

**Mediation in University Settings:
The Ombuds Office and the Restorative Justice Project at the University of
Colorado at Boulder**

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This article reviews the mediation work of the Ombuds Office at the University of Colorado at Boulder and the University's Restorative Justice project, the first of its kind at a major US university.

Ombuds Office

The Ombuds Office at the University of Colorado at Boulder provides confidential, informal dispute resolution services for students, faculty, staff, and administrators of the University. The office consists of two full-time professional ombuds and a full-time administrative assistant. Also, two quarter-time faculty ombuds, both of whom are retired faculty, provide ombuds services to faculty. In FY '02, over 900 members of the University community received ombuds services.

The office operates according to the Standards of Practice of the University and College Ombuds Association (www.ucoa.org/). Guiding principles for the work of the office include confidentiality, neutrality, independence, and informality. Ombuds Office staff provide options and information, coach individuals about conflict management strategies, make referrals, serve as shuttle diplomats, and provide facilitation and mediation services. Visitors to the office Web site can find self-help reading materials related to managing conflict (www.colorado.edu/Ombuds/ReadingMaterials.html).

Often staff and/or faculty seek ombuds services when they experience conflict with colleagues. They fight about things like perceptions of favoritism and/or disrespect, poor communication, differing or unmet expectations, style differences, and fairness issues. When working relationships become strained, there are often intense emotions and when there are power differences between disputants (i.e., in supervisor-supervisee relationships), this intensity can quickly escalate. As relationships deteriorate, disputants often cannot work together effectively or even talk with one another without much tension. And, this tension frequently affects others in close physical proximity. In some of the most difficult cases, departments or work units become fractured with people "choosing sides" or being fearful of being drawn into disputes in which they do not want to be involved. For supervisors experiencing conflict between or with supervisees, mediation in the Ombuds Office often serves as an alternative to pursuing formal disciplinary action. For employees, it often serves as an alternative to pursuing formal grievance procedures.

When these individuals request and/or are willing to mediate, ombuds staff members meet initially with each the individuals separately, and then bring them together for mediation. At the end of the pre-mediation meeting, disputants are given a hard copy of a

booklet called “Preparing for Your Mediation” (also available at: <http://mediate.com/articles/sebokt.cfm>) to assist them in recognizing how mediation works and to suggest some strategies they might use as they attempt to elicit the cooperation of the other party during the process.

In the mediation session, a co-mediation, interest-based problem-solving approach is used. Ombuds establish ground rules and assist the parties in identifying and clarifying issues, brainstorming solutions, and (usually) in developing agreements. Typically, the process takes two to three sessions so two two-hour appointments are made initially about one week apart. These agreements are always future-oriented and they specify what the parties will do differently to better manage issues that have caused problems for one or both parties in the past.

As is the case with many campuses around the U.S., the University of Colorado at Boulder has experienced significant budget cuts in the past year. This, of course, has increased the workload and tensions for many faculty and staff. Not surprisingly, the number of requests for Ombuds Office mediation services, is on the rise . . .

The Restorative Justice Project

The Restorative Justice (RJ) Project at the University of Colorado at Boulder was designed to provide deeper and more satisfying outcomes for all those affected by student wrongdoing than is normally possible through campus judicial procedures. The program supports the mission of the University and seeks to build community and improve relationships among and between university community members and local Boulder residents. RJ provides offending students an alternative to punishment and gives them a chance to repair the harm they have done to relationships and to the community and attempts to help them make better future choices. It also promotes growth and capacity building for others affected by their actions - including those who have been harmed. Participants in the process identify the harm and decide how that harm might best be repaired.

The Restorative Justice project is a collaborative partnership between the Ombuds Office, the Office of Judicial Affairs and a number of other university programs concerned with the goal of building a stronger university community. Included in this alliance are the Division of Student Affairs, the Department of Housing, the University Police Department, the Office of Victim Assistance, the CU Parents Association, the “A Matter of Degree” Program, and the Office of the Chancellor. Students, faculty, and community members make up the RJ team, and are trained to facilitate “community group conferences.”

When a student violates the Student Code of Conduct and admits wrongdoing, if the incident has a significant community impact, the case is referred to RJ through either the Judicial Affairs Office or by Residence Hall Directors. The Program Coordinator then sets up a conference. A facilitator team, made up of students, staff, faculty, and local community member volunteers are on-call to facilitate at designated times throughout the year. This structured, facilitated meeting between offender(s), harmed party(s),

supporters of each, and affected community members starts by providing the offender(s) an opportunity to take responsibility for her/his/their actions by answering a number of questions about the incident. As the process continues, the harmed party, support people, and affected community members all discuss how they were affected by the offender's actions. After identifying the harm, the entire group – including the offender - decides together how the offender can best repair the harm done and what might be done to help her/him make better future choices. A contract is developed and the offender is given a specific date by which all items on the contract must be completed. Contract completion is monitored by the RJ Coordinator. Once the contract is completed, the offender's record with Judicial Affairs for the specific incident is expunged. If no contract is reached or if the contract is reached but not completed, the case is referred back to Judicial Affairs. Only a few cases have been referred back to Judicial Affairs as of this writing.

Since the fall of 1998, this approach has had much success. The benefits included reduced offender recidivism, reduced suspension rates, and improved relations among participants. Those most affected by the actions of offenders were empowered in ways few would have experienced outside this process. Offenders who have participated in the university's RJ project reported a higher level of satisfaction than offenders reported with Judicial Affairs procedures. In addition, participant questionnaires indicated that victim and affected community members were highly satisfied with the RJ process. Out of a total of 67 offenders over the past five years, only two have re-offended.

For more information on the Restorative Justice Program at the University of Colorado at Boulder, please see the Web site at:
(<http://www.colorado.edu/studentaffairs/judicialaffairs/restjust.html>).