

Mediation Models Used in Academic Settings

Research Paper

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Abstract

Universities and academic settings bring together various stakeholders with divergent interests such as students, faculty members and support staff. These stakeholders regularly interact with strongly held and often conflicting points of view. In order to manage conflicts and disputes effectively, many universities rely upon conflict resolution systems such as mediation to address situations involving students, faculty and the administration. This study examines the mediation models adopted by four practitioners in three universities using a phenomenological approach to better understand which models are suited to this environment. The study found that the facilitative model is the most common approach to mediation used in terms of the cases examined and that the characteristics of a mediation model that best conform to the needs of a university community include relationships, empowerment and flexibility.

Keywords: *mediation, universities, conflict, academic settings*

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Introduction

Dispute resolution systems are growing in popularity within organizations, including corporations, institutions, and universities (Alcover, 2009; Harrison, 2004). Unlike the conventional legal system, dispute resolution systems give disputing parties the chance to participate in the resolution of the conflict, as well as to express their concerns and needs (Hirschman, 1970). Alternative dispute resolution mechanisms, in particular, allow participants to forego the costs associated with the judicial system and collaborate with a third party to find a solution.

One such example of an alternative dispute resolution mechanism is mediation. Mediation has long served as a tool for dispute resolution and the practice goes back thousands of years. Mediation not only represents one of the oldest means of resolving conflict but also is practiced around the globe in Asia, Europe, Africa, Australia, and North America (Wall & Kressel, 2012).

In ancient China, mediation served as a method to resolve conflict (Picard, 2004). Based on Confucian beliefs about harmonious relations, mediation offered a way to manage adversarial proceedings, which were viewed as interfering with harmony. This method continues in China today and is practiced by groups such as the People's Mediation Committee. In the western world, mediation has been used since Anglo-Saxon times (Picard, 2004). According to scholars, alternative dispute resolution migrated, with the Quakers, from Europe to North America (Whiting, 1982). This group adopted dispute resolution procedures to address situations ranging from business transactions to relationship matters. Similarly, other groups in North America embraced conflict resolution practices in order to manage conflict with friends, neighbours, families, and religious leaders.

Renewed interest in mediation emerged in North America in the 1960s. During this turbulent period, conflict surfaced as a result of events such as the Vietnam War, the Civil Rights movement, and student unrest. These incidents directed disputes to the formal legal systems in increasing numbers and proportions (Picard, 2004). At the same time, greater societal dependence on the legal system created a demand for alternative tools of conflict resolution. Consequently, the growth of mediation is attributed to mounting dissatisfaction with the legal system (Auerbach, 1983; Burger, 1982).

Today, mediation has also entered the realm of social conflict within society where it is increasingly used for divorce cases, peer conflicts, community disputes, organizational grievances, and international disputes between countries (Kressel, 2013). It also is used in contexts such as schools, families, workplaces, and neighbourhoods (Alcover, 2009; McCorkle, 2005).

Definitions of mediation abound, resulting in terminology that is varied and diverse across the literature. These variations stem from multiple understandings of what mediation is and its variety of uses in different contexts. Generally speaking, mediation refers to a process of assisted negotiation involving a third party. Moore (2013) defines mediation in a broader more comprehensive way: “a conflict resolution process in which a mutually acceptable third party, who has no authority to make binding decisions for disputants, intervenes in a conflict or dispute to assist involved parties to improve their relationships, enhance communications, and use effective problem-solving and negotiation procedures to reach voluntary and mutually acceptable understandings or agreements on contested issues” (p. 8).

This definition has key components that warrant further explanation. A third party refers to an individual or group that is sufficiently removed from the context of conflict and that does

not benefit from nor is affected by the outcome of the mediation. In a mediation situation, the third party typically assumes a neutral stance and avoids taking either side of the disputing parties. Acceptability relates to the willingness of the disputing parties to accept the mediator and allow him or her to take on their role in the specific context. Further, acceptability implies that the disputants will listen to the mediator and take into account his or her input about the process.

Mediation strives to reach a voluntary, consensual outcome that is mutually acceptable for the parties involved (Macfarlane, 2003). Unlike litigation in which a judge or arbitrator is empowered by the law to render decisions, mediators cannot force the parties to resolve their issues or concerns. In other words, the parties freely choose the terms of the agreement, a process referred to as self-determination. This idea is embodied in the phrase *no authority to make a binding decision*. Only the disputants can make choices with respect to the issues at hand (Kressel, 2012).

In addition, mediation is a goal-oriented process, with the aim of helping parties work towards an agreement and better their situation (Kressel, 2012). For example, improving relationships (an aspect of the definition above) suggests the desire to define the boundaries of interactions while, at the same time, limiting areas of disagreement so that the parties can move forward. Enhancing communication refers to how parties communicate information and exchange ideas about their needs, desires, feelings and relationships. Mediation attempts to improve the way parties communicate with one another and thereby contributes to constructive interactions in the future.

As part of an effort to manage and reduce conflicts, universities have set up resources for students, scholars and administrative staff to pursue conflict resolution (Barsky, 2002).

Mediation represents one of the resources that is used in universities, where conflict situations

occur among different constituents (Alcover, 2009). University settings present unique challenges in terms of conflict. In this environment, departments and academic units with divergent and often incompatible goals coexist. These factors are further compounded by the university structure, made up of physical and social environmental factors. In order to manage conflicts effectively, many universities rely upon conflict resolution systems such as mediation to address conflict between and among individuals and groups (Doelker, 1989; Harrison, 2007).

University settings have unique features that differ from other settings (Barsky, 2002). Unlike most for-profit businesses, for example, the bureaucratic structure of universities is distinctive, involving a mix of horizontal and vertical divisions that overlap and sometimes give rise to conflict in terms of decision-making and lines of authority. Moreover, faculties, departments and academics coexist with divergent goals, limited resources and different purposes, creating a distinct environment. “Arguably, a university is not a single organization or system but rather a complex coalition of smaller organizations” (Barsky, p. 162, 2002).

Multiple client groups such as students, faculty members and support staff further contribute to the uniqueness of the university setting. These stakeholders, who often have strongly held and conflicting points of view, interact on a regular basis (Samarasekera, 2014). Although students, staff and faculty must collaborate to accomplish common tasks, they are often pitted against each other as they compete for status, resources and career advancement (Morgan, 2006). These dynamics, created by different stakeholder groups whose goals and aspirations conflict, set the university environment apart from other settings.

Conflict is intensified not only by the number of different client groups but also by the perceived standing of these groups within the organization (Ostar, 1995). Faculty members justify their positions on contentious issues on the basis of their experience and standing within

the scholarly community, while students defend their position by virtue of the fact that they pay tuition fees. Further, the administration claims ownership by establishing policies, setting budgets, and hiring university staff. In other words, each subgroup enjoys a certain degree of status associated with their roles and position within the university structure. The boundaries and limitations of status can act as a source of conflict in the university setting (Barsky, 2002).

Universities are further set apart from other organizations because of their autonomy. Higher education systems consist of decentralized units with independent subunits or faculties. Within the faculties, procedural autonomy prevails, meaning that the faculties can set their individual goals and programs (Neave & Van Vught, 1994; Smelser, 1988). Although there is some intervention from the state, this structural arrangement allows universities to chart their own course, relatively free from outside interference as would be the case in business and government institutions.

