issue - DIVERSITY

Evolution of <i>The Community Mediator</i> ...Craig Coletta	1
NAFCM's Commitment to Diversity...Hasshan Batts	2
Redefining Diversity as Access: The Role of the Community Mediation Movement ...Najeeba Syeed-Miller	3
Towards a Functional Definition of Culture...Craig Coletta.....	4
"Culture is to People Like Water is to Fish"...Laura Ward Branca	5
Cultural Pluralism in Mediation - An Interview with Ray Leal...Najeeba Syeed-Miller	8
The Practitioners Research and Scholarship Institute...S.Y. Bowland and Beth Roy	9
My PRASI Experience...Selina C. Low	9
Diversity and Community Mediation... Benjamin L. Carroll, III	11
Getting the Word Out! How CDSC Mediates in the Gay and Lesbian Communities ...Gail S. Packer	14
NAFCM Membership Benefits	15
NAFCM News Updates.....	16

National Association for Community Mediation's Commitment to Diversity

by Hasshan Batts

The National Association for Community Mediation (NAFCM) is committed to creating a supportive network of culturally competent and diverse mediators and community mediation centers; and promoting a field that epitomizes and encourages tolerance, diversity and pluralism. A priority of community mediation is to foster equal rights, social justice, transformation, collaboration and peace. NAFCM acknowledges individuals' intrinsic abilities to resolve their own conflicts and attempts to support democratic, inclusive and culturally relevant processes that promote equal voices, parity and self empowerment.

To insure that marginalized and oppressed individuals and groups are provided equal access to culturally relevant community mediation services, NAFCM strongly encourages its membership to develop and adhere to policies and practices that demonstrate a dedication to tolerance and diversity. Community mediation centers are also encouraged to establish collaborative person-centered processes reflective of the values, norms and traditions of the communities they serve.

NAFCM recommends members:

- Develop and promote high standards (best practices) and reflect a commitment to diversity in their staff, board of directors, committees, volunteers, clients and organizational cultures.
- Gain a thorough understanding of culture and its role in human behavior and social functioning, while acknowledging the strengths that exist in all cultures through the benefits of collaborative problem solving.
- Educate themselves and their mediators regarding diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, and mental or physical disability and continually advocate for non-discriminatory practices.

NAFCM demonstrates commitment to diversity through its board of directors, committees, staff and volunteers; democratic

The National Association for Community Mediation (NAFCM) is a membership organization comprised of community mediation centers, their staff and volunteer mediators, as well as individuals and organizations interested in the community mediation movement.

There's a place for you in the NAFCM membership! Membership benefits include funding possibilities, networking, research, publications, a membership directory, and more. From coast to coast and beyond, NAFCM enjoys a unique position as the only national non-profit organization dedicated solely to community-based mediation programs.

To learn more about NAFCM and its members, visit www.NAFCM.org, write us at nafcm@nafcm.org or call 202-667-9700.

and inclusive policies and procedures; consensus building problem-solving models; a collaborative organizational culture; promoting culturally competent mediation theories and models; compatible organizational affiliations and supporting applications that focus on diversity and social justice with Hewlett funded minigrants.

Previous minigrants funded by NAFCM have been awarded to expand member center services to reach diverse populations; enhance members' ability to effectively serve diverse clients; develop culturally appropriate materials; provide workshop scholarships for diverse populations; assist indigenous youth in growth and recognition of their traditional values; develop mediation programs for gay and lesbian couples forming families; and promote peace and collaboration between diverse communities.

In addition, NAFCM maintains culturally relevant links on its website, a clearinghouse of culturally pertinent materials, ongoing conversations and information sharing centered around diversity on its listserv, and connections to individuals who are representative of a pluralistic community mediation field. Thus, affirming its commitment to promoting a just and tolerant society.

NAFCM established a diversity committee of the board of directors. The committee developed an organizational Statement of the Value of Diversity.

NAFCM's Diversity Statement reads:

NAFCM believes that when any group of persons is treated with less value, dignity or respect than others there are negative impacts for humanity and society. Community mediation programs are intended to be a reflection of each community including the multitude of traditions, customs, and values. NAFCM affirms its commitment to honoring, embracing, and encouraging diversity in all aspects of community mediation. NAFCM values and seeks diversity in our staff, board of directors, committees, and membership.

It is NAFCM's intention to consciously and assertively remove barriers to participation in all aspects of our work and to honor our distinctive customs, values and traditions. NAFCM makes a firm commitment to create an organization (including community mediation centers) and a field that models, supports and teaches respectful pluralism among all.

Hasshan Batts is an experienced mediator and trainer, Associate Director of Southmountain Children and Family Services, NAFCM Board member, PRASI writing scholar and former co-director of The Conflict Resolution Center in Morganton, NC. Mr. Batts brings a broad range of experience working in the public sector with individuals, families, schools and community agencies to address effective conflict management, cultural competence, personal and organizational communication and strategic planning.

Redefining Diversity as Access: The Role of the Community Mediation Movement

by Najeeba Syeed-Miller

The word diversity evokes a serious response from just about anyone. For some of us it conjures up the term, 'multi-cultural,' for others it has come to take on a negative connotation when we bemoan the fact that everything is so 'p.c.' At a recent conference I asked a representative about their organization and whether they had diversity as a practice within their operations. The person proceeded to tell me the ethnic breakdown of their board with the underlying assumption that diversity was a cosmetic reality; where the ethnic representation of their board constituted a sufficient answer to questioning of diversity oriented programmatic approaches.

In my own work, I have chosen to redefine diversity as "access to services." I find this a necessary approach for four reasons. First, if we interpret diversity only as a physically-oriented representation, then we limit the enriched definition of diversity. Diversity exists in so many realms, some that are easily visible some that are not. As a mediator, I have had to disclose my learning disabilities to parties so they understand why I must at times take breaks or ask them to repeat themselves a few times when issues regarding numbers are involved. If my "diversity" quotient were based only on my ethnic representation, an issue of access that is paramount to my practice would be rendered invisible. Similarly, as you evaluate the ability of your own agency to respond to diversity, work to expand and give depth to your definition of difference. Recognize that you must be sensitive not only to ethnicity and race, but also address issues around access regarding many other needs.

Second, considerations of diversity in mediation typically do not include any notions or recognition of the use of power within the conflict resolution setting. Diversity cannot lie only in getting mediators who are from the same community in a particular group. Of course, such sensitivity is very useful and may improve the process for the participants. At a larger scale though, analyzing conflict resolution services only through a scope of diversity does not acknowledge that the model itself or the vehicle for delivery of services might favor one negotiation style or cultural assumption. Access to services as a conceptual framework makes it imperative that we analyze the totality of an organizational structure to see if the model of training, service delivery, composition of board, staff, and volunteers make the services accessible to everyone. It is especially important that we understand who the gatekeepers to services are within our organizations. Are the various tiers accessible to different communities that we purport to serve (e.g. the board, the volunteers, the trainers, the places where we offer services, transportation to services, etc.)? Power exists even in small organizations. We cannot continue to use lack of resources as an excuse to not engage various communities. Integrating a notion of accessibility of services across the range of organizational structure allows an agency to commit to opening and adapting its services with a holistic approach instead of just a shallow one.

Third, for me, the word diversity connotes uniformity and promotion of a harmonious ideal. This obscures the need for community based centers to engage in difficult disputes, complex interventions where parties might question the very use of a conflict resolution process. If instead, we ask ourselves, are we accessible to all the parties, then we are able to truly respond to their needs. Often, diver-

sity is seen as an issue only when we experience something different from ourselves. At a recent conference I mentioned the need to respond to various linguistic/cultural needs of a community and one of the participants told me that they know culture is a problem when they deal with someone with an ethnic sounding name. We run the risk of only responding with a diversity oriented approach when we feel something is different from us. The locus of definition is then

Diversity is too often considered an ideal, something only attainable after a program is established...

the person who is offering the services and not the person receiving the services. The question to ask first is of the client's comfort with accessing the services being rendered. Everyone has the right to explore whether the services are meeting their needs; it should not be the practice of an organization to only intro-

duce the diversity variable when it engages in rendering services to communities it deems as different from itself and seeks to produce a homogenized response that fits its own cultural needs.