Purpose of Study

Although scholars have classified mediation models in the literature (e.g. Bush & Folger 1994; Picard, 2004; Riskin 1996; Silbey & Merry, 1986), few studies have explored the suitability of mediation models within a university setting. The purpose of this qualitative study is to identify characteristics of a model that best fits university settings. Three institutions—University of Ottawa, St. Paul University and Carleton University—were chosen because of their proximity and level of access to the researcher. In addition, all three institutions provide mediation services to the university community and consequently have practitioners with training and experience in mediation.

Research Questions

The following research questions were posed for this study:

RQ1. Which mediation models are most commonly used by practitioners in the universities studied?

RQ2. What are the characteristics of a mediation model that best conforms to the needs of a university community?

Literature Review and Theoretical Framework

Most empirical studies on mediation emphasize behaviours at the tactical level by describing what mediators actually do in sessions with clients (Kressel, 2012). Beyond tactical behaviours, mediators also have stylistic preferences that guide and structure their behaviours, commonly referred to as mediation styles or models (Kressel & Gadlin, 2009; Kressel, Henderson, Reich, & Cohen, 2012).

Scholars define mediation style as a pattern of behaviours that are shaped by the practitioner's beliefs and goals to be achieved during mediation, as well as the means used to reach the mediators' goals (Kressel & Wall, 2010). Kressel and Wall (2012) provide a more comprehensive definition: "Mediation style is a set of cohesive, interrelated behaviours that are strongly shaped by the mediators' explicit and implicit cognitions of the goals to be achieved and the behaviours that are acceptable (and unacceptable) for achieving those goals" (p. 412). Mediator style plays a significant role in mediation practice and inevitably reflects the context in which mediation occurs (Kressel, 2012). Depending on the circumstances, mediators are required to be flexible, as unique circumstances require different adaptive behaviours. For example, a style that works effectively in one scenario may have to be adjusted or changed to meet the requirements of another setting.

Scholars estimate that about 25 styles of mediation exist, some of which are variations and combinations of other models (Wall & Dunne, 2012). Identifying with a specific mediator

style benefits practitioners by defining their roles and providing guidance for their behavior (Kressel, 2012). Within the literature, three styles figure prominently. These styles are the facilitative, evaluative and transformative models, all of which are debated and discussed at length (Bush & Folger, 1994; Riskin, 1996). The following review describes well-known studies on mediation styles that are cited in the literature, including less well-known ones such as the orchestrator and dealmaker; bargaining and therapy styles; dealmaking and shuttle diplomacy styles; the interventionist style; a combination of the facilitative and evaluative; the bargaining and integrative styles; the counselor, negotiator, facilitator, and democratic styles; facilitative, evaluative, and hybrid styles; the facilitative, formulation, and manipulation and reflective styles; directive (evaluative) vs. non-directive (relational) styles; neutral, evaluative, and pressing styles; the directive and reflective styles and finally the style implied in the insight mediation model.

To facilitate the analysis, the mediator styles described in this study were grouped into three broad categories: the problem-solving, facilitative and relational styles.

Problem Solving Models

Orchestrator and dealmaker styles. The problem-solving style emphasizes resolving issues and ultimately achieving settlement. Kolb's (1983) dealmaking style most closely represents the problem-solving style. Kolb's ethnographic study focused on observing labour-management mediators in the field. Based on this study, Kolb created two distinct styles of mediation: the orchestrator and dealmaker styles. The orchestrator style, a passive, non-directive style allowed disputing parties to reach an agreement on their own (Kolb, 1983). In contrast to the orchestrator style, the dealmaker style encouraged mediators to get involved in the session by shaping and guiding the conversation and putting pressure on the parties to reach a settlement. According to Kolb, these two distinctive styles reflected the professional environment where the

mediator works. In more trying circumstances, a more directive approach is used whereas in a more favourable situation the non-directive dealmaker approach is more suitable. This influential study by Kolb inspired further research on mediator style that confirmed and validated the orchestrator-dealmaker model.

Bargaining or therapy styles. Another influential study in mediation is Silbey and Merry's (1986) ethnographic investigation of community and family mediation. In this study, the researchers observed more than 40 different mediators in 175 mediation sessions within three programs. They found that mediators use different strategies when carrying out their functions. Based upon the strategies used by practitioners, Silbey and Merry discovered that mediator styles tend to fall into the categories of bargaining or therapy. The bargaining style emphasized substantive issues and settlement while the therapy style focused on exploring and expressing feelings. This important study provided more evidence to validate the range of stylistic variability among mediators.

Dealmaking and shuttle diplomacy styles. In an early study, (Brett, Drieghe, & Shapiro, 1986), a team of researchers used three major sets of data in the form of case studies. In this study, they analyzed data from over 300 disputes within the coal industry in the United States. The researchers discovered that mediators practiced two different styles: dealmaking and shuttle diplomacy. One of the styles resembled Kolb's "dealmaking" style. Those who adopted this style appeared to have a better chance of ensuring the parties stay together. They encouraged compromise, suggested ideas for settlement and provided advice about possible outcomes in situations involving arbitration. The other style, called shuttle diplomacy, separated the parties and reached a settlement while going back and forth between the parties. These findings

indicated that mediators' styles vary and that the decision to use a particular style may be influenced by the mediation context.

Interventionist style. A novel study by Burrell, Donohue, and Allen (1990) developed and tested an interventionist mediation model in the context of mediated roommate disputes. To carry out the study, the research team recruited 91 students from an American university to explore the impact of disputants' expectations on mediation. For the purposes of the study, the researchers adopted the interventionist model, a directive and highly participative approach to mediation that structures interactions (Donahue, Allen, & Burrell, 1988). This model differed from others in that the mediator directed the parties to deal with content issues instead of actually providing content (Donahue, et al., 1988).

The researchers tested the interventionist model from the viewpoint of the disputants and the mediators by creating a conflict situation between roommates who sought the advice of a mediator. In this context, the mediators undergo training based on the interventionist model. All interactions between the disputants and the mediators were videotaped, allowing the participants to complete a questionnaire about their perceptions of the mediation sessions. The researchers learned that the expectations of the disputants contribute little to the effectiveness of mediation sessions. Another key finding in the study concerned the similarity of perspectives among the participants. In other words, both the mediators and disputants understood the nature of the mediation in similar ways. This study confirmed the utility of the interventionist model for certain conflict scenarios.

Facilitative Style

Facilitative. In his seminal work, Riskin (1996) represented mediation styles in a diagram with an emphasis on facilitative and evaluative mediation. Instead of grouping

mediators into specific stylistic categories, Riskin perceived mediation styles as a locus of points on a continuum (Moffitt & Kupfer-Schneider, 2008). Using a graph-like model, Riskin placed facilitative and evaluative on the y axis, representing the role of the mediator. Similarly, he represented the scope of the disputants' problem on the x axis, defined by the terms broad or narrow. Finally, Riskin divided the graph into four individual quadrants that corresponded to four different styles: facilitative-narrow, facilitative broad, evaluative-narrow and evaluative-broad. Riskin argued that a mediator's style can be described as a coordinate that falls into one of the four quadrants.

According to Riskin (1996), the mediator's role can be described as either facilitative or evaluative. Facilitative mediators begin with the assumption that clients have a better understanding of their problems and therefore are best placed to come up with their own solutions. Consequently, facilitative mediators maintain their distance from the disputing parties and adopt a passive, non-directive posture. Mediators using this approach focus on discussion between disputants and the active involvement of the parties while trying to uncover underlying interests so that the parties can create optimal solutions (Moore, 1996). On the other hand, evaluative mediators adopt a more directive role within a mediation session by providing guidance for settlement. Generally, evaluative mediators have expertise and training related to the area of the dispute; and as such, they assess the merits of each side's positions and give advice for settlement.