Finally, accessibility means that a practitioner of conflict resolution constantly questions and views his or her practice with an eye toward the fact that it is a person's right to receive competent service that fits the conflict resolution needs. Diversity is too often considered an ideal, something only attainable after a program is established or funding is secured. If we focus on accessibility, conflict resolution organizations can then be mandated from their very inception to consider whether they are able to offer services to meet the needs of the various populations they serve. In other words, will their services be accessible to the populations they are serving?

In addition, when we begin to view accessibility as a right and not a luxury that perspective finds its way into the philosophical approach that we take in our own work and the field as a whole. It will inform the model of community based conflict resolution programs. Herein lies the strength of community based dispute resolution services. We are committed to our work not only because of the market realities or a current model of mediation that is popular. Community based dispute resolution programs are willing to ask the hard questions and develop innovative practices. Focusing on accessibility provides us with a sense of coherence; whenever we move in one direction or another, we remember to ask: Is this approach inclusive of the communities we serve? Are there communities that are invisible, that have not come to the table and that must be engaged so that our services are accessible? Is this model of training, service delivery, organizational development, accessible and reflect the needs of communities we serve? Is the organization itself physically accessible, culturally accessible, linguistically accessible, etc., to various communities that we serve? By always questioning and never feeling comfortable, we can create organizations that are dynamic, responsive, creative and engaging and truly accessible to all.

Najeeba Syeed-Miller has worked in the field of conflict resolution for over 10 years. Ms. Syeed-Miller is the Executive Director of Western Justice Center, NAFCM board member and former executive director of Asian Pacific American Dispute Resolution Center. In addition, Ms. Syeed-Miller writes and presents extensively in the field of community based dispute resolution, diversity and cross cultural communication.

Towards a Functional Definition of Culture

by Craig Coletta

One of the issues most frequently discussed under the heading of “diversity” in mediation is that of cultural competency. Mediators are encouraged to learn about cultural difference, to look for and address cross-cultural aspects of conflicts, to explore models of conflict resolution from other cultures and communities, and to consider the power of culture in many other ways.

All this is admirable, but there’s just one problem.

As a field, we’ve struggled to articulate clearly:

- What culture is
- What culture does
- Specifically how culture influences conflict and conflict resolution behavior

This is not to say that many researchers and practitioners have not developed and disseminated some very useful and significant models for understanding culture. Quite the contrary, there are tons of great models out there, and that’s part of the problem – they all catch important *elements* of the cultural question and many take those elements in fascinating and meaningful directions, but without a solid base for understanding the mechanics and functions of culture, much of their potential value is lost.

In this article, I propose a very basic, systemic, and action-oriented framework for looking at culture. I hope that this framework will serve to encourage further thinking about the development of training in cross-cultural skills for mediators.

Of course, I should point out that the assumptions and structure of the framework I’m proposing are affected by my own Western, majority-culture background. I don’t suggest that’s it’s the only way or even the “best” way to look at culture, merely one that has the advantage of being very specific and systematic.

CULTURE IS WHAT, EXACTLY?

To define anything effectively, we need to consider two questions:

- What does it look like?
- What does it do?

Definitions of culture usually address the first question pretty well – included in various definitions are things like shared values, common beliefs, communication tools (language, song, art, etc.) – but often miss the second. Culture must do something important, right? Otherwise, why would we think so much about it?

I suggest that culture functions as an instruction manual for the world – it tells individuals and groups how to meet their basic human needs. Of all animals on the planet, humans have the widest choice of survival options, and the least instinctive guidance for survival. We can select a nearly infinite range of foods, beliefs, relationships, etc., but we have no innate way of determining which are best for us. Culture stands in for instinct by describing an effective set of choices and actions for a particular group – it explains how to meet the physical, emotional, and philosophical (i.e. the need to ascribe a larger meaning to life and experiences) needs common to all humans.

Because any number of survival choices CAN be effective, cultures may (and do) take radically different but equally successful approaches to teaching their members how to solve survival problems and meet their needs. These are the differences we see when we observe “cultural diversity,” though the choices are rarely if ever presented as blatant “instructions.” Rather, they are encoded in the com-

munication styles, rules of behavior, and other visible aspects of culture (those things we name when explaining “what does it look like”) that surround every member of a culture every day.

And these two facts – the function of culture and the omnipresence of cultural instructions – go a long way to explaining the importance of culture. We rely on our “instructions” for our survival, happiness, and prosperity, and those instructions have been drummed into our heads through every interaction we have with the world around us since our birth (maybe even before that, considering that the ways pregnant women behave and are treated by others are also determined by culture).

So it’s reasonable to assume that one’s culture affects virtually every aspect of life, but we still need some specifics if we’re to work with the concept effectively as mediators.

Culture’s effects can be perceived in two broad categories – communication methods and worldview. Communication methods, as the more visible category, have been pretty well examined – for example, many of us know that the gesture that signifies “OK” in the USA is a vulgar insult in parts of Latin America, or that the tone of voice

most Americans would consider polite sounds somewhat angry when heard by people from some Asian cultures. Lots of travel and international business books present culture-specific communication tips, but below is a list of specific communication modalities that are affected by culture, and sample questions to ask when considering the roles they play:

- Haptics – communication through touch (Who can touch whom, and when? What does a specific touch mean?)
- Oculistics – communication through eye movement or contact (Is it polite or rude to maintain “direct eye contact?”)
- Proxemics – communication through use of space (How close can you stand to someone before you are being pushy or threatening?)
- Vocalics – communication through non-word sounds such as voice tone (Is a raised voice a sign of anger or engagement in a conversation?)
- Olfactics – communication through smell (Is it rude to meet with someone just after finishing a sweaty job, or should people smell like people?)
- Kinesics – communication through movement and gesture (Is it rude to point?)

It is clear that people functioning under different sets of assumptions/instructions about each of these modalities are very likely to have misunderstandings. In fact, misaligned communication codes are often primary causes of conflict.

Even more important than culture’s effects on communication, however, are its effects on people’s worldviews – their assumptions about how the world does and should work. These assumptions are the factors that lead people to take positions, form opinions and judgments, construct biases, and otherwise evaluate and respond to conflict situations in their lives.

Below is a brief list of some of the major worldview categories, expressed as continua with the opposite poles described. All cultures “take a position” on these items, falling somewhere between the two extremes. I have provided more detailed descriptions of the first

I suggest that culture functions as an instruction manual for the world – it tells individuals and groups how to meet their basic human needs.

three items to give a sense of how these worldviews might specifically affect behavior.

- Egalitarian/Hierarchical – Egalitarian cultures believe that it is right and good that all people possess the same basic rights, privileges, responsibilities, and deserve equal respect and consideration. Hierarchical cultures believe that some people are entitled to greater respect, consideration, or rights than others, based on some unique set of criteria (e.g. social class, gender, age, wealth, etc.)
- Individualistic/Communitarian – Individualistic cultures believe that the rights and objectives of the individual, in most cases, are more important than the rules and aims of the group or community. Communitarian cultures believe that individual desires should be made secondary to the “good of the group.”
- Low/High Tolerance for Ambiguity – Cultures with low tolerance for ambiguity tend to strive to have all rules, norms, agreements, etc. clearly defined and responsibilities specifically enumerated. Cultures with high tolerance for ambiguity tend to leave rules, decisions, relationships, and other interpersonal transactions less well explicated and open to interpretation based on context.
- Fatalistic/Non-Fatalistic – Non-fatalistic cultures believe at a deep level that every individual is the primary architect of his or her own destiny and in the majority of cases can control personal outcomes through his or her own effort (e.g. “if at first you don’t succeed...”). Fatalistic cultures believe that individuals’ actions are subordinate to an external force (fate, karma, God, social forces, etc.) and that the individual has somewhat minimal control over his/her outcomes (e.g. “It wasn’t meant to be”)*
- High Context (favoring indirect communication)/Low Context (favoring direct communication) – Low context cultures convey most of the meaning of a communication in

the words they say. High context cultures tend to infer meaning from words in the context of the relationship between speaker and listener, the situation, etc.

- Future Oriented/Past Oriented – Future oriented cultures tend to embrace new ideas quickly and discard old customs, rules, traditions, etc. relatively easily. Past oriented cultures tend to insist that new ideas align appropriately with existing structures.