In an analytical study addressing mediator styles, Hensler (2000) further contributed to the debate on evaluative and facilitative mediation. She described evaluative mediation as "bargaining in the shadow of the law" while emphasizing conflict and compromise-based solutions. Further, Hensler referred to the interest-based nature of facilitative mediation. To

investigate these topics, she examined six studies using observation and surveys of mediators involved in civil litigation cases. In the findings, she described evaluative mediation as a distributive negotiation process that gives priority to attorney engagement and settlement, while facilitative mediation referred to an interest-based approach that emphasized relationships, communication, and the involvement of disputants.

Bargaining vs. integrative styles. In another study, Herrman, Hollet, Eaker and Gale (2003) looked at the connection between mediator style and select demographics and professional characteristics. As part of the study, the researchers created a survey in which they asked mediators questions about their orientation, which included their goals, areas of focus, personal strengths, signs that a mediation session is working and, most importantly, the outcome. The researchers mailed out a survey to 1025 mediators practicing in the state of Georgia. Herrman (2003) analyzed the 365 surveys that were returned and found that mediators approach their work from a bargaining and competitive orientation or conversely from an integrative and relational perspective. Further, they found that gender and professional background of mediators had an impact on the goals and orientations of mediation sessions

In another study on the stylistic behaviour of mediators, Picard (2004) analyzed a sample of 88 Canadian mediators and trainers. In particular, Picard investigated how mediators' understanding of their work varies with factors such as gender, educational background, the dispute resolution sector, and the length of time spent mediating. Adopting both qualitative and quantitative methods, Picard coded the responses from an 18 page survey questionnaire that was sent to respondents and assigned a numerical code to each response to create a classification scheme. Then the researcher compiled the coded responses and organized them into a table.

Picard (2004) found that mediators have an eclectic and pluralistic understanding of mediation. In particular, they understood mediation from three different vantage points: pragmatic, socio-emotional, and mixed. In other words, mediators saw their role in multiple ways. As a result of these findings, Picard argued for a more holistic, integrative framework to more accurately reflect the diverse range of understandings of mediation practice.

Counselor, negotiator, facilitator, and democratic styles. Wood (2004) adopted a Q methodology to investigate how mediators described their styles. As part of this process, over two hundred terms related to mediation were chosen based on a literature review and twenty open-ended interviews conducted with professional mediators. The mediators performed the Q sort process by using 47 statements that were chosen from the initial term samples. From this analysis, Wood highlighted four styles of mediation: the counselor, the negotiator, the facilitator and the democrat.

The counselor mediator model strived to find creative solutions to resolve problems using caucus meetings to gather information from disputants that may interfere with the mediation process. Under the negotiator model, mediators looked for mutual gains and incorporated different strategies and methods to reach settlement. Mediators adopting the facilitator model uncovered their clients' needs by using active communication to improve mutual understanding between disputants. The democrat model took a passive stance and removed the mediator as much as possible from the session, believing that the process would take care of itself. The authors' findings suggest that each mediator perceives styles differently based on their understanding of the mediator's role, neutrality, strategic tactics and the outcome. Further, this study also confirmed the idea that mediator styles fit on a spectrum ranging from passive to more active participation.

Facilitative, evaluative, and hybrid styles. An empirical study by McDermott (2004) analyzed a database of employment law cases that used mediation as a dispute resolution technique. At the outset, the researchers observed mediators' behaviours based on the facilitative, evaluative, or hybrid styles (the latter combining both facilitative and evaluative behaviours). Then they looked at whether specific mediation styles resulted in greater satisfaction and higher rates of settlement or higher rewards in terms of the amount of money earned. The findings suggested that the respondents viewed facilitative mediation more positively than evaluative mediation. Further, they found that evaluative mediation tended to result in higher monetary outcomes and that some mediators used evaluative techniques when mediating even though they claimed to practice a facilitative style.

Facilitative, formulation, and manipulation styles. In another study, Beardsley, Quinn, and Biswas (2006) explored the effectiveness of three different mediation styles used in international crises. They assessed effectiveness of mediation styles by using three different variables: formal agreement, post-crisis tension reduction and contribution to crisis abatement. The mediator styles investigated for the study included the facilitation, formulation, and manipulation styles. In the facilitation style, mediators focused on ongoing dialogue and constructive conversations, while the formulation style stressed developing and proposing solutions for the disputants. The manipulation style referred to how mediators' used their role and influence to affect international crises. In order to carry out the study, the authors examined data on the mediation process from the International Crisis Behaviour project.

Findings from the study indicated that the manipulation style contributed the most to reaching an agreement and deescalating a crisis situation. Further, when the facilitation style was

used, it increased the chances for lasting crisis reduction. Overall, the study revealed that mediators need to use an eclectic mix of styles to increase their effectiveness.

Directive (evaluative) vs. non-directive (relational) styles. A study by Charkoudian (2009) employed a survey approach to analyze the behaviour of mediation practitioners. Based on a survey of 63 questions, she argued that mediator styles fit into four different groups that were created inductively by using survey responses. Respondents with a preference for settlement and a directive style represented one end of the spectrum while respondents preferring a relational orientation with an autonomous mediation style represented the other side of the spectrum. The results showed that mediators using a directive style seemed to identify most strongly with an evaluative mediation approach, while those who embraced a non-directive style appeared to identify most closely with a relational and transformative style approach to mediation. Further, the study seemed to indicate that there was no consensus among mediators in terms of stylistic labels to describe contemporary mediation practices.

A more recent study by Bingham (2010) and a team of researchers explored transformative mediation practices within the U.S. Postal Service REDRESS (Resolve Employment Disputes, Reach Equitable Solutions Swiftly) Program. In this context, Bingham and her team conducted a survey with mediators to examine their practices. They also relied upon exit surveys of individuals who have used the REDRESS Program. These survey findings were compared with data from an earlier survey on training and screening processes through data triangulation. The results showed that the mediators from the REDRESS Program displayed behaviours that were consistent with the transformative mediation model. The study suggested that data triangulation can be a useful tool to evaluate transformative mediation in other contexts.

Neutral, evaluative, and pressing styles. Another study, carried out by a team of researchers (Wall, Dunne, & Chan-Serafin, 2011), looked at the use of three mediator strategies in securing agreements in civil law cases: neutral, evaluative, and pressing styles. Mediators adopting a neutral style showed as little bias as possible, avoided evaluating statements and refrained from trying to influence the positions of the parties. Evaluative mediators strived to handle the case in a balanced manner by highlighting strengths and weaknesses of the parties' positions. Pressing mediators used coercion and influence to move the parties away from their positions.

To carry out the study, Wall et al. (2011) attended 100 mediation sessions conducted by practicing attorneys and retired judges. The researchers found that more assertive, directive styles such as the pressing and evaluative styles result in agreement 57% and 69% of the time respectively. They found that regular use of any strategy resulted in a higher incidence of agreements. In the case of generating high agreements, the directive and evaluative styles tended to reduce client satisfaction. Overall the study provided evidence that observational studies have merit and further contributed to our understanding of the effectiveness of mediator styles.

Directive and reflective styles. Charkoudian (2012) carried out three separate studies on the definitions and portrayals of mediator styles with respect to quality assurance, ethical practice and research accuracy. The first study carried out a survey of mediator practitioners in Maryland, the second study observed mediation settings and coded the behaviours displayed by mediators, and the third study addressed the effectiveness of mediation approaches. Based on the first study, Charkoudian found that there is no universal agreement on the definitions of mediator styles. Further, the second study indicated that there are two different styles of mediation in contemporary practice: the reflective style and the directive style. Finally, the third study showed

how the mediator behaviors influence participant satisfaction. This research suggested the need for clarity and consensus in defining mediator styles among practitioners and further suggested that mediator strategies clearly have an impact on participant satisfaction.