Most mediators, thinking back on cases they have seen in light of these communication codes and worldviews can better appreciate the dynamics and challenges of:

- Mediating between members of a culture whose world views and communication codes the mediator does not fully know or appreciate, and
- Mediating between clients from two different cultures

No cultural competency training can hope to make trainees “fluent” in another culture. This requires, at a minimum, years of immersion. However, clear, specific, and systematic cultural competency training CAN provide mediators with the ability to detect when a conflict or a communication issue MAY be related to cultural difference and the skills to build bridges of understanding between differing worldviews. These facilities enable mediators to be far more effective when operating in cross-cultural environments.

* The maxims, adages, “old saws” and other idiomatic expressions of a culture are often excellent windows into its worldview and are good starting points for examining cultural difference. For example, contrast the proverb “Stand on your own two feet” from the individualistic American culture with “The nail that sticks up must be hammered down” from the communitarian Japanese culture.

Craig Coletta is the former Coordinator of NAFCM and is now a NAFCM consultant. He is editor of *The Community Mediator*.

“Culture is to people like water is to fish.”

by Laura Ward Branca

There is a common saying in cultural identity work: “Culture is to people like water is to fish.” As I reflect on the ways that my cultural identity influences my perceptions, insight, frame of reference and practice, I am reminded that developing cultural self-awareness is a challenging and subtle discipline. My family heritage includes stories of violence, real courage, alliances, and the possibility of surviving with one’s principles still intact. I recognize that not everyone has the gift of stories from their history with which to make sense of their cultural conditioning and identity. Still, I will share this brief exploration of how facets of my background and experience may shape and color my relationship to conflict, and perhaps it will inspire readers to examine the power and influence of their own unique cultural lens.

I am an African Armenian American, a multiracial middle-aged woman who still identifies as working class. Although I was born and raised in Brooklyn I have lived upstate in central New York for many years. My father was born on Bayou La Fouche, Louisiana in 1902. I know that his ancestors were West African Hausa, French, and probably Indians indigenous to Louisiana and Mississippi. My grandfather, who was born into slavery in Mississippi, became a schoolteacher and sold patent medicines. My grandmother was a light-skinned woman with hair to her waist; she was called “the

songbird of Thibodaux” where she grew roses, peaches, figs and persimmons, baked bread daily and sewed all of her family’s shirts and dresses. Together, they had twenty-one children, of whom eleven survived infancy.

After emancipation, agricultural workers in Louisiana didn’t know they had the right to ask how much they would be paid for a bushel or a bale they picked. They didn’t realize that they could share such information, and could refuse work on one plantation and seek better pay on another. My great-grandfather attempted to organize black field hands in such simple, fundamental ways. When my grandmother was still a little girl, her father was called out onto his porch one Sunday by a group of men on horseback—irate local planters—and fatally shot. He bled to death while the white physician she was sent to fetch refused to come treat his wounds. As a consequence of exercising basic rights of free citizens, people who had tried to organize were slain; friends and family found their bodies by watching the sky above the swamps for buzzards.

My father became a pioneering black playwright who wrote historical and contemporary dramas about human struggle and liberation. He was blacklisted during the HUAC witch-hunts led by Senator McCarthy. I remember that our neighbors in Bedford-

Continued on Page 6

Culture is to people...

Continued from page 5

Stuyvesant closed ranks and closed mouths to protect us when the FBI came asking questions about our family. I learned that it is not necessary to sell yourself out. From this and other family stories I learned the power of information and the lengths to which people will go to get it, share it, hide it, and suppress it. I learned that violence, suppression and marginalization are not due to lack of character, talent, ability, hard work or excellence. Exclusion and exploitation happen, and even when the intent is nothing personal, the impact can be personally lethal.

My mother is a first generation Armenian American, born in Bridgeport, Connecticut in 1911. Her parents were born in Armenia and Turkey, narrowly escaping the Armenian genocide that wiped out their families among the two million victims of the Turkish massacres. My grandfather witnessed atrocities of which he could not speak. He had no formal education yet taught himself to read and write Turkish, Armenian and English. My grandmother was raised in Italy as an orphan in a Catholic school, and became an important friend to her Bronx neighbors; she led contingents of Italian and Armenian families downtown translating and advocating for them when they needed home relief and other services. My mother became an activist in support of many progressive causes, working tirelessly for example in the 1930's to free the Scotsboro boys, nine black youth who were falsely accused, wrongly convicted, and eventually vindicated for the alleged rape of two white women in Alabama. My mother's stories taught me not to wait around for the "real leaders" to show up, and that common, ordinary people can accomplish extraordinary things.

Returning to the challenge of developing self-awareness, how does all this history inform and influence how I perceive and handle conflict? I have been practicing for twenty years, one of very few mediators of color in my community in central New York. In these same twenty years, I have also worked as a trainer and consultant in the areas of human relations, organization and leadership development, and cultural competency. My roles, identity and life experiences give me a perspective on inter-group dynamics through my connection to multiple identity groups. That blending in me provides a view from the borderlines, the power differentials, real gaps or imagined barriers between individuals, identity groups, ideologies and worldviews. Although I function along those borders, I also have opportunities to cross them, and occasionally to help bridge them so people on both sides can interact with less fear, strife and hopelessness.

Conflicts are going on everywhere, and peacemaking and problem solving have been happening inside and outside mediation rooms for a long, long time and are not the monopoly of institutions of the dominant culture. For people in excluded groups, the culture of mainstream mediation is not normal. It is an unusual, relatively recent alternative that is much more consistent with the norms of middle class white people. Both mediation and training sometimes get a bad reputation, viewed cynically as whitewashing. In fact, people in excluded groups frequently come to mediation reluctantly, because their lives have become entangled with an institution or system that has pressured or advised them to go through the process. People of color in mediation are often resigned to the likelihood that the institution or the mediators themselves will reflexively see them as the source of the problem. The referring agency will probably not

be able to see how systemic exclusion and insensitive practices have contributed to or even created the problems that bring them to mediation. Working class people coming to mediation with workplace disputes often see the process as window-dressing to put a good face on dishonesty, stupidity, and misuse of power, with no intention of touching what is really going on. Mediation can seem contrived and unlikely to really resolve matters.

Anyone in an excluded group has to work along the borderlines if they are going to survive. We have to become bicultural, fluent in both the dominant culture and our own. My own unique identity

I am less sensitive to and aware of my "straight" privilege than my experience of gender bias.

both necessitates some fluency, and facilitates it. The borderline is sometimes the dividing line between included group experience and the experience of excluded groups. Money, education, control over resources, media, public discourse, and the environment give particular collectives and classes more institu-

tional influence and people who can't buy access or don't fit in have less. Life on the topside of the border affords the presumption of merit, deserving and entitlement to the "haves." Life on the bottom side of the border bestows the presumption of unworthiness or sheer invisibility to the "have-nots." As much as the culture tries to convince us that exclusion and exploitation are past, the people to whom this happens beg to differ.

I notice that for most of us some aspects of our identities fall on both the included and excluded sides of the line. I am a working class woman of color, but I am also heterosexual and relatively able-bodied. I am less sensitive to and aware of my "straight" privilege than my experience of gender bias. The view from the borderline is simply the recognition that people in the very same life situation frequently experience it from very different realities, and don't even agree on the nature of their own relationship to one another. Like it or not, our perception is filtered and refracted through our cultural lens.

How do we each pursue our purpose and contribution, and assert the validity of our voice and point of view in the face of cultural myths and messages that distort or deny the legitimacy of our realities? This requires self-authorization and loyalty to our own truth, sanity, and beauty; to not succumb to other's definitions, standards and coercion, but to trust one's own intelligence and conscience. I also learned that racism bites deeply into our self-respect because it withholds so many of the symbols of achievement and the means of self-determination. Racism interferes with a person's desire and will to be self-reliant, and optimistic, to provide for oneself and others, to enjoy the fruits of one's own labor, to be credited for one's gifts.

When a family of color comes to mediation because a child has gotten into trouble, there is a sense of stigma in having one's family business disclosed to strangers. There is so much in the dominant culture that places blame for children's undesirable behavior, academic failure, or lack of emotional control upon their parents and defines the problem as a breakdown of the family and lack of values. My personal experience of racism gives me empathy with that family's alienation from a school system that apparently refuses responsibility for failing with their children. The economic and social pressures to somehow earn enough to continually pay for new goods and services operate right alongside the expectation that parents must be more involved, closely supervise, and participate in learning and enrichment activities with their kids. Kids who are skipping school, in trouble, out of control, are presumed neglected and poorly reared. As a mediator I am never tempted to see a child as bad, although there are some who are hard to like. My view point is that families

Continued on Page 7

Culture is to people...

Continued from page 6

are struggling to maintain order, respect, and sanity in the midst of a culture that bombards them with unhealthy models of materialism, greed, contempt for others, and tolerance for ugliness.

People don't readily put their business in the street. I know how difficult it is to tell your personal business to "outsiders" because I have had to do that. Not being able to solve a family or financial problem without help really exposes things you'd rather not publicize. I know that working class people often resist saying what we need or accepting help. My family's background helps me to have tremendous admiration and to honor the risk that people of color, working class people, and gay and lesbian people are taking by engaging with the system, service agencies, and mediators. People in excluded groups don't flock to tell their troubles. In families of color it is particularly wrenching to involve police in personal conflicts, because protection of the group is often so much stronger a principle than safety or asking for help. People in excluded groups are very proud, and are sometimes only visible to the dominant culture when our lives are in disarray and we're pushed to extremes. Find that hard to believe?

It's not unusual to see parties in conflict desire admissions of wrongdoing. When we experience ourselves as mistreated or taken advantage of, the desire for justice is strong. Frequently, people want me to affirm and validate that they have suffered an injustice, and sometimes I really see how that is true and want to do just that. My dilemma is how to do that without blaming and condemning the other person. It is important for me to recognize that parties may not be able to see how they have co-created the situation. What I know will not work is pleading either person's case, trying to convince anyone. That usually produces resistance and a loss of influence. By staying with what seems important to each of them, and being thoughtful about how I choose to reflect, ask questions or check in, some empowerment and recognition may be gained and exchanged.

Being a trainer has taught me that blaming, shaming and making people wrong are unskillful tactics. People cannot learn or let go of denial by force, urgency or belittling. We need safety and dignity to move from denial and defense to self-acceptance, even if the truth is uncomfortable. Holding compassion for people helps them be more truthful, and the sooner they can be more honest, the more hopeful the situation. There is always some shared experience between people. Operating on the borderline widens of my recognition of people's commonality, but also heightens my awareness of differences in experience and worldviews.

Appearance also matters. Understandably, people may try to gauge my loyalties, to determine how frank to be and whether I am an ally, enemy, spy, or a potted plant. If people of color come in and they are darker than I am, I wonder how that could affect my credibility and rapport with them. I wonder if they are relieved to have a mediator of color, or if they might have felt more comfortable with a darker-skinned colleague. White people come in and I wonder if they will question my competence and fairness, or if they seem comfortable with me, whether that is because they feel safer with my light skin. Being multiracial gives me clarity that people on both sides of the borderline see themselves and want to be seen as people of conscience, ethics, and kindness. I want to be seen that way too.

Many people have violence in their recent history. A police officer described knocking on the door of a family whose teenager had been hit by a car and hospitalized. He saw the family fleeing out the back door to a wooded hill behind the development. He learned that they

were recent refugees from an eastern European country where uniformed officers meant persecution and torture. Their strategies for self-preservation had been brought over from the old country. Given the danger and trauma of life there, these strategies made sense and were not ridiculous. Nevertheless, It disturbed this officer to see how impersonal, yet personally impactful being viewed as a fearsome enemy can be. The fear and hostility are not personal. We don't have to do anything mean to be disliked and mistrusted. This is the cost of belonging to or resembling a group that has mistreated people.

How has having an Armenian mother influenced my view of conflict? I nurture dreams of peace on earth and throughout the universe. I want to be of use as a peacemaker, and try to cultivate the idea of a world that works for everyone. In my life I work to develop the muscle of forgiveness, something I wasn't raised to do. I have a problem. I learned that hatred of differences in ethnicity and religion can motivate atrocities, wipe out villages, and justify the conviction that an entire nation of people does not have the right to exist. There are people intent on the destruction or theft of another people's culture, language, religion, loved ones, and homeland. How do we support the rebuilding of trust when terrible things have happened? As one whose people have experienced atrocities, I can relate to how hard forgiving or seeking forgiveness can be: to forgive would be to condone, or foolishly trust, to permit an enemy to exploit or hurt you again. "First time you fool me, shame on you; second time you fool me, shame on me." In my family we have more practice with shunning, holding grudges, and nursing old grievances than with forgiving.

I think an unforgiving stance is an attempt to preserve some semblance of dignity. When deeply offended, deeply injured, it seems a betrayal of oneself and one's people to consider dropping our weapons, lowering our shields and looking for the humanity in the other. A world that includes all of us doesn't mean merely getting along with those we don't like, it means risking that old hatreds lurking beneath the surface may be rekindled and rearmed. Who wants that? Better to let the other fellow lay down his weapons first.

I recognize the importance of forgiveness in peacemaking, both as a means and an end. I think giving and seeking forgiveness are much more powerful and skillful means of peacemaking than crafting a compromise, dividing the spoils, or determining who was right or at fault. But if we forgive will we stop there, satisfied, or will we try to make amends? Is it even possible to make amends, or must we cut our losses and cancel out some people for good? To forgive and work for a world that includes everyone requires either a level of supreme confidence and inner security, or a leap of faith so brave that nothing can threaten my compassion, that nothing can make me give up on you. I have work to do here.

This exercise in cultural self-awareness has been surprisingly difficult. I may have only found what I was looking for, and attributed cause and meaning to unrelated things. I am pretty certain that my directness, tolerance for emotional intensity, willingness to level with participants, my reticence and protection of my privacy are tied to my family culture. I'm still struggling to authorize myself to use what I know, especially in the field of mediation that so constrains practitioners from thinking we're experts on anything. But I am clear that having asked to be of use, until the "real leaders" show up, I'll do what I can. I invite everyone to take the challenge.

© 2004, Laura Ward Branca.

Laura Branca is a managing partner at Training for Change (TFC) Associates in Ithaca, New York, founded in 1982. She has been mediating community, family, organizational disputes, and addressing inter-group conflicts since 1984.

Cultural Pluralism in Mediation - An Interview with Ray Leal

by Najeeba Syeed-Miller

Ray Leal is a professor at St. Mary's University in San Antonio, Texas where he works with students in providing conflict resolution training to over one thousand area teachers and students in secondary schools as well as university faculty and staff members. Mr. Leal received training in conflict resolution at New Mexico Center for Dispute Resolution, CDR Associates, and the Harris County Dispute Resolution Center.

Interview conducted by Najeeba Syeed-Miller

Q: What inspires you to work in the field of conflict resolution?

A: It was an American Indian clan mother who encouraged me to make peace because I had just accepted a faculty position in criminal justice in a private university. She mentioned that there were a lot of problems with youth in America that I should teach young people to make peace among themselves.

Q: What makes you stay in the field?

A: Watching television and reading headlines shows me the urgency of the situation, I also feel that it's a way to give to the future of this country because kids are the future of this country. If someone does not show genuine care, they will grow angry and that is not positive for the long term future of the country.

Q: What is your advice to someone who is new or starting out to someone new in the conflict resolution field?

A: Tell them to keep an open mind. There are many ways to learn. To not become discouraged by obstacles put in their way.

Q: What obstacles did you face?

A: Society is very big on credentialing, the right degree. I don't think that is the right way to go for real peacemaking. I think that we need to be open beyond just one profession controlling the field.

Q: Did you find your ethnic heritage as a Latino American to be an obstacle?

A: Because I am a university professor, I have the necessary credentials. I do think there are different ways to consider. I do understand the North American model for mediation and use it when appropriate but there are also very fascinating, circular, abstract and mystical indigenous ways of peacemaking. Indigenous peacemaking methods are very useful in intra-family or between families and in rural cultures; using the North American model of mediation with people of color doesn't work in many instances. Rather, you should use the ways that are tried and tested in those communities such as convening elders to discuss the issues within the community. The North American model does not have relevance to most people of

color within this country.

Q: Talk a little about the youth mediators you work with:

A: The most effective model to train middle and high school students is to have college students do that training. In my work, I use peer to peer mediation training because its useful to have a ninth grader who looks up to a college students who do the training; students would rather have college students train them instead of authority figures (teachers) train them. If they learn from college students who are closer in age, there is immediate rapport and trust between school aged-students and college students. This has been an effective model; I play the role of finding support from the administrators and teachers in the school and then assist in setting up a school-based mediation program.

Q: Is there anything else important regarding diversity in the field that you want to say?