A more recent model of mediation, developed by Cheryl Picard, is the insight model. Insight mediation, taught and practiced at Carleton University, drew from the scholarship of Canadian philosopher Bernard Lonergan (Picard, 2007). This approach to mediation underlined how people learn and create meaning (Picard, 2003). In particular, the term *insight* referred to the stage when disputing parties arrive at an understanding of each another and, as a result, they no longer see the other party as a rival or threat to cooperation. Insight represented the proverbial “a-ha” moment, which occurred after close examination and exploration of the issues surrounding the conflict. Equipped with this knowledge, the disputing parties can move beyond the problem towards an understanding of underlying issues relevant to the conflict. While the effectiveness of this model has not been demonstrated empirically, it shows that novel approaches to mediation exist and are being practiced.

Summary.

A gap also exists in the literature with respect to the applicability and suitability of mediation styles in university settings. As noted earlier, university settings present unique challenges in terms of conflict. In this environment, departments and academic units with divergent goals and often strongly held and conflicting viewpoints regularly interact. These characteristics are further compounded by structural factors relating to the physical and social organization of the university such as “policies, procedures and the physical work environment” (Barsky, p. 166, 2002). In this context, mediation represents a non-adversarial way of dealing with conflict effectively and expediently when compared to formal mechanisms such as the

traditional legal system. Given the costs associated with conflict, it would be beneficial to explore mediation styles and thereby promote a culture of conflict resolution within a university setting (Harris, 2008). Although researchers have studied conflict in other settings, such as within financial entities, health systems and large corporations, there is a gap in the literature with respect to conflict resolution in the university setting. For that reason, this study will attempt to address this gap, by examining the mediation models that best conform to the needs of a university setting, as well as common models of mediation.

Theoretical Approach

The qualitative approach used for this study is phenomenology. The term *phenomenology* originates from two Greek words: *phainomenon* (an ‘appearance’) and *logos* (‘reason’ or ‘word’). Phenomenology is appropriate for this study because it seeks to understand and explain shared experiences of individuals (Moustakas, 1994).

Scholars have defined phenomenology in different ways within the literature. According to Merleau-Ponty (1962), phenomenology consists of four characteristics: description, reduction, essences, and intentionality. For other scholars, phenomenology represents the search for the nature of experiences or phenomena in order to uncover their underlying “reason” (Pivcevic, 1970). Another scholar, Hammond (1991), defined phenomenology as the description of elements as one experiences them. This approach emphasized ‘how’ individuals experience phenomena and the meanings that are ascribed or hidden in them. Still other scholars characterize phenomenology as a discipline that focuses on how people perceive the world (Langdrige, 2007).

Origins in Philosophy

Phenomenology draws heavily from philosophy and the work of German mathematician Edmund Husserl (1859-1938), whose influences included Frantz Brentano and Cartesian logic (Creswell, 2007). It is commonly used across disciplines such as psychology, sociology, education, and the health sciences. Irrespective of the discipline, the philosophical basis for phenomenology includes the following elements: studying the experiences of individuals, accepting that these experiences are conscious ones (Van Manen, 1997) and creating descriptions of the essences of the experiences, instead of explanations or analyses (Moustakas, 1994).

Edmund Husserl (1859-1838), regarded as the founder of phenomenology, began the philosophical movement and has made valuable contributions to the field. He established phenomenology as a challenge to Cartesian philosophy, which favoured the objective, empirical, and positivist orientation (Barnacle, 2001). According to Husserl (1970), phenomenology represented a way to discover the true meaning by probing deeper into reality, and as such, is a departure from the Cartesian perspective of reality being detached or separate from the individual. For Husserl, phenomenology embodied the relationship between consciousness and objects of knowledge, with an emphasis on the latter. This philosophical approach explained how individuals experience objects and how objects appear to the human consciousness, as it is through the consciousness that human beings gain access to the world and gain awareness. Philosophers believed that objects, real or imagined, must necessarily pass through this medium in order to be assimilated into human experience (Spinelli, 2005).

Objectives of Phenomenology and Research

Today phenomenological research focuses on “re-achieving a direct and primitive contact with the world” – the world as immediately experienced (Merleau-Ponty, 1962, p. 7). As part of this process, researchers engage in reflective writing. For Merleau-Ponty, text writing is referred

to as human science research and incorporates both a phenomenological and hermeneutical study of human experience: it describes phenomena and it interprets the text in order to discover the meaning within.

Phenomenological research explores reality as people actually experience it instead of how others perceive, categorize, or reflect upon it (Husserl, 1970; Van Manen, 1997). In so doing, phenomenology attempts to gain a deep understanding of the significance of everyday events. Phenomenology poses the question, “What is this or that kind of experience like?” (Van Manen, 1997, p. 9). In this way, it is unlike other scientific disciplines in that it aims to create insightful descriptions that bring us into direct contact with the world.

This method goes to the very heart or essence of a phenomenon, for that is what makes “something what it is” (Husserl, 1982; Merleau Ponty, 1962; Van Manen, 1997). Phenomena can be described by studying their underlying structures or essence. Accordingly, phenomenology tries to identify and describe the structures of phenomena that constitute lived experience. In other words, phenomenology systematically probes and reveals the internal meanings of lived realities. As part of this process, phenomenology describes and interprets meanings using elaborate and rich details. According to Van Manen, phenomenology “searches for what it means to be human” (p. 12). As a researcher undertakes this kind of study, he or she arrives at a deeper understanding of human nature and activities.

Descriptive and Interpretive Branches of Phenomenology

Phenomenology consists of two principal branches: descriptive and interpretive. The descriptive branch is associated with the works of Edmund Husserl and the interpretive branch with his student Martin Heidegger (Connelly, 2010). The descriptive branch is also referred to by scholars as *transcendental phenomenology* and the interpretative approach is known as

hermeneutic phenomenology (Langdrige, 2007; Spinelli, 2005). Hermeneutics, commonly associated with interpretation of the Bible, refers to a methodology that uncovers the meaning of text or language and for this reason it is also an alternative name for interpretive phenomenology.

It is helpful to compare and contrast the two approaches to phenomenology. Husserl's descriptive or transcendental philosophy allows the observer to go beyond or transcend the phenomena being examined to take a holistic, global view of the nature of the area being investigated. In other words, phenomenology under Husserl takes a generic, macro picture of the phenomena under study and thereby implies that there is an actual reality or existence independent of human experience. Heidegger adopts a different view, believing that an observer cannot separate himself from the phenomena investigated and therefore the observer exists alongside the thing being studied. With this reasoning in mind, Heidegger's view of phenomenology is also called *existential phenomenology*, referring to an interpretive brand of phenomenology that uses language and interpretation to help the observer make sense of individual understandings of phenomena.

After Husserl and Heidegger had established the two main branches of phenomenology, other philosophers and methodologists expanded and built upon their ideas, including Maurice Merleau-Ponty, Jean-Paul Sartre, Ademeo Giorgi, Hans-Georg Gadamer and Max Van Manen (Langdrige, 2007). These figures reoriented the phenomenological movement from its origins by moving away from a philosophical discipline that emphasized consciousness and the essence of phenomena towards an existential and interpretative process (Bodi, 2011; Finlay, 2009).