A: The mediation profession really needs to stand back and look at itself because like many other fields in America we are headed into credentialing and this is destructive to natural peacemakers who have existed for many years. There is a long history in peacemaking in North America and if we rush into credentialing and certification we leave out a lot of people. We might consider alternative credentialing just like there is alternative medicine. Why is it that people in charge of organizations won't seriously look at alternative ways of peacemaking? We sometimes try to impose values on people whose values do not reflect those values. We are supposedly a country based on cultural pluralism, but are we? The field of mediation more than any other should have the flexibility and understanding to allow for the use of many and diverse ways of healing people and bringing resolution to conflicts.

Q: Where do you see community mediation heading?

A: For a period of time all types of people were included within the major national organizations but over reliance on the North American model drove many people of color out of those organizations. What will occur is that current organizations must adapt to the changing demographics of this country; or peacemakers of color will have to develop their own entities. This might separate mediators into two camps, which is not what peacemaking is supposed to about.

Najeeba Syeed-Miller has worked in the field of conflict resolution for over 10 years. Ms. Syeed-Miller is the Executive Director of Western Justice Center, NAFCM board member and former executive director of Asian Pacific American Dispute Resolution Center. In addition, Ms. Syeed-Miller writes and presents extensively in the field of community based dispute resolution, diversity and cross cultural communication.

FRIENDS IN THE FIELD

The Practitioners Research and Scholarship Institute

by S.Y. Bowland and Beth Roy

The Practitioners Research and Scholarship Institute (PRASI) is an extensively diverse group of practitioners of conflict resolution guided by an intention to turn inside-out two issues important to the field of conflict resolution, thereby transforming them from "problems" into new and successful endeavors. Those two issues are the perceived gap between research and practice, and the manifest failure to create a truly multicultural field. PRASI is based on two premises:

- 1 There is no intrinsic gap between research and practice, if research is defined as the reflections and captured learnings of practitioners.
- 2 Multiculturalism can only become a reality when the collected experience of those people whose work is least visible is seen to be essential and intrinsic to the building of the knowledge of the field as a whole.

Combined, these two premises lead PRASI to support research by practitioners, with a particular interest in the practice of people of color and others ordinarily assigned the margins rather than the center of the field.

PRASI includes practitioners, professors of conflict resolution, graduate students in the field, scholars, and those passionate about this work. The work of the institute includes small study groups throughout the country as well as national and international dialogue. The PRASI group also includes editors with experience in the writing and revision of scholarly papers. These individuals guide practitioners in the effective writing of papers detailing their experiences, case histories, and beginning attempts at theoretical statements. The goal is to inspire literature, resources and relationships in the field unlike any we have experienced before.

The PRASI Anthology, slated for publication in 2005, is a collection of writings by, for, and about peacemaking in commu-

nities of color. It includes extensive case histories, theoretical papers on issues of concern to particular communities that reflect on the quality of work in the field as a whole, and historic writings by thinkers of color that are absent from the growing literature of the field. Submissions are still welcome

There are many ways to get involved: joining an on-going seminar-by-conference-call, contributing writing to the Anthology or one of the many PRASI journal collaborations, volunteering for editorial work or mentoring, applying to a writing support program, and more. Contact S.Y. Bowland, Practitioners Research and Scholarship Institute, 7365 Old National Highway - Suite B., Riverdale, GA 30296, 770-997-2223, TPRASI@aol.com

S. Y. Bowland (Director) is a conflict resolution practitioner, mediator, consultant and trainer. Her areas of specialty include the art of negotiation, peacemaking, conflict resolution, diversity and leadership. Ms. Bowland has co-chaired the board of the National Conference on Peacemaking and Conflict Resolution, and the NCPCR conference in 1997 in Pittsburgh, PA.

Beth Roy (Chair of the PRASI Leadership Council) is a long-time mediator in the San Francisco Bay area. She is a past chair of the Board of the Network of Communities for Peacemaking and Conflict Resolution (NCPCR), a founder of the Practitioners Research and Scholarship Institute (PRASI), and an instructor in the Sociology Department and the Peace and Conflict Studies program at UC Berkeley.

My PRASI Experience

by Selena A. Low

What was the PRASI experience like for me? PRASI stands for Practitioners Research and Scholarship Institute, a national project headquartered in Riverdale, Georgia and funded by the Hewlett Foundation in California. I was approached about this opportunity back in 2001 by friends and colleagues, S.Y. Bowland and Beth Roy, coordinators of the project. What I understood PRASI to be was a project that sought to re-define the meaning of research in mediation, embracing story-telling, ethnographies and other qualitative research methods that are often found in communities of color, and legitimizing these as valid sources of research and tools for learning. I understood PRASI to be an opportunity to take a critical look at the present literature of mediation and to identify both abundance and gaps related to issues of diversity and multiculturalism, as told and written by diverse communities. At

lastly, but not least of all, I understood PRASI to attempt to begin bridging theory and application, cultivating stories by practitioners of color, who are so often invisible in the published works.

Over the past couple of years, I was part of the Practitioner Scholars Writing Project's (PSWP) first group of writers. PSWP was the writing circle of PRASI that focused on bringing together a cohort of about a dozen practitioners of color. We were not only ethnically diverse, but also diverse in regionality, nationality, sexual orientation and practices of peacemaking. The writing circle nurtured our development of stories, provided resources and opportunities for publication.

As a Chinese American woman in her 30s, who has been involved in the community mediation field for 13 years, I have

Continued on Page 10

My PRASI Experience

Continued from Page 9

found PRASI to be an inspirational and growth opportunity. I got my start in mediation when I joined Community Boards after graduating from San Francisco State University in 1991. I volunteered as a mediator, trainer and facilitator and worked on staff for three years providing community relations outreach and promotion and case intake. I then worked in fund raising and development at Partners for Democratic Change for two years.

PRASI has been an inspiration because organizers and other writers have encouraged me to write about my experiences in mediation, believing my stories and insights are valuable. With loving support, PRASI has provided opportunity for me to publish my writings. They did this by organizing three retreats where the writers received space and time to foster story ideas, write and share ideas with other encouraging practitioners/writers. We also received training and assistance to enhance our writing ability. The project followed and encouraged us to submit articles that we found most important. During the last retreat, PRASI connected us with editors of publications and encouraged us to submit articles. Through this experience, I wrote articles on “Breaking into Mediation as a Non-Attorney Mediator,” “Teamwork Matters in Mediation,” regarding my experience in cross-cultural teams and “Cultural Competency in Mediation,” a working paper.

PRASI has most affected me by reassuring me there is a community of mediators and practitioners who look, sound, communicate and understand mediation in a way that I do—mediation is about healing, mediation is about accessibility, mediation is about the users and providers reflecting each other, mediation is about helping to bring the world together. PRASI has been a source of sincere, loving encouragement for my practice and writing. It has helped me to see that my stories are valuable and interesting and should be published. From this experience, I started to understand that if I had the chance to tell and share my story and I didn't, then I only had myself to blame for being invisible. So it is this ongoing, loving encouragement from mentors that fills me up, builds my confidence and pushes me to take note of writing opportunities to put my experience out there. It has also been this nurturing love that makes me want to continue to support others who are having a difficult time working in mediation, who feel alienated by some parts of the field that are quite territorial.

How has the PRASI experience affected my work as a practitioner of color? The experience has given me additional confidence to recognize and value my unique talents and abilities as a practitioner of color. It has given me confidence to continue to use my intuition, my emotions, my warmth and concern, my personality, my rationale, my self to assist others, walking closely with the tenets of mediation. And from this, I do see a positive response from clients as I think they appreciate that I care and give my all to assist them, all the while respecting their self-deter-

mination and ability.

Following is one example of a case but because of confidentiality, I will not use specific details. An African American youth had damaged the property of his parents. He was angry at them because they made him give up something he loved. His mom and step-dad loved their son, but felt he had serious anger issues. The mom was so concerned about her son's temper and the dynamics between the step-dad and her son that she expressed wanting to “leave home.”

In the mediation, my co-mediator and I provided a space for the parents to express what had happened and how they felt. To help bridge understanding, I deliberately slowed down the process, allowed for quiet time and gave support and safety to the youth so he could gain the courage to express the deep pain he felt when he learned for the first time that it was his mother who had called the police and had him sent to jail, and not his step-father.

...if I had the chance to tell and share my story and I didn't, then I only had myself to blame for being invisible.

I have seen many mediators feel uncomfortable dealing with intense, strong emotions and try to skirt over the emotions to deal with the “facts.” And while I may feel uncomfortable at times, I try to put this aside knowing that healthy expression of emotions begins the healing, transformative piece of the mediation. Delicately working through the information served as a turning point because the parents could see the vulnerable side of their son.

As the mediation progressed to the writing of an agreement, I noticed the parents were naming all the remedies. So, I made certain to again, slow down the process and ask the youth what he wanted, modeling collaboration and respect for the young person's opinion. This was a challenge as the father tended to jump into the conversation quickly and state how the youth should respond. To address this, I did my best to carefully and diplomatically point out the behavior of the father and ask him to notice how his manner of communication affected the situation. The father seemed to appreciate the intervention.

In the end, the young person seemed more empowered by contributing to the agreement. Also, the parents seemed happy about the agreement and the beginnings of bridging the relationship. The final agreement described how the damaged property would be repaired and how they would communicate more effectively in the future.

So PRASI has provided me with opportunities and resources, but most of all, personal loving encouragement.

Selena C. Low is a mediator, conflict resolution trainer and group facilitator. She received her mediation training in 1991 from Community Boards, one of the oldest community mediation programs in the nation located in her native San Francisco. As a mediator, Ms. Low works with clients to address a range of disputes, including those involving diverse communities, the workplace, families, neighbors, landlord/tenants, small businesses and court-ordered cases.

Diversity and Community Mediation

by Ben Carroll

"Variety's the very spice of life, that gives it all its flavour." William Cowper [English poet], The Task, Book ii, "The Timepiece," Line 606 (1785). "How much better our world would be if each of us respected difference until difference doesn't make any more difference." Johnnetta B. Cole [Chair, United Way of America], Dream the Boldest Dream 26 (1997). "Diversity is the one true thing we all have in common. Celebrate it every day." Anonymous [Internet].

DEFINING DIVERSITY

For many years, the term "diversity" was used as a synonym for "race" and/or "ethnicity," e.g., Alexander Alland, Jr., Human Diversity New York: Columbia University Press 1971. This was narrower than dictionary definitions that include the basic (variety, distinctness, the condition of being different) along with more tongue-twisting descriptions (dissimilitude, variegation, multiplicity of unlikeness). In political and social arenas, the term is now used more inclusively to mean persons with various differences such as physical disability or sexual orientation.

In our field, "diversity" generally has this broader and more inclusive meaning. NAFCM refers to both "people characteristics" and "pluralism" in referring to diversity [NAFCM Statement of the Value of Diversity quoted elsewhere herein]. Other conflict resolution organizations also reflect this broad approach. The Association for Conflict Resolution (ACR) refers to "diverse populations including, but not limited to, races, ethnicities, national origins, languages, genders, sexual orientation, economic statuses, school or organizational locations, physical abilities, ages, religions, educational types or levels, and perspectives." The American Bar Association (ABA) Dispute Resolution Section Committee on Diversity concerns "lawyers of color, women lawyers, Gay, Lesbian, Bisexual or Transgendered (GLBT) lawyers and lawyers with impairments or disabilities."

The U.S. Department of Agriculture Extension Service provides well thought-out definitions and strategies in its publication, *Pathway to Diversity: a Strategic Plan for the Cooperative Extension System's Emphasis on Diversity* (1991) [<http://www.reeusda.gov/diversity/pathway.htm>]:

Diversity is defined as differences among people with respect to age, class, ethnicity, gender, physical and mental ability, race, sexual orientation, spiritual practice, and other human differences.

Pluralism is defined as an organizational culture that incorporates mutual respect, acceptance, teamwork, and productivity among people who are diverse in the dimensions of human differences listed above as diversity.

Discrimination is defined as the systematic, intended or unintended, denial of recognition, power, privilege, and opportunity to certain people based on the groups to which they belong.

PERSONAL APPROACHES

Recognition and appreciation of diversity is very personal and based on the entirety of one's life experience. These days it may be rare for many of us to confront outspoken, in-your-face prejudice. However, more subtle discrimination may not even appear to us to be a problem. The range of personal orientations that we might consider "not prejudiced" can be summed up in two different definitions

of "pluralism." This term has specific meanings in philosophy and political theory but in our context generally means, "a condition in which numerous distinct ethnic, religious, or cultural groups are present and tolerated within a society" and/or "the belief that such a condition is desirable or socially beneficial." American Heritage Dictionary (4th ed. 2000, Houghton Mifflin). The difference between 'tolerated' and 'considered beneficial' is quite broad. To the extent we personally embrace the NAFCM goal of honoring "distinctive customs, values and traditions," we may be stretched to accept deeply held beliefs and values contrary to our own. If we are not able to handle certain differences, we need to at least be aware of these feelings and decide how to deal with them. It may mean removing ourselves from certain mediations, positions, or activities.

Even reflective practitioners may not always be aware of predispositions or blind spots and self-evaluations can be helpful [several Internet assessments are noted below]. In the same way, an instructor can utilize short quizzes to expose myths about those with disabilities, poverty and welfare in a class on Rights of the Disadvantaged.

ORGANIZATIONAL COMMITMENT

NAFCM was created ten years ago with the idea that community mediation centers need to reflect and represent the diversity of those they serve. This was incorporated in NAFCM's original descriptive documents and has been confirmed in NAFCM's Statement of the Value of Diversity, which states in part:

"NAFCM believes that when any group of persons is treated with less value, dignity or respect than others there are negative impacts for humanity and society. NAFCM makes a firm commitment to create an organization (including community mediation centers) and a field that models, supports and teaches respectful pluralism among all." [*see entire statement in this newsletter*].

This is meant to be an active approach -- NAFCM intends to "consciously and assertively remove barriers to participation." Similarly, ACR "actively implements equity and affirms diversity in its work, including its publications and standards, and [organizational units]." True commitment can be gauged by the actions and support of the organization's leaders as well as funding for diversity work and dissemination throughout the group.

NAFCM, ACR and ABA have each established committees to actively monitor and implement diversity initiatives. This is consistent with the trend in many companies and organizations, e.g., Society for Human Resource Management (SHRM) [<http://www.shrm.org/diversity/hottopics/compprac.asp>]. Both SHRM and Pathway to Diversity (cited above) consider valuing human differences, i.e., a "pluralistic culture," as a competitive advantage. In conflict resolution dealing with diversity is a requirement not simply an advantage.

ENSURING DIVERSITY IN CENTER OPERATIONS

The first step in advancing diversity is identifying a center's current levels of diversity in board, staff, and volunteers and how well the center represents and involves the community. This review can be done using questionnaires in the Community Mediation

Continued on Page 12

Diversity

Continued from Page 11

Center Quality Assurance Self-Assessment Manual: NAFCM 2002. [now available online through "nafcm.org"]. The questions guide centers through a self-analysis of their operations including: Are mediators, staff and governing/advisory board representative of the diversity of the community served? Does the mission and values of the center demonstrate a commitment to diversity? How do you define diversity? How do you assess how well the center is doing with respect to non-discrimination? How do you assess how well the center is doing with respect to diversity? What specific strategies does your center utilize to assure that center operations and services are non-discriminatory and available to all? What specific strategies does your center utilize to respect and actively achieve diversity? These discussions will often extend beyond the center itself to include the community and other constituencies.

Once a center has established its current status, steps can be taken to educate people, fill in gaps, and share its strengths with others. The NAFCM list serve is an excellent resource for sharing innovations at centers as well as posting concerns and soliciting input by others.

INCORPORATING DIVERSITY INTO TRAINING

NAFCM centers represent many years of experience with diverse populations and the NAFCM Clearinghouse [nafcm.org] has already gathered many relevant materials. As yet, however, there has not been a comprehensive effort to collect, catalog, and assess diversity resources and training materials and this needs to be done.

There are many resources publicly available for centers. One of the best known – and still moving – anti-racism efforts is the 1968 experience of Jane Elliott's 3rd grade class of white students in rural Iowa who were separated into blue-eyed and brown-eyed kids to teach them lessons of discrimination; the entire program is at: www.pbs.org/wgbh/pages/frontline/shows/divided. The Society of Professionals in Dispute Resolution (one of ACR's predecessors) found this case useful in a leadership training a few years ago.