For example, Gadamer (1975) refined the ideas of Heidegger, developing an alternative brand of hermeneutic phenomenology known as *Gadamerian hermeneutics* (Sloan & Bowe, 2014). This philosophy focused heavily on language, believing that genuine understanding can

only be arrived at through this medium. According to Gadamer, language and interpretation are intimately connected. Thus, for him, language constitutes a way of being and serves as a means to represent the world.

In more recent times, Max Van Manen (1997) established an alternative approach to hermeneutic phenomenology. This approach mirrored Gadamer (1975) by arguing that language shows that one exists within a certain context and cultural setting.

When applied to research, phenomenology is a qualitative research method that critically examines phenomena by attempting to probe the lived experiences of human beings (Pross, 2009). As noted earlier, this research method has been used across a number of disciplines, ranging from education, psychology and sociology to anthropology, nursing, and medicine. Phenomenology requires the researcher to create detailed descriptions of the lived experiences of the subjects being investigated.

Lived Experience

Lived experience, translated from German *Erlebnis*, holds special meaning within the scholarly works of Dilthey (1985), Husserl (1970) and Merleau-Ponty (1962). Specifically, this term expresses the desire to investigate human experience directly as implied by the by the German word *Erlebnis*, made up of the word *Leben*, that means life or live.

The first account of lived experience and its significance for the human sciences was stated by Wilhelm Dilthey. In the account, he described “lived experience” as an awareness that is part of the consciousness of life as we experience and live it:

A lived experience does not confront me as something perceived or represented; it is not given to me, but the reality of lived experience is there for me because I have a reflexive

awareness of it, because I possess it immediately as belonging to me in some sense. Only in thought does it become objective (p. 223).

According to Dilthey (1985), human awareness enables people to access the lived experiences of others. Further, he argues that only in thought does consciousness become objective.

The notion of life (*Lebenswelt*) is a key aspect of Dilthey's (1985) refusal to separate, in an analytical way, parts of the human experience (Bakker, 1999). He wanted to study people's actual world as they experienced it in their daily lives. According to Dilthey, lived experience was essential to knowing about the world, representing an epistemology that was based on lived experience in its entirety.

Dilthey (1985) argued that lived experience was akin to the breathing of meaning: "Just as our body needs to breathe, our soul requires the fulfillment and expansion of its existence in the reverberations of emotional life" (p. 59). In other words, the consciousness assigns meaning to reality as we go about living our daily lives.

Like Dilthey, Edmund Husserl (1970) drew upon the concept of "lived experience" but in the context of consciousness. For Husserl, within the consciousness meaning is imparted through intentional experiences (Van Manen, 2004). He argued that lived experiences could have a tremendous impact on our being in both passive and active ways. For example, passive experience embodied an incident that happens or comes about, whereas an active experience described how the consciousness absorbs some aspect of reality. A person can also be described as *experienced*, indicating that the individual has benefited from accumulated and insightful experiences.

Lived experiences take on significance from a hermeneutic perspective as data is collected (Van Manen, 1997). Through conversations, interviews and interpretive activities,

individuals impart meaning to activities of life. Van Manen referred to modern applications of “lived experience,” such as in medicine, where phenomenology can be used to create detailed descriptions and qualitative meanings of life experiences. This qualitative method can generate potential strategies for future interventions.

The theme of lived experience even permeates the postmodern and deconstructive work of scholars such as Jacques Derrida. This idea is reflected in phrases of Derrida’s such as the “singularity of experience” or “absolute existence.” Referring to lived experience as “the resistance of existence to the concept or system,” Derrida says, “This is something I am always ready to stand up for” (Derrida & Ferraris, 2001, p. 40).

This concept of lived experience reflects the beginning and end of phenomenological research (Van Manen, 1997). Phenomenology transforms a lived reality into a text by reflecting its essence. As a result, the text becomes a reflective document by which the reader can be transported into a lived experience.

Research Method

This study seeks to apply the transcendental approach, as described earlier by Moustakas (1994). That is, emphasis was placed on the descriptions of the participants, while also adopting Husserl’s idea of bracketing or setting aside personal experience and presuppositions to take a renewed perspective on the phenomenon under study (Creswell, 2007).

Recruitment of Participants

The first step in the process involved recruiting participants for the study. The researcher identified practitioners from three university sites: the University of Ottawa, Carleton University and St. Paul University. Criteria for recruitment included their knowledge of and experience with mediation. To be selected, a participant had to have received specialized training in mediation

and conflict resolution. In addition, all participants were required to have mediated sessions, an experience that would ensure their familiarity with common mediation styles.

A purposeful sampling approach was used to select the four individuals to be interviewed study. Such an approach entailed browsing local university websites to find information-rich cases. Most of the websites reviewed contained detailed information on the faculty's backgrounds and professional experiences. For example, the Carleton University Conflict Studies Program presented profiles of sessional instructors and tenured professors, describing their educational achievements and professional work experiences. Using this information as a guide, instructors and practitioners who had received mediation training and had practiced mediation for at least five years were contacted by email. Even though each university setting was different, the researcher tried to ensure that there was some consistency in terms of the experience of participants so that I could make meaningful comparisons. In this way, I chose participants whom I judged were best placed to respond to my survey and ultimately the research questions.

Purposeful sampling refers to a non-probability sampling procedure whereby the researcher chooses participants who best fit the purposes of the research study. Purposeful sampling was necessary, given constraints such as time, the research framework, and participant availability (Coyne, 1997). In order to carry out this kind of sampling, I made strategic choices about whom to recruit and how to carry out my research. Further, I assumed that the qualitative nature of the study justified using purposeful sampling. While the number of participants in the study and the purposeful sampling method may not lead to definitive conclusions about the practices of mediators, they allowed me to study intrinsically interesting scenarios that had the potential to provide insights and enhance learning.

In pursuit of these goals, I drafted a short text describing the purpose of the research study. Using the medium of email, this text invited mediation practitioners from Carleton University, St. Paul University, and the University of Ottawa to participate in a short interview. These three institutions employ experienced conflict resolution practitioners who have regular interactions with the university community. For example, the Department of Law and Legal Studies at Carleton University consists of instructors and professors with specialized training and skills in mediation. Similarly, the Canadian Institute for Conflict Resolution at St. Paul University provides mediation training and conflict education through instructors and professionals. Finally, the Office of the Ombudsperson at the University of Ottawa is staffed with conflict resolution professionals who offer multiple services to the university community.

Data Collection

The researcher contacted six practitioners, both male and female between 40 and 50 years and four of them agreed to participate in the study. The researcher met with the practitioners at an agreed upon location to record and conduct the face-to-face, one-on-one interviews. In most instances, the researcher met practitioners at their workplace and in one scenario an interview was conducted at the University of Ottawa campus. The face-to-face, one-on-one interview strategy was appropriate, given the small number of participants recruited for the study and the time constraints imposed by the short university semester. This interview strategy helped the researcher understand and hear first-hand accounts of the experiences of mediation practitioners and in so doing gather rich and detailed data.

The researcher conducted interviews using a semi-structured format with open-ended questions to collect the data (Frey, 2000). The semi-structured qualitative interview fit with the goals of this exploratory study. In particular, it gave the researcher flexibility when conducting

the interviews while at the same time providing a certain degree of freedom to the participants in terms of how they answered the questions. In particular, the semi-structured interview format allowed the participants to reflect upon their experiences and respond in their own way without following a rigid, inflexible format.

The interviews lasted between 30 and 45 minutes and were recorded using an MP3 player. These sessions helped the researcher to better understand mediation by gaining insight into the practitioner's experiences and approaches. Specifically, the researcher asked 10 questions about the phenomenon of mediation and the university setting in order to elicit responses from the participants (see Appendix A). The researcher also asked other open-ended questions to provide a textual and structural description of the mediators' experiences and practices (Moustakas, 1994).