Most centers recognize that working with diversity is more than simply adding a training module concerning cultural differences. It must be integrated into all aspects of operation and training; NAFCM recognizes the need for "a learning environment that respects each individual's background, linguistics and literacy level" [Self-Assessment Manual 182]. As mediators, we often ask participants to put themselves in the other person's role; as mediators, trainers and center supporters, we must consciously and consistently do the same in our own work.

ACR's Diversity and Equity Network is exploring the same issues as NAFCM in ensuring diversity throughout its organization and improving diversity in the field and will be meeting this summer for training. Cooperation between these two entities will undoubtedly inform the work of both and improve efforts in the field.

SOME THOUGHTS ON DIVERSITY

✓ **Evaluate Yourself.** The Southern Poverty Law Center has put together an extensive website [Tolerance.org] that includes a series of thirteen Implicit Association Tests revealing possible unconscious biases towards Arab Muslims, Asian Americans, body

image, etc. at: www.tolerance.org/hidden_bias/02.html. The website also includes a tutorial and many other materials. Another site featuring race and gender self-tests is at: www.understandingprejudice.org. This site also contains teaching materials.

✓ **Movies** Teaching and generating discussion through the use of popular media is now easier as movies dealing with various aspects of diversity have become increasingly common (My Other Sister, etc.). Many are catalogued in Harry M. Benshoff, *America on Film: Representing Race, Class, Gender, and Sexuality at the Movies* Blackwell Pub. (2003). See also, Lane Ryo Hirabayashi & Jun Xing, *Reversing the Lens: Ethnicity, Race, Gender and Sexuality Through Film* University Press of Colorado (2003). In addition to Hollywood films, Disney has produced several TV true stories. *The Color of Friendship* (2000) features Ron Dellums, an African-American Congressman, who volunteers to take in a South African exchange student who unexpectedly turns out to be white. In *Tru Confessions* (2002), a teenager gets closer to her developmentally disabled twin while producing a documentary about him. The Viewing Race Project of National Video Resources provides information about independent films dealing with diversity [www.viewingrace.org].

✓ **Recognize varied perspectives** Our own self-image results from a combination of influences such as personality traits, gender, ethnicity, socio-economic status, etc. The relative importance of these factors differs among individuals: for example, is being a particular ethnicity more important than sharing religion or sexual orientation or being in the military? Race or gender may be more obvious characteristics but are not necessarily more important for a particular individual. Thus, generalizations are difficult and have the potential to become stereotypes. This variation is at least partially responsible for the lack of consensus among mediation centers as to the desirability and/or feasibility of matching personal characteristics of mediators and mediation participants.

✓ **ADA & Disabilities** The ADA Mediation Guidelines (Americans with Disabilities Act) recognize a number of issues involved in dealing with persons with disabilities including competency to participate, sign language interpretation, and disability etiquette, e.g., addressing a deaf person directly rather than looking only at the interpreter. The guidelines are available at: www.cardozojcr.com/ada.html. The development of the guidelines is discussed in an article by Judith Cohen at this site: <http://www.cardozojcr.com/vol2no2/index.html>.

An excellent free online course on the ADA is available at: adabasics.org. Other useful sites include the Council for Disability Rights [www.disabilityrights.org] and various sites discussing "people first" language, i.e., language that puts the person before the disability and describes what a person has, not what a person is [www.disabilityisnatural.com/peoplefirstlanguage.htm]. Guidelines for people first language are at: rtcil.org. A brochure on disability etiquette is at: www.farnorthernrc.org/Information/Think_B4U_Speak_Eng.pdf.

✓ **Bibliographies** There are a number of lists of diversity resources; a few examples are: the ACR Family Section Annotated Diversity Bibliography [work.acresolution.org/research.nsf/key/familydiversitybibliography]; Kansas City Metro Colleges [www.kcmetro.cc.mo.us/diversity/one.htm] (categories: curriculum, race, gender, psychology, religion, social, leadership, sexual orientation, political, disabilities, age, etc.) and the City of Denver [www.denvergov.org/admin/template3/forms/Diversity%20Bibliography.doc] (also includes numerous links).

Continued on Page 13

Diversity

Continued from Page 12

✓ **National Forum on People's Differences** [<http://yforum.com>] "If you really want to know something in particular about someone of a different religion, gender, race, age, class, geographic area, sexual orientation, occupation, etc., ask away. No holds barred. Your query can be about behavior, speech, style, fashion, cultural practices, lifestyle, rituals, history, music, art, whatever. If you have the courage to ask, Y? will evaluate your question, consider it for posting and try to get someone from that background to answer. If needed, we'll get an expert ..." The site's founder also has a book based on some of the questions and answers, Philip J. Milano & Larry Lane, *Why Do White People Smell Like Wet Dogs When They Come Out of the Rain?* (1st Books Library 2002).

✓ **Backlash** It cannot be overlooked that increased diversity training and publicity have engendered a backlash among some. See, e.g., Peter Wood, *Diversity: The Invention of a Concept* Encounter Books 2003 (written by a Boston University anthropology professor). While it might seem easy to write off anyone who expresses reservations about diversity initiatives, such an approach obviously does not change anyone's mind.

WHAT OTHERS SAY ABOUT DIVERSITY

Marvin E. Johnson, *Diversity Resistance* (online article) (2002)[www.mediate.com/diversity/diversedit2.cfm]:

"We only see what we can see and we don't know what we don't know. In this regard, many Diversity Resisters, those who have a cognitive understanding of the benefits of diversity but are not supportive of its integration into the fabric of the organization, are not aware of their obstruction. In fact, some have told me that being able to recognize their diversity blind spots helped them to identify traces of their own diversity resistance. Because our blind spots are part of our make up, any external assessment or scrutiny of them may be taken as a personal affront. The challenge, therefore, is to get people to recognize their blind spots without creating a defensive or adversarial environment."

Audrey Thompson, "Radicalizing Pluralism," Henry Alexander (ed.), *Philosophy of Education Normal*, IL: Phil. of Educ. Society 32 (1992)

[www.ed.uiuc.edu/EPS/PES_Yearbook/92_docs/Thompson.htm]: "Pluralisms of the liberal ilk challenge us, at most, to appreciate others; at the very least, to tolerate them. The argument of many black, lesbian, and socialist feminists, however, is that those of us with privileges have to be willing to forego them. Appreciating others and enabling them to flourish may call for giving up something from our own stance, not simply affirming all stances. By contrast, appeals to pluralism tend to embrace a form of relativism that endorses the status quo. Relativism assumes that all perspectives have an equal claim to making sense of the world; the problem for relativism is how to reconcile divergent accounts of overlapping experience. Insofar as pluralism is modeled after relativism, it confronts the same problem: how to bridge difference, how to get beyond co-existence to co-knowledge and -acknowledgement. Affirming lesbian, African-American, and working-class experiences as if they were self-contained truths unrelated to our own world-views renders them harmless to challenge the truths we ourselves prefer."

Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* Harvard University Press (1998) 4, 6:

"All races are invented categories – designations coined for the sake of grouping and separating peoples along lines of presumed difference – Caucasians are made and not born. White privilege in various forms has been a constant in American political culture since colonial times, but whiteness itself has been subject to all kinds of contests and has gone through a series of historical vicissitudes. ... [Racism] is a theory of who is who, of who belongs and who does not, of who deserves what and who is capable of what. By looking at racial categories and their fluidity over time, we glimpse the competing theories of history which inform the society and define its internal struggles."

Greg Johnson (Chapter 9) in Lynne Wardle, et al. (eds.), *Marriage and Same Sex Unions* West Port, CN: Praeger (2003) 290:

"Is the goal of the legal and political struggle for equal rights to be exactly like the straight community, to blend in and eventually disappear, or is it to achieve equality while at the same time celebrating identity? Put another way, if in the future all forms of discrimination against lesbians and gays were eradicated, would the idea of a 'lesbian and gay community' become irrelevant? Some think so ...

I am just as suspicious of 'one community.' I subscribe to the 'cornucopia' vision of America rather than the 'melting pot.' America's strength is its diversity. In its struggle for equality, one would hope that the lesbian and gay community is not totally subsumed into straight culture."