In order to avoid interviewer bias, I avoided asking leading questions. I wanted to ensure that the participants were free to describe how they perceive and understand mediation without biasing the process. Also I aimed to encourage in-depth responses and to give respondents the flexibility to create their own responses (Ferguson, 2000). When creating survey questions, I used clear, specific, and concrete language. Finally, I considered the purpose of the survey and tried to create questions that would best provide answers to the research questions posed at the beginning of the study.

The following were used as definitions for the interview:

The term *evaluative* assumes that the participants want and need the mediator to provide some direction as to the appropriate grounds for settlement—based on law, industry practice or technology. The approach also assumes that the mediator is qualified to give such direction by virtue of his or her experience, training and objectivity.

The term *facilitative* assumes the parties are intelligent, able to work with their counterparts, and capable of understanding their situation better than either their lawyers or the mediator. The facilitative mediator assumes that his principal mission is to improve and clarify communications between the parties in order to help them decide what to do.

The term *transformative* aims not at solving the problem or finding a resolution but at changing the parties in the midst of conflict, making the parties stronger themselves “empowerment” and more open to an understanding of each other “recognition” (Menkel-Meadow, 2013).

Following the interview, the researcher transcribed each participant’s interview verbatim with Microsoft Media Player and ultimately in Microsoft Word. Once the interviews were transcribed, the researcher coded the data manually while highlighting prominent themes based on the experiences of the participants.

Data Analysis

The data collected from the interviews helped the researcher to create a description of the experience of mediation, including “what” the practitioners experience and “how” they experience it (Moustakas, 1994). Consistent with the recommendations of Moustakas, the researcher reviewed the interview transcripts by reading the statements of the participants over carefully, taking into account the statements and descriptions of each of the participants.

First, each statement was considered as having equal value for the purposes of analysis. Then the researcher removed digressions and repetitions that did not contribute to the overall meaning of the experience. In this way, units of meaning were separated in order to expose “the unique qualities” of the experience (Moustakas, 1994, p. 122). Next the researcher broke the data down into key statements or quotations, ultimately combining the data into themes. The

researcher visually depicted the themes in a table format. These themes or units of meaning, represented in the table, were then used to develop a structural experience, describing how the participants experienced the phenomenon with respect to the situation, conditions, or context.

This experiential focus with respect to data analysis fits well with approaches as described in the Duquesne studies in phenomenological psychology (Creswell, 2007).

Textual experiences included “what” the participants experienced with regard to the phenomenon, whereas structural experience referred to “how” the participants experienced the phenomenon in terms of the context, setting or circumstances in which the experience took place (Moustakas, 1994). Lastly, the textual and structural experiences were combined for purposes of interpretation.

The results consisted of several pages containing detailed descriptions of the professional practices and recent experiences of mediation practitioners. Based on this data, the researcher identified the following themes: facilitative style, empowerment and relationships.

Validation Strategies

Three validation strategies were applied to this research. First, the interview questions and the approach to the interviews were reviewed by the researcher’s supervisor to ensure that they contributed to the aim of the study. Second, the participants were invited (by email) to review, validate, and add information or to revise the transcribed interview text to ensure that the texts provided an accurate description of their experience. Third, the researcher reviewed the data and the analytic process as it is applied to the collected data, to ensure procedural integrity.

Ethical Considerations

In concert with the ideas of Moustakas (1994), I tried to put aside my experiences with and perspectives on the phenomenon of mediation prior to beginning this study. In other words, I

tried to follow a transcendental approach that perceives the phenomenon “freshly, as if for the first time” (1994, p.34).

Other actions to ensure an ethical study included asking participants to sign a consent form that ensured not only their willingness to participate in the research but also their understanding of any stipulations pertaining to confidentiality. The researcher also received approval from the Research Ethics Board at the University of Ottawa before conducting the study. See **Appendix B: Certificate of Ethics Approval**. Finally, the names of the participants were removed to ensure anonymity.

Findings

This study set out to explore the mediation models that are most commonly used by practitioners as well as the characteristics of a mediation model that best conforms to the needs of a university community.

Overwhelmingly, all respondents in terms of the cases examined cited the facilitative style as the most common approach to mediation within their environment. This style assumes that the parties are intelligent, able to work with their counterparts, and capable of understanding their situations better than either their lawyers or the mediators (Menkel-Meadow, 2013). In this context, the facilitative mediator assumes that his or her principal mission is to improve and clarify communications between the parties in order to help them decide what actions to take.

Some participants viewed the facilitative model as a way to change the disputants’ perspectives on the conflict. In other words, through the facilitative model, the mediators tried to transform the parties so that they could see the conflict and themselves through a different lens and, therefore, they could react and respond in a different way.

Other participants described the facilitative model as an interest-based approach that focuses on enhancing and clarifying communication between the disputing parties. As part of this process, the participants highlighted the importance of clarifying issues and helping parties to reflect on their underlying interests, including their fears, needs and concerns.

In terms of the characteristics of a mediation model that would be suitable for the university setting, some participants viewed the university as comparable to any other conflict situation. For example, one participant felt that the fundamental nature of conflict remains the same, regardless of the setting. In particular, the participant stated that all conflict “revolves around issues where people have lost sight of the ability to really hear each other and understand each other and validate each other’s point of view—and it’s going nowhere.” In this regard, the participant suggested that the conflicts in the university setting resemble other conflict situations, and thus a mediator’s approach would reflect this reality.

Another participant cited empowerment as an essential characteristic of a mediation model for a university setting. Specifically, the participant stressed that “commitment is ratcheted up much higher when people feel empowered to make the choices.” In other words, the sense of responsibility of the parties is increased when they can freely choose and determine the outcome of the mediation session. With this point in mind, the participant cited the transformative model as an approach that promotes empowerment and enables parties to see the other in a different way. Further, the participant pointed out that if the parties come to an agreement, it tends to be more lasting than evaluative models in which the mediator draws upon his or her experiences and background to advise the parties about what they should be doing.

Other participants recognized that since universities offer conflict resolution services for diverse stakeholder groups, the purpose and role of the office would play a role in determining

the mediation model for a university setting. For example, an ombudsman office may privilege a facilitative model over an evaluative model because it gives ownership of the process to the parties involved. In other words, the disputants are solely responsible for making things work. Another office, however, such as the Office of Human Rights at the University of Ottawa may choose a different model based on its prevailing needs and unique circumstances.

Still another participant suggested that the context and audiences engaged in mediation play a role in the kind of mediation model or conflict resolution approach needed. For example, The Office for the Prevention of Discrimination and Harassment at the University of Ottawa serves the student body and attempts to resolve harassment and discrimination cases through mediation or other informal means. Unlike the above organization, however, the Association of Professors at the University of Ottawa acts as a spokesperson for professors and negotiates on their behalf while promoting professional standards and the social life of the University community. Hence, the participant recognized that different offices may choose to use different conflict resolution methods, depending on the circumstances at hand. What may work in one office or setting may prove ineffective in another setting because of the different roles and mandate of the offices.

For another participant, both the transformative and facilitative models seemed appropriate for university settings. In particular, the participant stated that the transformative model “helps people find new ways of communicating and interacting within a conflict.” In the process, the model helps people learn about themselves and others. Since the university environment promotes and affirms learning, the participant felt that the transformative model was well suited to the university because it helps people manage conflict in a better way. Similarly, the participant highlighted the facilitative model as a resource to help people to learn

how to resolve future conflicts and thereby to empower parties to work more effectively together.

Another participant referred to the characteristics of institutional mediation within the context of a mediation model for a university setting. Specifically, the participant mentioned that since mediation services tend to be provided by “insiders” (that is a service located inside the institution), there is an overriding objective to enhance the institution, as well as the individuals who may go through mediation processes. As a result, it is in the interest of the mediation program within an institution to work on environmental improvements. The participant went on to identify the facilitative model as most apt to assist parties in managing a conflict constructively by equipping them with the skills for doing so. In this way, they would help the parties to avert future conflict in the institution:

Transformative models would also do this, however, the university environment does require that the issues in contention also get resolved, not just the relationship between people. Universities can see all types of conflict – some structural or systemic, some about data, some about relationships, some about procedures, etc. . . . Relying on one approach, addressing relationships to resolve all of these types of conflicts, does not make good sense.

The participant showed a clear preference for the facilitative model as an approach that would best serve the needs of a university setting, as it helps disputants to manage their conflict better and provides useful skills. The transformative model also was considered as a possibility; however, the participant argued that, in university settings, resolving contentious issues often takes precedence over relationships because of the desire to improve the institution. Finally, the

participant added that, given that universities face different types of conflicts, using more than one mediation model could be beneficial.

Table 1 (presented below) identifies sample statements by the four individuals who were interviewed for this study.

Table: Summary of Findings in Composite Description

Responses to questions relevant to the RQ	Which mediation style do you most commonly use in your practice/ current environment?	Which mediation style best conforms to the needs of a university setting	Which style or styles would be less suitable to a university setting or environment?	Which outcome is most important in the context of university settings?
Participant a	<ul style="list-style-type: none"> ▪ a facilitative vs. an evaluative and transformative 	<ul style="list-style-type: none"> ▪ transformative model that empowers you to see the other in a different way 	<ul style="list-style-type: none"> ▪ the evaluative is less appropriate 	<ul style="list-style-type: none"> ▪ a successful outcome always has a relationship feature to it
Participant b	<ul style="list-style-type: none"> ▪ interest based mediation. 	<ul style="list-style-type: none"> ▪ the facilitative model works best because it gives the ownership of the process, to the two parties 	<ul style="list-style-type: none"> ▪ the evaluative and facilitative styles of mediation are suitable based on the role of the office/person 	<ul style="list-style-type: none"> ▪ relationships are very important for us and can be important when you are dealing with cases that involve a long-term interaction between the two parties
Participant c	<ul style="list-style-type: none"> ▪ a facilitative approach 	<ul style="list-style-type: none"> ▪ facilitative or even into the transformative 	<ul style="list-style-type: none"> ▪ I would say the evaluative style 	<ul style="list-style-type: none"> ▪ I would say, I mean they go together, but I would say in general the answer to that question is the latter—that is an improved relationship.

<p>Participant d</p>	<ul style="list-style-type: none"> ▪ facilitative 	<ul style="list-style-type: none"> ▪ facilitative model is most likely to assist parties in managing their own conflict better. 	<ul style="list-style-type: none"> ▪ Some issues primarily about interaction and relations might be best addressed with the transformative model. 	<ul style="list-style-type: none"> ▪ Both
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Discussion

In the discussion section, I will examine key themes, and I will relate the findings to what appears in the literature.

Theme 1: Facilitative Style

A prevalent theme in the study was the facilitative style of mediation. This style represented the most popular approach among the mediators recruited for the study. In the facilitative model, mediators focus on helping the parties communicate with one another while at the same time identifying the needs underlying the parties’ positions. Such an approach appears to work well with complex disputes involving departments and staff members, supervisors and graduate students or conflicts involving the university and the students union.

For example, one participant discussed how the facilitative mediation model worked successfully to improve a working relationship between a departmental chair and an administrator. Another participant highlighted a dispute between a professor and a graduate student who needed to work together to undertake a thesis project. In this context, the facilitative method helped to clarify the issues and identify areas of compromise. Similarly, another participant described how facilitative mediation served as a catalyst in a dispute involving the student union and the university. Through the facilitative approach, the parties were encouraged to listen to one other to understand the needs they were trying to fulfill by the decisions they

were making. By understanding the needs of the other party, other options emerged that enabled both sides to come out of the session.

Theme 2: Empowerment

Another theme identified in this study was the notion of empowerment. According to participants, when individuals have the ability to make choices and take responsibility for managing their conflict, they are more likely to be committed to making the process work. The facilitative model seems to promote empowerment in conflict situations by allowing the parties to have their own voice and determine the outcome. In this regard, one participant stated that mediation services are typically provided by insiders who desire to improve and promote the institution. In the context of a university setting, the facilitative model grants parties the freedom to shape their own future because of self-determination. Although the mediator guides the process, the disputants shape and influence the outcome. Similarly, another participant shared how the facilitative model empowers the participants by transforming how they perceive the other party and themselves in the midst of a conflict. The participant also added that being able to truly hear, understand, and validate each other's point of view is critical in a university setting made up of several independent parties ranging from students to faculty members to the university administration.

Theme 3: Relationships

Relationships emerged as another theme in the study. These connections between people are essential, particularly in circumstances where parties often have ongoing relationships and greater degrees of interdependence. Thus, they need to be able to work together in some way or another. In this regard, the facilitative model seems to benefit individuals who are able to resolve their problems independently and continue a relationship. For example, one of the participants

talked about frequent conflicts between graduate students and supervisors about expectations for thesis papers, while another participant mentioned the prevalence of conflicts between roommates. In both of these scenarios, the parties depend on one another and have an ongoing relationship. To increase the chances of reaching a win-win or integrative solution, most participants argued that the facilitative model best enables the parties to work through the issues when compared to the evaluative and transformative mediation models. Although the facilitative model provides no guarantees, it provides a voluntary, self-determined process that offers individuals free and informed choices.

Findings in Context of Literature

The facilitative style or interest-based mediation model resonated with most interviewees as a style that commonly adopt and that best conforms to the needs of the university setting. In the practitioner literature, the facilitative style emerges frequently and is discussed at length (Bush & Folger, 1994; Winslade & Monk, 2006). This process-focused style assumes that clients have a better understanding of their problems and substantive issues and therefore are best placed to come up with their own solutions (Kressel, 2012; Riskin, 1996).

Mediators adopting this style believe that parties need help with the procedure of mediation instead of advice or direction. Moreover, they think that commitment of the parties will be increased when they are empowered to make substantive decisions. Consequently, facilitative mediators like to remain neutral and maintain their distance from the disputing parties to enable them to create their own solutions.

An empirical study by McDermott (2004) looked at whether specific mediation styles resulted in greater satisfaction. The findings showed that the respondents viewed facilitative mediation more positively than evaluative mediation. Similarly, in the context of the current

study, all the participants identified the facilitative model as optimal when compared to evaluative and other models. This style makes sense in a university setting, where parties value autonomy and their independence. Facilitative mediation lets participants freely choose their actions through the process of self-determination.

Another aspect of a model that would best conform to the university setting was relationships. A study by Hensler (2000) referred to the facilitative approach as an interest-based approach that emphasized relationships, communication, and the involvement of disputants. Since the university requires individuals to collaborate and work together to achieve individual and collective goals, relationships feature prominently. Hence connections and affiliations with others play a part in myriad activities within universities.