Patricia J. Williams, *The Alchemy of Race and Rights* Cambridge: Harvard University Press (1991) 256-57:

"While being black has been the most powerful social attribution in my life, it is only one of a number of governing narratives or presiding fictions by which I am constantly reconfiguring myself in the world. Gender is another, along with ecology, pacifism, my peculiar brand of colloquial English, and Roxbury, Massachusetts. The complexity of role identification, the politics of sexuality, the inflections of professional discourse – all describe and impose boundary in my life, even as they confound one another in unfolding spirals of confrontation, deflection, and dream. ... I wish to recognize that terms like "black: and "white" do not begin to capture the rich ethnic and political diversity of my subject. But I do believe that the simple matter of the color of one's skin so profoundly affects the way one is treated, so radically shapes what one is allowed to think and feel about this society, that the decision to generalize from such a division is valid.

Ben Carroll is a former NAFCM board secretary and community mediation center director. Mr. Carroll currently teaches, mediates, arbitrates, and practices disability rights law in Honolulu.

If you have comments, questions or suggestions concerning diversity or related topics, please contact Ben Carroll or the National Association for Community Mediation, 1527 New Hampshire Avenue, NW, Washington, D.C. 20036-1206, Tel: 202-667-9700, Fax: 202-667-8629, E-mail: nafcm@nafcm.org. NOTE: web sites change without notice; those herein were functional at the time of writing.

Getting the Word Out! How CDSC Mediates in the Gay and Lesbian Communities

by Gail S. Packer

Thirteen years ago, the Community Dispute Settlement Center, Inc. (CDSC) began offering mediation services to the gay, lesbian and transgender communities. In 1991 an informal group of CDSC volunteer mediators approached staff with their proposal to get the word out to the GLBT communities about the benefits of mediation. Most inclusively, terms refer to gay, lesbian, bisexual, transgendered and intersexed and other, new and fascinating variations on the typical gender assumptions.

CDSC enthusiastically embraced the idea. This was a group of people for whom traditional mechanisms of dispute resolution, primarily the courts, were not available or not appropriate or not preferred. The privacy and confidentiality of mediation has great appeal.

We formed a task force, comprised of mediators and staff (and later Board members), who developed and delivered a new and specialized training workshop. The workshop is designed to increase sensitivity of mediators to gay and lesbian issues and culture and to provide substantive knowledge as to the shadow of the law for the mediation process. Participating mediators are gay, lesbian and straight. This project is recognized as the first of its kind among the twenty-four community mediation centers across the state of Massachusetts.

A community mediation center should do the following to enhance public awareness:

- Convene a task force that includes interested mediators, Board members, and community people with links to the GLBTI communities;
- Offer scholarships for mediation training as an inducement to increase the number of gay and lesbian mediators on a center's volunteer roster;
- Conduct a specialized training for mediators highlighting GLBT issues and heightening awareness and competence;
- Schedule presentations at social service and health care agencies that serve the GLBT communities;
- Participate in any citywide/regional Gay Pride Events, i.e. host an information booth;
- Present workshops at statewide and regional conferences;
- Create posters for public education; [See examples at right]
- Publish articles in local papers and professional newsletters, journals, and bar associations; [CDSC wrote a chapter in a book published by Massachusetts Continuing Legal Education for lawyers about Representing Nontraditional Families.]
- Solicit specific grants for this project. [Thanks, NAFCM, for the minigrant in 2001 which enabled us to conduct an advanced training on gay and lesbian issues for mediators.]

On-going challenges include:

- Helping mediators become comfortable with language and concepts. Thankfully, we no longer see people as tongue-tied saying "lesbian" and a role play about the break-up of a gay couple in our general mediation training no longer creates a shock factor.

- Keeping up with the fast-paced changes of family constellations and resulting interpersonal dynamics and the legal landscape. The historic landmark of gay marriage in Massachusetts on May 17, 2004 is big, with ripples and tidal waves across the country.
- Ever-present need for outreach and public education. As gays marry they will be likely to join the ranks of heterosexual couples who benefit from choosing "divorce" mediation when faced with the dissolution of a marriage. Let's hope the honeymoons last a long time!

CDSC is proud of our pro-active part in innovating promotion of the core values of community mediation: we are part of creating a more inclusive definition of family. Over the years, we have seen significant and positive changes of attitude in our society and in access to the legal system, particularly in the area of family matters. We believe that one community mediation center can – and should -- make a difference.

Gail Packer is the Executive Director of Community Dispute Settlement Center in Cambridge, MA. For more information on the center and its endeavors, visit www.communitydispute.org.



CDSC posters for public education.



NAFCM MEMBERSHIP BENEFITS

NAFCM membership conveys a number of benefits to centers and allows for participation in several long-term, nation-wide initiatives designed to promote and develop community mediation across the country. Listed below are some of the major advantages of being a NAFCM member.

Clearinghouse

NAFCM's Clearinghouse of community mediation-related materials contains 2500 items, ranging from sample forms to videotapes to training curricula from community mediation centers and other organizations throughout the country. Materials are available at no cost to members.

Insurance

Working with Marshall and Sterling, NAFCM offers professional liability and directors/officers insurance for community mediation centers. Professional liability insurance covers all mediations conducted by center staff AND volunteers, with premiums based on the center's budget rather than the number of mediators covered.

Listserv

NAFCM's community mediation center members are connected electronically through a listserv where centers exchange ideas, opinions, experiences, and materials almost instantaneously. Using the list, centers have conducted informal research, taught each other how to establish new programs, and built a true virtual community.

Quality Assurance

The result of two years' research and writing, NAFCM's Quality Assurance Self-Assessment Manual has been distributed to all NAFCM Program members. The manual, written by a committee of current and former community mediation center directors provides a non-prescriptive guide to assessing and improving centers' services. NAFCM continues to revise and expand the guide and promote community mediation around the country as a high-quality source of conflict resolution services.

State Funding

NAFCM is in the final stages of developing a report for policy makers, community mediation centers, and state mediation associations to describe the value and potential of community mediation programs and to assist in the development of funding and support mechanisms for community mediation at the state level. The report will be used for information and education, advocacy, and technical assistance to states that are developing state funding mechanisms for community mediation.

Regional Training Institutes

NAFCM's regional training institutes are two-day workshops for community mediation center directors, staff, and board members, featuring training in center administration, volunteer management, case management, fundraising, program and project evaluation, government relations, public relations and marketing, and new program development. These training sessions, conducted by expert trainers from mediation programs around the country, provide both new and established centers with advanced tools for growth.

Minigrants

NAFCM has provided minigrants totaling \$698,133 to 213 community mediation centers and 9 state mediation associations over the past 4 years in 37 states, Canada, Israel, and Ukraine, including 16 start-up minigrants for a variety of initiatives in the areas of Program Development, Professional Development and Organizational Effectiveness; Quality Assurance, Promotion of Diversity and Social Justice; and Technology. Grants have also been provided to assist statewide collaborations of community mediation programs and new center start up. In addition, NAFCM has collected project reports from past grant recipients and will publish a collection of results and methods for centers that want to develop new programs of their own.

More information on these benefits and much more is available on the NAFCM.org website. Search job openings and browse postings by persons interested in filling positions and internships in our field. Check out other member websites on our "Find a CMC Near You" page. For more information on membership benefits, contact Erika Acerra at: eacerra@nafcm.org.

NAFCM NEWS UPDATES

Research project underway: Building Knowledge, Building Capacity: Assessing and Enhancing the Field of Community Mediation - watch your mail for an important survey about your work!

Minigrants awarded for May 2004 cycle: \$38,499 awarded to 11 community mediation centers. Next deadline for proposals: September 1, 2004

COPS Curriculum goes to print this fall: Community Mediation and Community Oriented Policing Partnerships Curriculum will be available to all community mediation program members.

NAFCM receives planning grant from CNCS: NAFCM will plan a program that places AmeriCorps members in local CMCs. Do you have experience with AmeriCorps or want to be involved in the AmeriCorps project planning? Please contact Joanne Galindo.

12 CMCs participate in Quality Improvement Plan Pilot Project: Peter picks peppers...just kidding...Based on NAFCM's Community Mediation Center Self Assessment Manual, the project accredits centers' Quality Improvement process with NAFCM endorsement.

NAFCM's State Funding Report nears completion: A report on the various ways states provide funding for CMCs, including descriptions of state funding models and recommendations to state policy makers regarding funding models. The report may be used as a tool for advocacy.

NAFCM hires Development Director - members benefit: Look for listserv postings from Phyllis Lawrence for funding opportunities - sleep well knowing there's another NAFCM staffer working tirelessly to help us raise money and public awareness for community mediation!



1527 NEW HAMPSHIRE AVENUE, NW
WASHINGTON, DC 20036

Return Service Requested