Scholars such as McDermott (2004) and Bingham (2010) argue that style depends on and is interdependent with the setting, design, and players involved, all of which collectively shape the process and results of mediation. This idea of interdependence resonated with some of the participants recruited for this study, who referred to the varied contexts and different stakeholders that exist within a university setting. These differences, they believed, offered a sound basis and justification for adopting more than one approach in such an environment.

According to scholars, mediation gives practitioners the freedom and flexibility to adjust their styles based on the context and circumstances (Moffitt & Kupfer-Schneider, 2008). Indeed, flexibility makes sense in a university setting where stakeholders have different needs and pursue divergent goals. This reality may require mediators to change or even adjust their style in interactions in the university where client needs differ and diverge.

Significance of Study

This study has explored common models of mediation and their application to the university setting. It has also addressed how seasoned mediators describe and understand their profession. Although the sample size was small, the phenomenological approach contributed to the study by providing insights and reflections of experienced practitioners. Further study and exploration are needed to build upon these findings.

Limitations and Future Directions

The main limitation of this study was the small sample of participants. Four participants were recruited for this study, which made it difficult to generalize from the findings. In order to validate the findings from this study, a more robust and representative sample would be required to be able to make generalizations.

Further observational study is needed to better understand the common approaches used in mediation and the styles that best suit the needs of a university setting. The findings from this study could be used to develop other exploratory studies regarding mediation models. For example, an observational study could be undertaken to explore mediation practices in universities across Canada. Such a study could involve videotaping actual mediation sessions in order to gain a better understanding of what occurs. This study would be larger in scale and would provide a more comprehensive picture of mediation models and practices within the country. Alternatively, it could be insightful to explore and contrast common approaches to mediation within different sectors such as the commercial and education sectors. Such a study would compare practices across sectors and further contribute to our understanding of differences that might exist in mediation practices from one context to another.

Conclusion

This research set out to explore the mediation models that are most commonly used by practitioners as well as the characteristics of a mediation model that best conforms to the needs of a university community.

The findings from this exploratory study indicate that the facilitative model is most commonly adopted by the practitioners recruited for the purposes of this study. This mediation model empowers the disputants by allowing them to determine the outcome of the interaction. Under these circumstances, the mediator assists the parties by helping them express their interests and needs with the goal of identifying potential areas of compatibility and compromise (Kressel, 2012).

In the professional environments where most of the respondents surveyed work, mediation represented a relatively small percentage of the services they provided. In many instances, the respondents offered advice and tools to people who wanted to resolve their conflicts but who did not necessarily want to resort to formal mediation. In other cases, the participants facilitated conversations, provided coaching and communication skills training, or helped the parties negotiate. Thus, mediation appears to be one of many conflict resolution methods used by practitioners.

In a university context, most practitioners showed a preference for the facilitative model of mediation. This model's characteristics include improving communication and empowering the disputants to find their own solutions. The transformative model was also identified as a possibility within universities. This model's characteristics include focusing on relationships and helping the parties learn to perceive and understand the other's point of view. The learning component of this model makes sense in university setting, where understanding and learning are inherent characteristics of the environment.

Another characteristic that emerged was empowerment. In this regard, the facilitative model seems to promote empowerment in conflict situations by allowing the parties to have their own voice and determine the outcome.

Finally, the notion of flexibility was identified as important given the diversity inherent within the university setting and multiple stakeholder groups. The university setting brings together different groups whose needs and goals diverge. Given this reality, conflict resolution approaches such as mediation need to be flexible and if necessary adjusted based on the context and stakeholders involved.

The forms and models of mediation continue to be the subject of debate (Menkel-Meadow, 2013). Studies show that mediation practices vary, and there is no universal understanding of the practice or its different approaches. Further, scholars and researchers have created classification schemes for mediation in an effort to describe, compare and contrast different styles, as reflected in the literature (Kressel, 2012). These classifications reflect the diversity of styles and the patterns of mediation that occur in actual practice. Although mediation does not offer guarantees, it creates the possibility of finding solutions to intractable problems between individuals.

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Appendix A:
Interview Questions

***Please note that the questions below are possible questions, given the theoretical framework. There will be 10 questions in all.**

1. Based on the definitions provided above, which mediation style do you most commonly use in your practice?
2. Without revealing any confidential information, can you give me an example of a mediation session in which you adopted that style?
3. In your opinion, which mediation style best conforms to the needs of a university setting?
4. Which style or styles would be less suitable to a university setting or environment? Why?
5. What other conflict resolution methods (other than mediation) are used in university settings? What percentage of your time is devoted to the use of mediation, compared to other forms of conflict resolution?
6. Which aspects of your personal communication style (i.e. showing empathy, using open-ended questions, reframing, restating) are important when you are mediating?
7. What kind of background knowledge/qualifications/training do mediators need to work successfully in your environment?
8. Can you please reflect on the importance of flexibility for mediators in the context in which you work?
9. Can you give an example of how personal variables related to the parties in the conflict (e.g., personality of parties, gender, religion, age) can be helpful or challenging in conducting a mediation session? Is there any contextual variable that could make a difference in achieving a successful mediation (e.g., physical setting, relationship of the parties to each other, etc.)?

10. Which outcome is most important in the context of university settings? A successful resolution to a specific problem or an improved relationship for the parties in conflict?

File Number: 02-14-08

Date (mm/dd/yyyy): 05/12/2014



Université d'Ottawa **University of Ottawa**
 Bureau d'éthique et d'intégrité de la recherche Office of Research Ethics and Integrity

Ethics Approval Notice

Social Sciences and Humanities REB

Principal Investigator / Supervisor / Co-investigator(s) / Student(s)

<u>First Name</u>	<u>Last Name</u>	<u>Affiliation</u>	<u>Role</u>
Sherry	Ferguson	Arts / Communication	Supervisor
Cory	Harding	Arts / Communication	Student Researcher

File Number: 02-14-08

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(Ia: Approval, Ib: Approval for initial stage only)

Special Conditions / Comments:

N/A

File Number: 02-14-08

Date (mm/dd/yyyy): 05/12/2014



Université d'Ottawa **University of Ottawa**
Bureau d'éthique et d'intégrité de la recherche Office of Research Ethics and Integrity

This is to confirm that the University of Ottawa Research Ethics Board identified above, which operates in accordance with the Tri-Council Policy Statement (2010) and other applicable laws and regulations in Ontario, has examined and approved the ethics application for the above named research project. Ethics approval is valid for the period indicated above and subject to the conditions listed in the section entitled "Special Conditions / Comments".

During the course of the project, the protocol may not be modified without prior written approval from the REB except when necessary to remove participants from immediate endangerment or when the modification(s) pertain to only administrative or logistical components of the project (e.g., change of telephone number). Investigators must also promptly alert the REB of any changes which increase the risk to participant(s), any changes which considerably affect the conduct of the project, all unanticipated and harmful events that occur, and new information that may negatively affect the conduct of the project and safety of the participant(s). Modifications to the project, including consent and recruitment documentation, should be submitted to the Ethics Office for approval using the "Modification to research project" form available at: <http://www.research.uottawa.ca/ethics/forms.html>.

Please submit an annual report to the Ethics Office four weeks before the above-referenced expiry date to request a renewal of this ethics approval. To close the file, a final report must be submitted. These documents can be found at: <http://www.research.uottawa.ca/ethics/forms.html>.

If you have any questions, please do not hesitate to contact the Ethics Office at extension 5387 or by e-mail at: ethics@uOttawa.ca.

Signature:

A handwritten signature in black ink, appearing to read "Germain Zongo".

Germain Zongo
Protocol Officer for Ethics in Research
For Barbara Graves, Chair of the Social Sciences and Humanities REB

Appendix B: